

VOLUME I
CHAPTERS 1 THROUGH 330

LAWS

PASSED AT
The Sixty-ninth Session
OF THE
Legislative Assembly
OF THE
STATE OF NORTH DAKOTA

BEGUN AND HELD AT BISMARCK, THE CAPITAL, ON
TUESDAY, JANUARY 7, 2025, AND
CONCLUDING SATURDAY, MAY 3, 2025

AUTHENTICATION

STATE OF NORTH DAKOTA Department of State, Bismarck

I, Michael Howe, Secretary of State, certify that the laws contained herein are true and correct copies, except clerical errors, of the laws and resolutions passed at the Sixty-ninth Session of the Legislative Assembly of the State of North Dakota, beginning Tuesday, January 7, 2025, and concluding Saturday, May 3, 2025; and also of the initiated constitutional measure submitted at the primary election held June 11, 2024; and the constitutional measures, initiated measure, and initiated constitutional measure submitted at the general election held November 5, 2024.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this first day of July 2025.

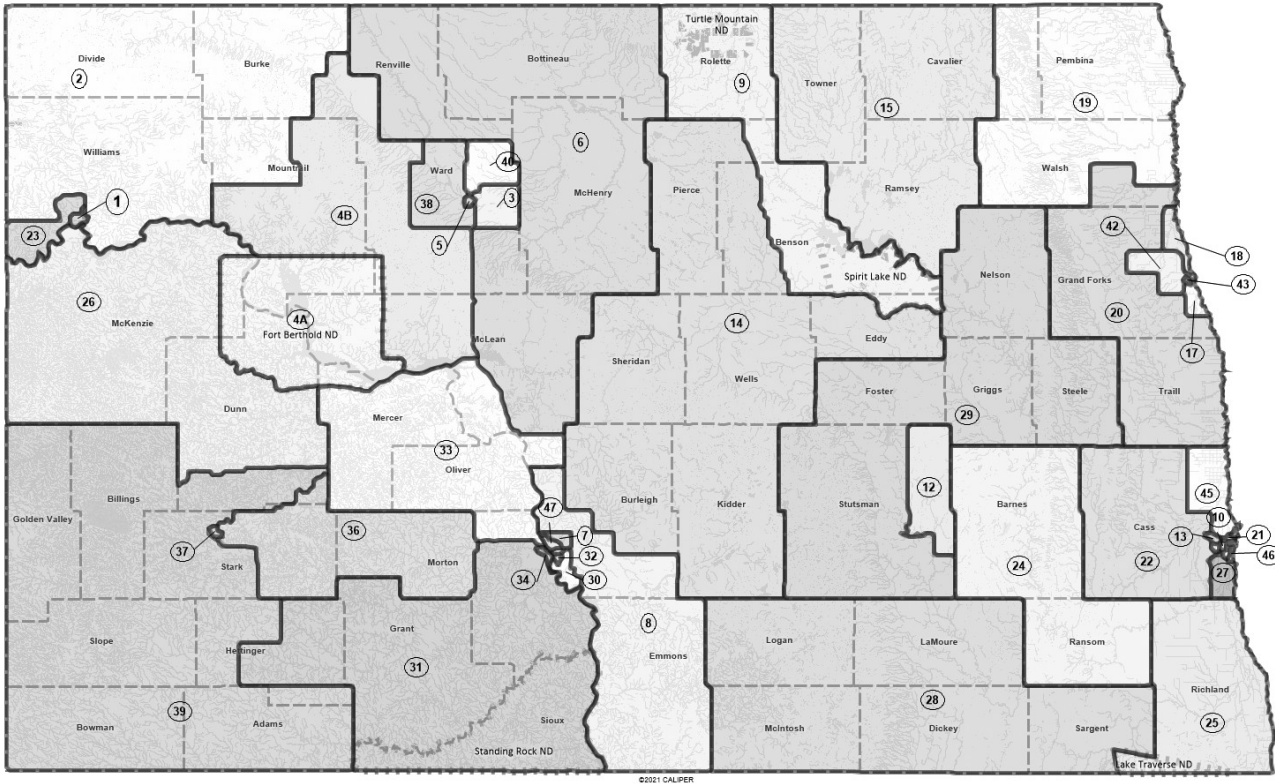
(SEAL)

MICHAEL HOWE
Secretary of State

John Bjornson and Megan J. Gordon of the Legislative Council certify that we have prepared the contents of these volumes and that the measures, laws, and resolutions contained herein are true and correct copies of the original measures, laws, and resolutions on file in the office of the Secretary of State in the State Capitol at Bismarck, North Dakota, clerical errors excepted.

JOHN BJORNSON
Legislative Council Director

MEGAN J. GORDON
Code Revisor



LEGISLATIVE DISTRICTS

Legislative Districting Effective During the Sixty-ninth Legislative Session

**MEMBERS OF THE SIXTY-NINTH LEGISLATIVE ASSEMBLY
State of North Dakota, January 7, 2025, to May 3, 2025**

vii

SENATE

President - Lieutenant Governor Michelle Strinden

Secretary - Shanda Morgan, Bismarck

Dist.	County	Name	Affil.	Address
1	Pt. Williams	Brad Bekkedahl	R	Williston
2	Burke, Divide, Pt. Mountrail, Pt. Williams	Mark Enget	R	Powers Lake
3	Pt. Ward	Bob Paulson	R	Minot
4	Pt. Dunn, Pt. McKenzie, Pt. McLean, Pt. Mercer, Pt. Mountrail, Pt. Ward	Chuck Walen	R	New Town
5	Pt. Ward	Randy A. Burckhard	R	Minot
6	Bottineau, McHenry, Pt. McLean, Renville, Pt. Ward	Paul J. Thomas	R	Velva
7	Pt. Burleigh	Michelle Axtman	R	Bismarck
8	Pt. Burleigh, Emmons, Pt. McLean	Jeffrey J. Magrum	R	Hazleton
9	Rolette, Pt. Benson, Pt. Eddy, Pt. Pierce, Pt. Ramsey, Pt. Nelson	Richard Marcellais	D	Belcourt
10	Pt. Cass	Ryan Braunberger	D	Fargo
11	Pt. Cass	Tim Mathern	D	Fargo
12	Pt. Stutsman	Cole Conley	R	Jamestown
13	Pt. Cass	Judy Lee	R	West Fargo
14	Wells, Pt. Pierce, Kidder, Pt. Eddy, Pt. Burleigh, Sheridan, Pt. Benson	Jerry Klein	R	Fessenden
15	Pt. Ramsey, Pt. Cavalier, Towner	Kent Weston	R	Sarles
16	Pt. Cass	David A. Clemens	R	West Fargo
17	Pt. Grand Forks	Jonathan Sickler	R	Grand Forks
18	Pt. Grand Forks	Scott Meyer	R	Grand Forks
19	Pt. Cavalier, Pembina, Pt. Walsh	Janne Myrdal	R	Edinburg
20	Pt. Grand Forks, Traill, Pt. Walsh	Randy D. Lemm	R	Hillsboro
21	Pt. Cass	Kathy Hogan	D	Fargo
22	Pt. Cass	Mark F. Weber	R	Casselton
23	Pt. Williams	Todd Beard	R	Williston
24	Barnes, Ransom	Mike Wobbema	R	Valley City
25	Richland, Pt. Sargent	Larry Luick	R	Fairmount
26	Pt. Dunn, Pt. McKenzie	Dale Patten	R	Watford City
27	Pt. Cass	Kristin Roers	R	Fargo
28	Dickey, LaMoure, Logan, McIntosh, Pt. Sargent	Robert Erbele	R	Lehr
29	Pt. Stutsman, Foster, Pt. Nelson, Griggs, Steele	Terry M. Wanzek	R	Jamestown
30	Pt. Burleigh	Diane Larson	R	Bismarck
31	Grant, Pt. Hettinger, Pt. Morton, Sioux	Donald Schaible	R	Mott
32	Pt. Burleigh	Dick Dever	R	Bismarck

33	Pt. McLean, Pt. Mercer, Pt. Morton, Oliver	Keith Boehm	R	Mandan
34	Pt. Morton	Justin Gerhardt	R	Mandan
35	Pt. Burleigh	Sean Cleary	R	Bismarck
36	Pt. Dunn, Pt. Morton, Pt. Stark	Desiree van Oosting	R	Judson
37	Pt. Stark	Dean Rummel	R	Dickinson
38	Pt. Ward	David Hogue	R	Minot
39	Pt. Stark, Bowman, Adams, Golden Valley, Pt. Hettinger, Billings, Slope, Pt. Dunn	Greg Kessel	R	Belfield
40	Pt. Ward	Jose L. Castaneda	R	Minot
41	Pt. Cass	Kyle Davison	R	Fargo
42	Pt. Grand Forks	Claire Cory	R	Grand Forks
43	Pt. Grand Forks	Jeff Barta	R	Grand Forks
44	Pt. Cass	Josh Boschee	D	Fargo
45	Pt. Cass	Ronald Sorvaag	R	Fargo
46	Pt. Cass	Michelle Powers	R	Fargo
47	Pt. Burleigh	Michael Dwyer	R	Bismarck

HOUSE OF REPRESENTATIVES
Speaker - Robin Weisz
Chief Clerk - Buell Reich, Bismarck

Dist.	County	Name	Affil.	Address
1	Pt. Williams	Patrick R. Hatlestad	R	Williston
1	Pt. Williams	David Richter	R	Williston
2	Burke, Divide, Pt. Mountrail, Pt. Williams	Bert Anderson	R	Crosby
2	Burke, Divide, Pt. Mountrail, Pt. Williams	Donald W. Longmuir	R	Stanley
3	Pt. Ward	Jeff Hoverson	R	Minot
3	Pt. Ward	Lori VanWinkle	R	Minot
4a	Pt. Dunn, Pt. McKenzie, Pt. McLean, Pt. Mercer, Pt. Mountrail, Pt. Ward	Lisa Finley-DeVille	D	Mandaree
4b	Pt. McLean, Pt. Mountrail, Pt. Ward	Clayton Fegley	R	Berthold
5	Pt. Ward	Jay Fisher	R	Minot
5	Pt. Ward	Scott Louser	R	Minot
6	Bottineau, McHenry, Pt. McLean, Renville, Pt. Ward	Dick Anderson	R	Willow City
6	Bottineau, McHenry, Pt. McLean, Renville, Pt. Ward	Daniel R. Vollmer	R	Willow City
7	Pt. Burleigh	Jason Dockter	R	Bismarck
7	Pt. Burleigh	Matthew Heilman	R	Bismarck
8	Pt. Burleigh, Emmons, Pt. McLean	Mike Berg	R	Bismarck
8	Pt. Burleigh, Emmons, Pt. McLean	SuAnn Olson	R	Baldwin
9	Rolette, Pt. Benson, Pt. Eddy, Pt. Pierce, Pt. Ramsey, Pt. Nelson	Collette Brown	D	Warwick
9	Rolette, Pt. Benson, Pt. Eddy, Pt. Pierce, Pt. Ramsey, Pt. Nelson	Jayne Davis	D	Rolette
10	Pt. Cass	Jared Hendrix	R	West Fargo
10	Pt. Cass	Steve Swiontek	R	Fargo
11	Pt. Cass	Liz Conmy	D	Fargo
11	Pt. Cass	Gretchen Dobervich	D	Fargo
12	Pt. Stutsman	Mitch Ostlie	R	Jamestown
12	Pt. Stutsman	Bernie Satrom	R	Jamestown
13	Pt. Cass	Jim Jonas	R	West Fargo
13	Pt. Cass	Austen Schauer	R	West Fargo
14	Wells, Pt. Pierce, Kidder, Pt. Eddy, Pt. Burleigh, Sheridan, Pt. Benson	Jon O. Nelson	R	Rugby
14	Wells, Pt. Pierce, Kidder, Pt. Eddy, Pt. Burleigh, Sheridan, Pt. Benson	Robin Weisz	R	Hurdsfield
15	Pt. Ramsey, Pt. Cavalier, Towner	Kathy Frelich	R	Devils Lake

x				
15	Pt. Ramsey, Pt. Cavalier, Towner	Donna Henderson	R	Calvin
16	Pt. Cass	Ben Koppelman	R	West Fargo
16	Pt. Cass	Andrew Marschall	R	West Fargo
17	Pt. Grand Forks	Landon Bahl	R	Grand Forks
17	Pt. Grand Forks	Mark Sanford	R	Grand Forks
18	Pt. Grand Forks	Nels Christianson	R	Grand Forks
18	Pt. Grand Forks	Steve Vetter	R	Grand Forks
19	Pt. Cavalier, Pembina, Pt. Walsh	Karen A. Anderson	R	Grafton
19	Pt. Cavalier, Pembina, Pt. Walsh	David Monson	R	Osnabrock
20	Pt. Grand Forks, Traill, Pt. Walsh	Mike Beltz	R	Hillsboro
20	Pt. Grand Forks, Traill, Pt. Walsh	Jared C. Hagert	R	Emerado
21	Pt. Cass	LaurieBeth Hager	D	Fargo
21	Pt. Cass	Mary Schneider	D	Fargo
22	Pt. Cass	Brandy L. Pyle	R	Casselton
22	Pt. Cass	Jonathan Warrey	R	Casselton
23	Pt. Williams	Dennis Nehring	R	Williston
23	Pt. Williams	Nico Rios	R	Williston
24	Barnes, Ransom	Daniel Johnston	R	Kathryn
24	Barnes, Ransom	Dwight Kiefert	R	Valley City
25	Richland, Pt. Sargent	Alisa Mitskog	D	Wahpeton
25	Richland, Pt. Sargent	Cynthia Schreiber- Beck	R	Wahpeton
26	Pt. Dunn, Pt. McKenzie	Roger A. Maki	R	Watford City
26	Pt. Dunn, Pt. McKenzie	Jeremy L. Olson	R	Arnegard
27	Pt. Cass	TJ Brown*	R	Fargo
27	Pt. Cass	Josh Christy**	R	Fargo
27	Pt. Cass	Gregory Stemen	R	Fargo
28	Dickey, LaMoure, Logan, McIntosh, Pt. Sargent	Mike Brandenburg	R	Edgeley
28	Dickey, LaMoure, Logan, McIntosh, Pt. Sargent	Jim Grueneich	R	Ellendale
29	Pt. Stutsman, Foster, Pt. Nelson, Griggs, Steele	Craig Headland	R	Montpelier
29	Pt. Stutsman, Foster, Pt. Nelson, Griggs, Steele	Don Vigasaa	R	Cooperstown
30	Pt. Burleigh	Glenn Bosch	R	Bismarck
30	Pt. Burleigh	Mike Nathe	R	Bismarck
31	Grant, Pt. Hettinger, Pt. Morton, Sioux	Dawson Holle	R	Mandan
31	Grant, Pt. Hettinger, Pt. Morton, Sioux	Karen M. Rohr	R	Mandan
32	Pt. Burleigh	Pat D. Heinert	R	Bismarck
32	Pt. Burleigh	Lisa Meier	R	Bismarck
33	Pt. McLean, Pt. Mercer, Pt. Morton, Oliver	Anna S. Novak	R	Hazen
33	Pt. McLean, Pt. Mercer, Pt. Morton, Oliver	Bill Tveit	R	Hazen
34	Pt. Morton	Todd Porter	R	Mandan
34	Pt. Morton	Nathan Toman	R	Mandan

35	Pt. Burleigh	Karen Karls	R	Bismarck
35	Pt. Burleigh	Bob Martinson	R	Bismarck
36	Pt. Dunn, Pt. Morton, Pt. Stark	Ty Dressler	R	Richardton
36	Pt. Dunn, Pt. Morton, Pt. Stark	Dori Hauck	R	Hebron
37	Pt. Stark	Mike Lefor	R	Dickinson
37	Pt. Stark	Vicky Steiner	R	Dickinson
38	Pt. Ward	Dan Ruby	R	Minot
38	Pt. Ward	Christina Wolff	R	Minot
39	Pt. Stark, Bowman, Adams, Golden Valley, Pt. Hettinger, Billings, Slope, Pt. Dunn	Keith Kempenich	R	Bowman
39	Pt. Stark, Bowman, Adams, Golden Valley, Pt. Hettinger, Billings, Slope, Pt. Dunn	Mike Schatz	R	New England
40	Pt. Ward	Macy Bolinske	R	Minot
40	Pt. Ward	Matthew Ruby	R	Minot
41	Pt. Cass	Karen Grindberg	R	Fargo
41	Pt. Cass	Jorin Johnson	R	Fargo
42	Pt. Grand Forks	Emily O'Brien	R	Grand Forks
42	Pt. Grand Forks	Doug Osowski	R	Grand Forks
43	Pt. Grand Forks	Zachary Ista	D	Grand Forks
43	Pt. Grand Forks	Eric J. Murphy	R	Grand Forks
44	Pt. Cass	Austin Foss	D	Fargo
44	Pt. Cass	Karla Rose Hanson	D	Fargo
45	Pt. Cass	Carrie McLeod	R	Fargo
45	Pt. Cass	Scott Wagner	R	Fargo
46	Pt. Cass	Jim Kasper	R	Fargo
46	Pt. Cass	Desiree Morton	R	Fargo
47	Pt. Burleigh	Lawrence R. Klemm	R	Bismarck
47	Pt. Burleigh	Mike Motschenbacher	R	Bismarck

*Active March 10, 2025

**Deceased February 18, 2025

EMPLOYEES **EMPLOYEES OF THE 69th LEGISLATIVE ASSEMBLY**

LEGISLATIVE COUNCIL

John Bjornson	Director
Lori Ziegler	Legislative Administrative Officer
Natalie Rindlisbacher	Legislative Administrative Officer

Legal Division

Emily Thompson	Legal Division Director
Beth Dittus	Assistant Legal Division Director
Megan J. Gordon	Code Revisor
Dustin A. Richard	Counsel
Austin Gunderson	Counsel
Liz Fordahl	Counsel
Casey Orvedal	Counsel
Victoria Christian	Counsel
Katie Carpenter	Counsel
Yasmine Outlaw	Policy Analyst
Tahmidur Rahman	Policy Analyst
Kylah E. Aull	Manager Library and Records Services
Melissa Ingram	Library and Records Assistant

Fiscal Division

Allen H. Knudson	Legislative Budget Analyst and Auditor
Brady A. Larson	Assistant Legislative Budget Analyst and Auditor
Sheila M. Sandness	Senior Fiscal Analyst
Adam Mathiak	Senior Fiscal Analyst
Alex J. Cronquist	Senior Fiscal Analyst
Levi Kinnischtzke	Senior Fiscal Analyst
Grant Gader	Fiscal Analyst
Keith Mantz	Fiscal Analyst

Administration and Operations

Jason J. Steckler	Administration and Operations Director
Andrea Cooper	Administrative Manager/Legislative Analyst

Office Services

Kayla Seifert	Front Desk Specialist
Justin J. Blasy	Senior Legislative Administrative Specialist
Robert Tallman	Senior Legislative Administrative Specialist
Haley Dubourt	Legislative Administrative Specialist I
Casey Carson	Legislative Administrative Specialist I
Nataly Adamski	Legislative Administrative Specialist I
Madison Berndt	Legislative Administrative Specialist I
Kevin Stankiewicz	Legislative Editor
Abigail Jankauskas	Legislative Editor

Information Technology Services Division

Cody Malloy	Information Technology Services Director
Brady Mueller	Senior Information Technology Specialist
Tyler Biegler	Senior Information Technology Specialist
Kyle Cosman	Information Technology Specialist
Adam Roeder	Information Technology Specialist
Chad Gumeringer	Senior Legislative IT Administrator
Ron B. Zarr	Legislative IT Administrator

Kimber Krueger	Legislative IT Developer/Business Analyst
John Olheiser	Legislative IT Developer
Cliff Kaputska	Legislative IT Developer
Tanner J. Ball	Legislative IT Developer
Patrick Walker Jauregui	Legislative IT Developer

LEGISLATIVE COUNCIL SESSION EMPLOYEES

Caleb Hauck	Front Desk Specialist

LEGISLATIVE INTERNS

Cami Almonacid	Senate Human Services
	Senate Workforce Development
Jordan Bernhagen	House Industry, Business and Labor
	House Agriculture
Robert Carrington	Senate Industry and Business
	Senate Agriculture and Veterans Affairs
Scott Chapman	House Education
	House Energy and Natural Resources
Erin Cummings	House Human Services
	House Government and Veterans Affairs
Benjamin Deluca	House Finance and Taxation
	House Transportation
Evan Leingang	Legislative Council Intern
Regan O'Donnell	Senate Judiciary
	Senate Energy and Natural Resources
Sean Oppenheimer	Senate Education
	Senate State and Local Government
Shaun Peterson	House Judiciary
	House Political Subdivisions
Malajah Suriana	Senate Finance and Taxation
	Senate Transportation

HOUSE OF REPRESENTATIVES

Wyatt Armstrong	Procedural Committee Clerk
Lavata Becker	Assistant Sergeant-at-Arms
Risa Berube	Chief Committee Clerk
Zechariah Bitz	Technological Assistant Appropriations Committee Clerk
Mary Brucker	Quality Assurance Clerk
Jeanette Cook	Quality Assurance Clerk
Madaline Cooper	Procedural Assistant Appropriations Committee Clerk
Shayla Davis	Administrative Assistant to Minority Leader
Lily Dever	Legislative Assistant/Page
Dale Erbele	Assistant Sergeant-at-Arms
Dean Erbele	Sergeant-at-Arms
Krystal Erbele	Procedural Appropriations Committee Clerk
Ron Fiest	Parking Lot Attendant
Paul Fleckenstein	Technological Appropriations Committee Clerk
Audrey Grafsgaard	Journal Reporter
Jan Kamphuis	Procedural Assistant Appropriations Committee Clerk
Ken Karls	Technological Assistant Appropriations Committee Clerk
Stephen Koppy	Assistant Sergeant-at-Arms
Leah Kuball	Procedural Committee Clerk
ReMae Kuehn	Administrative Assistant to Speaker
Ellen LeTang	Administrative Assistant to Majority Leader
Diane Lillis	Procedural Committee Clerk
Connie Longmuir	Staff Assistant to Majority Leader

Allen Mastel
Daniel McElrath
Mary Monson
Timothy Paulson
Janae Pinks
Jessica Pinks
Addison Randazzo
Joseph Reed
Buell Reich
Steven Riehl
Molly Sauer
Tristan Schaar
Sierra Scharzt
Jackson Toman
Maia Toman
Saydee Wahl
Dave Waind
Roman Weiler
Edwin Whetham
Mark Zimmerman

Technological Committee Clerk
Assistant Sergeant-at-Arms
Chief Legislative Assistant/Chief Page
Technological Committee Clerk
Technological Committee Clerk
Legislative Assistant/Page
Technological Committee Clerk
Procedural Committee Clerk
Chief Clerk
Procedural Assistant Appropriations Committee Clerk
Technological Assistant Appropriations Committee Clerk
Staff Assistant to Minority Leader
Procedural Appropriations Committee Clerk
Procedural Committee Clerk
Legislative Assistant/Page
Technological Committee Clerk
Bill and Recording Clerk
Deputy Sergeant-at-Arms
Calendar Clerk
Assistant Chief Clerk

SENATE

Chance Anderson
Joseph Astrahan
Joan Bares
Tyson Biegler
Renae Doan
Robyn Engelstad
Andrew Ficek
Sheila Froehlich
Juana Gonzalez
Steven Hall
Susan Helbling
Ammon Horner
Kevin Horneman
Sonja King
Jim Klundt
Patricia Lahr
Alexander MacLeod
Kendra McCann
Shanda Morgan
Audrey Oswald
Dale Patrick
Callie Paulson
Carrie Paulson
Trisha Plemel
Matthew Preszler
Elizabeth Reiten
Dennis Rodin
Michael Rogstad
Wayne Rogstad
Shelby Schantz
Kim Schneider
John Strand
Carol Thompson
Bobbie Vaagen

Procedural Committee Clerk
Technological Committee Clerk
Procedural Assistant Appropriations Committee Clerk
Technological Committee Clerk
Administrative Assistant to Majority Leader
Legislative Assistant/Page
Procedural Committee Clerk
Technological Appropriations Committee Clerk
Quality Assurance Clerk
Procedural Assistant Appropriations Committee Clerk
Procedural Committee Clerk
Technological Committee Clerk
Legislative Assistant/Page
Journal Reporter
Sergeant-at-Arms
Chief Legislative Assistant/Chief Page
Staff Assistant to Majority Leader
Procedural Committee Clerk
Secretary of the Senate
Procedural Committee Clerk
Calendar Clerk
Technological Assistant Appropriations Committee Clerk
Legislative Assistant/Page
Staff Assistant to Majority Leader
Technological Committee Clerk
Procedural Appropriations Committee Clerk
Assistant Secretary of the Senate
Technological Assistant Appropriations Committee Clerk
Technological Assistant Appropriations Committee Clerk
Assistant Sergeant-at-Arms
Bill and Recording Clerk
Assistant Sergeant-at-Arms/Supply Room
Procedural Assistant Appropriations Committee Clerk
Technological Committee Clerk

Leslie Vaagen
Kathy Wachter
Donna Whetham
Lynn Wolf

Technological Assistant Appropriations Committee Clerk
Administrative Assistant to Minority Leader
Quality Assurance Clerk
Chief Committee Clerk

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APPROPRIATIONS

CHAPTER 1

HOUSE BILL NO. 1001

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the office of the governor; to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to salaries of the governor and lieutenant governor; to provide an exemption; and to provide for a report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the office of the governor for the purpose of defraying the expenses of the office of the governor, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$4,426,244	\$1,493,905	\$5,920,149
New and vacant FTE Pool	0	117,387	117,387
Operating expenses	509,331	213,214	722,545
Contingencies	10,000	0	10,000
Rough rider awards	10,800	4,200	15,000
Governor's salary	310,621	(310,621)	0
Children's cabinet	0	65,000	65,000
Total general fund	\$5,266,996	\$1,583,085	\$6,850,081
Full-time equivalent positions	19.00	0.00	19.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>
Children's cabinet consulting services	\$30,000
Total	\$30,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The governor's office may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - GOVERNOR'S OFFICE - BUDGET SECTION REPORT. Subject to the limitations of this section, in addition to the amounts appropriated in section 1 of this Act, there is appropriated to the governor's office, any additional income from other funds, excluding federal funds, which may become available to the governor's office, for the period beginning July 1, 2025, and ending June 30, 2027. Any other funds received under this section must be used for the specific purpose intended for the funds or transferred to the appropriate state agency or institution. Upon the receipt of other funds under this section, the governor's office shall provide a report to the budget section regarding the source, amount, and purpose of the funds received. Federal funds which may become available to the governor's office may be accepted by the governor's office. Federal funds accepted by the governor's office may not be spent until authorization is received from the legislative assembly or from the emergency commission and budget section under chapter 54-16.

SECTION 5. AMENDMENT. Section 54-07-04 of the North Dakota Century Code is amended and reenacted as follows:

54-07-04. Salary of governor.

The annual salary of the governor is ~~one hundred fifty-two thousand two hundred sixty-five dollars through June 30, 2024, and one hundred fifty-eight thousand three hundred fifty-six~~ one hundred sixty-three thousand one hundred seven dollars through June 30, 2026, and one hundred sixty-eight thousand dollars thereafter.

SECTION 6. AMENDMENT. Section 54-08-03 of the North Dakota Century Code is amended and reenacted as follows:

54-08-03. Salary of lieutenant governor.

The annual salary of the lieutenant governor is ~~one hundred thirty thousand dollars through June 30, 2024, and one hundred thirty-five thousand two hundred one hundred thirty-nine thousand two hundred fifty-six dollars through June 30, 2026, and one hundred forty-three thousand four hundred thirty-four dollars thereafter.~~

SECTION 7. EXEMPTION - UNEXPENDED APPROPRIATIONS. The sum of \$130,000 appropriated from the general fund for constituent management software in section 1 of chapter 33 of the 2023 Session Laws is not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 2

HOUSE BILL NO. 1002

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the office of the secretary of state; to amend and reenact sections 46-03-11, 46-04-01, 46-04-03, 46-04-04, 46-04-10, 46-04-14, 46-04-18, 46-04-19, and 54-09-05 of the North Dakota Century Code, relating to public printing and the salary of the secretary of state; to provide for a transfer; and to provide an exemption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the secretary of state for the purpose of defraying the expenses of the secretary of state and public printing, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

SECRETARY OF STATE

Subdivision 1.

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$6,366,407	\$587,108	\$6,953,515
New and vacant FTE pool	0	148,177	148,177
Operating expenses	4,984,331	2,171,051	7,155,382
Grants	25,000	0	25,000
Petition review	8,000	0	8,000
Election reform	<u>4,830,808</u>	<u>4,397,006</u>	<u>9,227,814</u>
Total all funds	\$16,214,546	\$7,303,342	\$23,517,888
Less other funds	<u>9,344,171</u>	<u>4,732,898</u>	<u>14,077,069</u>
Total general fund	\$6,870,375	\$2,570,444	\$9,440,819
Full-time equivalent positions	35.00	(2.00)	33.00

Subdivision 2.

SECRETARY OF STATE - PUBLIC PRINTING

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Public printing	\$271,335	(\$271,335)	\$0
Total general fund	\$271,335	(\$271,335)	\$0

Subdivision 3

TOTAL - SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total all funds	\$16,485,881	\$7,032,007	\$23,517,888
Grand total other funds	<u>9,344,171</u>	<u>4,732,898</u>	<u>14,077,069</u>
Grand total general fund	\$7,141,710	\$2,299,109	\$9,440,819

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>Other Funds</u>
Election pollpads and cradle points	\$2,800,000
Information technology enhancements	700,000
Election security grant	100,359
Help America Vote Act	<u>1,000,000</u>
Total other funds	\$4,600,359

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The secretary of state may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The other funds line item in section 1 of this Act includes the sum of \$3,500,000 from the strategic investment and improvements fund for election pollpad and cradle points replacement and information technology system enhancements for the secretary of state.

SECTION 5. TRANSFER - GENERAL FUND - ELECTION FUND. The office of management and budget may transfer up to \$600,000 from the general fund, appropriated in the election reform line item in section 1 of this Act, to the election fund to match federal funds received by the state, as requested by the secretary of state, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. AMENDMENT. Section 46-03-11 of the North Dakota Century Code is amended and reenacted as follows:

46-03-11. Publication of session laws and pocket supplements.

The ~~secretary of state and the~~ legislative council shall correct ministerial or clerical errors and supervise the publication of the session laws and pocket part supplements to this code in a manner and form prescribed by the legislative council, correlating each year's laws with this code.

SECTION 7. AMENDMENT. Section 46-04-01 of the North Dakota Century Code is amended and reenacted as follows:

46-04-01. Official distribution of state laws - ~~Secretary of state~~Legislative council to control.

Each member of the legislative assembly ~~and each~~ constitutional officer of the state, ~~and each~~ judge of the supreme and district courts for the use of their respective offices and departments is entitled to receive from the state a copy of any publication of the laws of the state and of any compilation or codification ~~thereof~~ thereof the laws of the state published under authority of the state. The district court in every county in the state is entitled to a copy of ~~such~~ the publications. The codification of laws of the state received by each member of the legislative assembly is subject to section 54-03-23.

The ~~secretary of state~~ legislative council shall designate other offices and agencies of the state that are entitled to receive copies of ~~any such~~ a publication of the laws for the use of ~~such~~ the state offices and agencies and also shall determine the number of copies of any publication to be received by any recipient in a distribution under the provisions of this section, if more than one copy is needed by ~~such~~ the recipient for official use. All agencies that are funded entirely from special state funds or federal funds must be charged for the actual cost of each copy of ~~such~~ the publications that the agency requests.

SECTION 8. AMENDMENT. Section 46-04-03 of the North Dakota Century Code is amended and reenacted as follows:

46-04-03. Distribution of session laws, compilations, and codifications by ~~secretary of state~~ legislative council.

The ~~secretary of state, as soon as conveniently can be done after~~ legislative council shall distribute as provided in sections 46-04-01 and 46-04-02 the publication of any session laws, compilations, or codifications, ~~shall cause copies thereof to be distributed as provided in sections 46-04-01 and 46-04-02 and copies of those documents, as soon as practicable. The secretary of state, in addition,~~ legislative council shall furnish to the legislative assembly ~~such~~ additional copies as are necessary upon resolution of the respective branches or committees ~~thereof of the legislative assembly~~ and shall furnish to each member of the legislative assembly, upon ~~demand therefor~~ request, ~~such~~ current volumes of laws as ~~have not been obtained by the member~~ through service in previous sessions.

SECTION 9. AMENDMENT. Section 46-04-04 of the North Dakota Century Code is amended and reenacted as follows:

46-04-04. Session laws, compilations, and codifications remain property of state.

Except as otherwise provided by law, each copy of laws, compilations, or codifications furnished to any officer, department, or agency of the state, or to the legislative assembly, its officers, or committees is ~~and must remain~~ the property of the state and must be surrendered to the ~~secretary of state~~ legislative council or to the recipient's successor in office.

SECTION 10. AMENDMENT. Section 46-04-10 of the North Dakota Century Code is amended and reenacted as follows:

46-04-10. Duties of ~~secretary of state~~ legislative council - Exchange of laws with other states.

The ~~secretary of state~~ legislative council may distribute copies of all laws passed by each legislative assembly and all compilations or codifications of ~~the same, whenever it seems desirable~~ laws passed by each legislative assembly:

1. In exchange for like publications of other states.
2. To replace copies lost or damaged in official use.
3. To provide copies as needed to state officers, boards, commissions, institutions, or agencies of the state.
4. To provide copies as needed to the national conference of commissioners on uniform state laws.

SECTION 11. AMENDMENT. Section 46-04-14 of the North Dakota Century Code is amended and reenacted as follows:

46-04-14. ~~Secretary of state~~Legislative council to forward laws to counties.

As soon as the laws of each session of the legislative assembly are printed and ready for distribution, the ~~secretary of state~~legislative council shall forward ~~these~~the laws to which each county is entitled to the county auditor of the county.

SECTION 12. AMENDMENT. Section 46-04-18 of the North Dakota Century Code is amended and reenacted as follows:

46-04-18. ~~Secretary of state~~Legislative council to sell certain laws.

During the biennium immediately after publication, the ~~secretary of state~~legislative council ~~must~~shall sell copies of the session laws for the cost of publication and handling plus ten percent. In subsequent bienniums, the ~~secretary of state~~legislative council may determine and set a price for the copies of the session laws not sold in the biennium immediately after their publication. The price set should maximize the recovery of the cost of publication and handling and minimize the number of volumes subject to disposal under section 46-04-19. All moneys received under ~~the provisions~~ of this section must be paid ~~over~~ to the state treasurer and credited to the general fund.

SECTION 13. AMENDMENT. Section 46-04-19 of the North Dakota Century Code is amended and reenacted as follows:

46-04-19. ~~Secretary of state~~Legislative council may dispose of laws.

The ~~secretary of state~~legislative council may dispose of all volumes of the laws that are ten or more years old, except one volume of each ~~that~~which must be retained for historical purposes.

SECTION 14. AMENDMENT. Section 54-09-05 of the North Dakota Century Code is amended and reenacted as follows:

54-09-05. Salary of secretary of state.

The annual salary of the secretary of state is ~~one hundred thirty thousand dollars through June 30, 2024, and one hundred thirty five thousand two hundred dollars~~one hundred thirty-nine thousand two hundred fifty-six dollars through June 30, 2026, and one hundred forty-three thousand four hundred thirty-four dollars thereafter.

SECTION 15. EXEMPTION - STATE FISCAL RECOVERY FUND. The amount of \$6,000,000 appropriated from federal funds derived from the state fiscal recovery fund for the purposes of an election management system and to upgrade FirstStop in section 1 of chapter 34 of the 2023 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from these projects are available to the secretary of state for costs relating to an election management system and to upgrade FirstStop during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 16. EXEMPTION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The amount of \$1,500,000 appropriated from the strategic investment and improvements fund for the purposes of a new campaign system, contracted website redesign, and information technology enhancements in section 1 of chapter 34 of the 2023 Session Laws is not subject to section 54-44.1-11 and any

unexpended funds from these projects are available to the secretary of state for costs relating to a new campaign system, contracted website redesign, and information technology enhancements during the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 3

HOUSE BILL NO. 1003

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the attorney general; to amend and reenact sections 31-01-16, 54-12-11, 54-12-30, and 54-27-25 of the North Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses, the salary of the attorney general, twenty-four seven sobriety program fees, and the tobacco settlement trust fund; to provide for a report; to provide for a transfer; and to provide an exemption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the attorney general for the purpose of defraying the expenses of the attorney general, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$53,007,980	\$8,323,325	\$61,331,305
New and vacant FTE pool	0	5,140,711	5,140,711
Operating expenses	17,579,264	(988,610)	16,590,654
Prosecution witness fees	0	360,056	360,056
Capital assets	606,000	1,391,280	1,997,280
Grants	3,903,440	0	3,903,440
Human trafficking victims grants	1,110,614	1,341,900	2,452,514
Forensic nurse examiners grants	252,676	1,568	254,244
Statewide litigation funding pool	0	5,000,000	5,000,000
Litigation fees	127,500	0	127,500
Medical examinations	660,000	0	660,000
Children's forensic interviews	304,560	0	304,560
North Dakota lottery	5,413,453	171,709	5,585,162
Arrest and return of fugitives	8,500	0	8,500
Gaming commission	7,489	0	7,489
Criminal justice information sharing	4,579,950	2,749,467	7,329,417
Law enforcement	<u>3,377,659</u>	<u>291,739</u>	<u>3,669,398</u>
Total all funds	\$90,939,085	\$23,783,145	\$114,722,230
Less other funds	<u>41,914,820</u>	<u>9,888,474</u>	<u>51,803,294</u>
Total general fund	\$49,024,265	\$13,894,671	\$62,918,936
Full-time equivalent positions	266.00	4.00	270.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Bureau of criminal investigation equipment	\$161,000	\$0	\$161,000
Laboratory equipment and supplies	400,000	554,000	954,000
Network switches	32,000	0	32,000
Undercover vehicles	0	540,000	540,000
Portable handheld radios	0	105,000	105,000
Intoxilyzers	0	188,000	188,000
Human trafficking victims grants	650,000	0	650,000
Statewide litigation funding pool	0	5,000,000	5,000,000
Jail management system replacement	650,000	0	650,000
Statewide automated victim identification notification system replacement	0	1,500,000	1,500,000
Total	\$1,893,000	\$7,887,000	\$9,780,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The attorney general may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item and other line items with salaries and wages in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - ONE-TIME FUNDING - REPORT. In addition to the amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or special funds, the sum of \$250,000, or so much of the sum as may be necessary, to the attorney general for the purposes of defraying the expenses of the office, for the biennium beginning July 1, 2025, and ending June 30, 2027. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section. The appropriation in this section is considered a one-time funding item.

SECTION 5. OTHER FUNDS - TRANSFER - COMMUNITY HEALTH TRUST FUND TO ATTORNEY GENERAL OPERATING FUND. The other funds line item in section 1 of this Act includes the sum of \$239,716 from the community health trust fund which the office of management and budget shall transfer to the attorney general operating fund for defraying expenses related to the enforcement of the master settlement agreement and consent agreement and any disputes with the agreement during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES. The other funds line item in section 1 of this Act includes the sum of \$7,466,000 from the strategic investment and improvements fund, of which \$321,000 is for state crime laboratory equipment and supplies, \$540,000 is for the replacement of bureau of criminal investigation undercover vehicles, \$105,000 is for portable handheld dual-band radios, \$5,000,000 is for the statewide litigation funding pool, and \$1,500,000 is for the replacement of the statewide automated victim identification notification system. The attorney general shall transfer funding from the statewide litigation funding pool to eligible state agencies for litigation expenses during the biennium beginning July 1, 2025, and ending June 30, 2027. The attorney general may not use funding from the statewide litigation funding pool to pay judgments under section 32-12-04.

SECTION 7. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS - REPORTS. The human trafficking victims grants line item in section 1 of this Act includes \$2,452,514 from the general fund for the purpose of

providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims and related administrative costs, for the biennium beginning July 1, 2025, and ending June 30, 2027. 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 seventieth legislative assembly on the use of the funds received and the outcomes of its programs. The attorney general shall report to the legislative management during the 2025-26 interim on the status and results of the grant program.

SECTION 8. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.

The forensic nurse examiners grants line item in section 1 of this Act includes \$254,244 from the general fund for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs and related administrative costs, for the biennium beginning July 1, 2025, and ending June 30, 2027. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the seventieth legislative assembly on the use of the funds received and the outcomes of its programs. The attorney general shall report to the appropriations committees of the seventieth legislative assembly on the number of nurses trained, the number and location of nurses providing services related to sexual assault nurse examiner programs, and documentation of collaborative efforts to assist victims which includes nurses, the hospital or clinic, law enforcement, and state's attorneys.

SECTION 9. BUREAU OF CRIMINAL INVESTIGATION CYBER CRIME RESOURCES. The salaries and wages line item, operating expenses line item, and capital assets line item in section 1 of this Act includes the sum of \$825,000 from the general fund for the purpose of hiring two full-time equivalent bureau of criminal investigation cyber crime agent positions and for related equipment and capital asset costs. The personnel hired and resources purchased pursuant to this section must be dedicated to assisting a police department in a city in northeastern North Dakota with at least 50,000 residents with the prevention and detection of cyber crime.

SECTION 10. AMENDMENT. Section 31-01-16 of the North Dakota Century Code is amended and reenacted as follows:

31-01-16. Compensation and mileage and travel expense of witness.

1. A witness in a civil or criminal case is entitled to receive:
4. a. A sum of twenty-five dollars for each day necessarily in attendance before the district court or before any other board or tribunal, except municipal court.
2. b. A sum for mileage and travel expense reimbursement equal to the reimbursement rates provided for state employees in sections 44-08-04 and 54-06-09.
2. In all criminal cases in district court, the attorney general shall pay prosecution witness fees and expenses, in an amount not to exceed ~~twenty-five thousand~~ thirty thousand dollars per county per biennium, and the commission on legal counsel for indigents shall pay witness fees and expenses for witnesses in those cases in which counsel has been provided by the commission. Prisoners may not be compensated as witnesses under this section. If a county exceeds the thirty thousand dollar reimbursement during a biennium, the county may enter an agreement with another county to allow the county to receive another county's unused reimbursement funds for that biennium, with the approval of the attorney general.

SECTION 11. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general.

The annual salary of the attorney general is ~~one hundred seventy-nine thousand three hundred twelve~~ one hundred ninety-two thousand seventy-nine dollars through June 30, ~~2024~~2026, and ~~one hundred eighty-six thousand four hundred eighty-four~~ one hundred ninety-seven thousand eight hundred forty-one dollars thereafter.

***SECTION 12. AMENDMENT.** Section 54-12-30 of the North Dakota Century Code is amended and reenacted as follows:

54-12-30. Twenty-four seven sobriety program fees.

A criminal justice agency may collect program fees from offenders participating in the twenty-four seven sobriety program, including fees for twice per day breath alcohol testing, urine testing, drug patch testing, installation and deactivation fees for remote electronic alcohol monitoring devices, and remote electronic alcohol monitoring daily fees. A district court judge or judicial referee may not waive program fees for offenders participating in the twenty-four seven sobriety program. The criminal justice agency shall pay all program fees into the general fund of the governing body. The fees may only be applied to twenty-four seven sobriety program support services, equipment maintenance and replacement, and compliance with the program. The governing body shall pay any daily fees collected for remote electronic alcohol monitoring to the twenty-four seven sobriety program fund.

SECTION 13. AMENDMENT. Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.

There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Moneys in the fund must be transferred within thirty days of receipt by the state to a community health trust fund. Moneys in the fund may be appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state, and for the enforcement of the master settlement agreement and consent agreement and any disputes with the agreement.

SECTION 14. CRIMINAL HISTORY RECORD CHECKS - FEES. Any individual or entity requesting a criminal history record check from the bureau of criminal investigation, as a result of legislation enacted by the sixty-ninth legislative assembly, shall pay a reasonable fee established by the attorney general to the attorney general to be deposited in the general fund, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 15. EXEMPTION - CONTINGENT FEE ARRANGEMENT. Notwithstanding section 54-12-08.1, the attorney general may contract for legal services compensated by a contingent fee arrangement for ongoing multistate technology litigation during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 16. EXEMPTION - ATTORNEY GENERAL REFUND FUND.

Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund which would otherwise be transferred to the general fund on June 30, 2025.

SECTION 17. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The amount appropriated to the attorney general from other funds for the statewide automated victim identification and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, continued into the 2019-21 biennium for the statewide automated victim identification and notification system, and continued into the 2021-23 biennium and 2023-25 biennium for the legal case management system in section 17 of chapter 35 of the 2023 Session Laws.
2. The sum of \$400,000 appropriated from the attorney general refund fund for the criminal history improvement project in section 1 of chapter 3 of the 2021 Session Laws, and continued into the 2023-25 biennium in section 18 of chapter 35 of the 2023 Session Laws.
3. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the replacement of the prosecuting case management system in subsection 20 of section 1 of chapter 550 of the 2021 Special Session Laws and continued into the 2023-25 biennium in section 21 of chapter 35 of the 2023 Session Laws.
4. The sum of \$736,000 appropriated from the charitable gaming operating fund for the charitable gaming technology system in section 1 of chapter 35 of the 2023 Session Laws.
5. The sum of \$177,000 appropriated from the general fund for a licensing and deposit software system in section 1 of chapter 35 of the 2023 Session Laws.
6. The sum of \$1,772,038 appropriated from federal funds for the justice community oriented policing services anti-methamphetamine program in section 1 of chapter 35 of the 2023 Session Laws.

SECTION 18. EXEMPTION - STATEWIDE LITIGATION FUNDING POOL.

The sum of \$3,000,000 appropriated from the general fund as a deficiency appropriation for the statewide litigation funding pool during the 2023-25 biennium, as approved by the sixty-ninth legislative assembly in House Bill No. 1024, is not subject to section 54-44.1-11 and any unexpended funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved May 19, 2025

Filed May 19, 2025

* Section 12 of House Bill No. 1003 was vetoed, see chapter 602.

CHAPTER 4
HOUSE BILL NO. 1004
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the state auditor for the purpose of defraying the expenses of the state auditor, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$14,627,899	\$469,987	\$15,097,886
New and vacant FTE pool	0	626,476	626,476
Operating expenses	1,719,771	156,166	1,875,937
Information technology consultants	<u>450,000</u>	<u>135,000</u>	<u>585,000</u>
Total all funds	\$16,797,670	\$1,387,629	\$18,185,299
Less other funds	<u>6,486,821</u>	<u>(478,481)</u>	<u>6,008,340</u>
Total general fund	\$10,310,849	\$1,866,110	\$12,176,959
Full-time equivalent positions	65.00	(6.00)	59.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total Funds</u>
Cost related to new FTE	\$0	\$3,000	\$3,000
Peer review	25,000	0	25,000
Audit software migration	<u>25,200</u>	<u>10,800</u>	<u>36,000</u>
Grand total	\$50,200	\$13,800	\$64,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The state auditor may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. AMENDMENT. Section 54-10-10 of the North Dakota Century Code is amended and reenacted as follows:

54-10-10. Salary of state auditor.

The annual salary of the state auditor is ~~one hundred thirty thousand~~ one hundred thirty-nine thousand two hundred fifty-six dollars through June 30, ~~2024~~ 2026, and ~~one hundred thirty-five thousand two hundred~~ one hundred forty-three thousand four hundred thirty-four dollars thereafter.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 5

HOUSE BILL NO. 1005

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the state treasurer; to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the state treasurer for the purpose of defraying the expenses of the state treasurer, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$1,605,584	\$187,105	\$1,792,689
New and vacant FTE pool	0	36,646	36,646
Operating expenses	265,346	294,258	559,604
Coal severance payments	118,000	4,000	122,000
Carbon dioxide pipeline payments	0	1,000,000	1,000,000
Total all funds	\$1,988,930	\$1,522,009	\$3,510,939
Total special funds	0	295,000	295,000
Total general fund	\$1,988,930	\$1,227,009	\$3,215,939
Full-time equivalent positions	7.00	0.00	7.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Information technology projects	\$0	\$295,000	\$295,000
Total	\$0	\$295,000	\$295,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The state treasurer may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. SPECIAL FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - OFFICE AND INFORMATION TECHNOLOGY PROJECTS. The sum of \$295,000 included in the other funds line item in section 1 of this Act and identified as one-time funding in section 2 of this Act is from the strategic investment and improvements fund for information technology projects.

SECTION 5. AMENDMENT. Section 54-11-13 of the North Dakota Century Code is amended and reenacted as follows:

54-11-13. Salary of state treasurer.

The annual salary of the state treasurer is ~~one hundred thirty thousand~~ one hundred thirty-nine thousand two hundred fifty-six dollars through June 30, ~~2024~~2026, and ~~one hundred thirty-five thousand two hundred~~ one hundred forty-three thousand four hundred thirty-four dollars thereafter.

SECTION 6. EMERGENCY. The sum of \$295,000 in the total special funds line item in section 1 of this Act and identified as one-time funding in section 2 of this Act for information technology projects is declared to be an emergency measure.

Approved May 12, 2025

Filed May 12, 2025

CHAPTER 6

HOUSE BILL NO. 1006

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the office of the tax commissioner and for payment of state reimbursement under the homestead tax credit, disabled veterans' tax credit, and primary residence credit; to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the salary of the state tax commissioner; to provide an exemption; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from federal funds, to the tax commissioner for the purpose of defraying the expenses of the tax commissioner and paying the state reimbursement under the homestead tax credit, disabled veterans' tax credit, and primary residence credit, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$24,036,152	\$2,111,868	\$26,148,020
New and vacant FTE pool	0	1,119,992	1,119,992
Operating expenses	8,613,370	1,824,741	10,438,111
Capital assets	6,000	0	6,000
Homestead tax credit	72,400,000	(11,800,000)	60,600,000
Disabled veterans' tax credit	18,745,000	10,655,000	29,400,000
Primary residence credit	103,225,000	(103,225,000)	0
Total all funds	\$227,025,522	(\$99,313,399)	\$127,712,123
Less other funds	125,000	0	125,000
Total general fund	\$226,900,522	(\$99,313,399)	\$127,587,123
Full-time equivalent positions	117.00	0.00	117.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Property tax relief administration	\$1,000,000	\$0	\$1,000,000
Total	\$1,000,000	\$0	\$1,000,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The tax commissioner may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. EXEMPTION - LINE ITEM TRANSFERS. Notwithstanding section 54-16-04, the state tax commissioner may transfer funds between the homestead tax credit and disabled veterans' tax credit line items in section 1 of this Act if one line item does not have sufficient funds available for state reimbursement of eligible tax credits. The state tax commissioner shall notify the office of management and budget and the legislative council of any transfers made pursuant to this section.

SECTION 5. MOTOR VEHICLE FUEL TAX REVENUE TRANSFER. There is transferred to the general fund in the state treasury out of motor vehicle tax revenue collected pursuant to section 57-43.1-02, the sum of \$1,761,168, for the purpose of reimbursing the general fund for expenses incurred in the collection of the motor vehicle fuels and special fuels taxes and the administration of these taxes, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. AMENDMENT. Section 57-01-04 of the North Dakota Century Code is amended and reenacted as follows:

57-01-04. Salary.

The annual salary of the state tax commissioner is ~~one hundred thirty-one thousand seven hundred five~~ one hundred forty-one thousand eighty-two dollars through June 30, ~~2024~~2026, and ~~one hundred thirty-six thousand nine hundred seventy-three~~ one hundred forty-five thousand three hundred fourteen dollars thereafter.

Approved May 12, 2025

Filed May 12, 2025

CHAPTER 7
HOUSE BILL NO. 1007
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of labor and human rights.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from federal funds, to the department of labor and human rights for the purpose of defraying the expenses of the department of labor and human rights, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$2,787,854	\$416,083	\$3,203,937
New and vacant FTE pool	0	67,629	67,629
Operating expenses	<u>378,407</u>	<u>8,964</u>	<u>387,371</u>
Total all funds	\$3,166,261	\$492,676	\$3,658,937
Less other funds	<u>511,925</u>	<u>36,498</u>	<u>548,423</u>
Total general fund	\$2,654,336	\$456,178	\$3,110,514
Full-time equivalent positions	13.00	0.00	13.00

SECTION 2. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The department of labor and human rights may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 8

HOUSE BILL NO. 1008

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the public service commission; to amend and reenact sections 49-01-05 and 57-43.2-19 of the North Dakota Century Code, relating to the salaries of the public service commissioners and deposits of special fuels excise taxes; and to provide loan authorization.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the public service commission for the purpose of defraying the expenses of the public service commission, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,026,304	\$1,148,083	\$12,174,387
New and vacant FTE pool	0	265,735	265,735
Operating expenses	2,205,487	547,167	2,752,654
Capital assets	25,000	205,000	230,000
Grants	20,000	0	20,000
Abandoned mined lands contractual services	6,000,000	0	6,000,000
Rail rate complaint case	900,000	0	900,000
Railroad safety program	672,206	41,024	713,230
Specialized legal services	420,000	(19,834)	400,166
Total all funds	\$21,268,997	\$2,187,175	\$23,456,172
Less other funds	13,779,645	454,823	14,234,468
Total general fund	\$7,489,352	\$1,732,352	\$9,221,704
Full-time equivalent positions	45.00	0.00	45.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Drone imaging technology	\$5,580	\$149,420	\$155,000
Federal intervention funding	250,000	0	250,000
Total	\$255,580	\$149,420	\$405,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The public service commission may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office

of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages and railroad safety program line items in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. RAIL RATE COMPLAINT CASE - LOAN AUTHORIZATION. The public service commission may obtain a loan from the Bank of North Dakota for costs associated with a rail rate complaint case. The loan may not exceed \$900,000, and the interest rate associated with the loan must be the prevailing interest rate charged to North Dakota governmental entities. The public service commission shall repay the loan from amounts available from damages or proceeds received, net of legal fees, from a successful outcome of a rail complaint case. If moneys anticipated to be available on June 30, 2027, are not sufficient to repay the loan, the public service commission may request a deficiency appropriation from the legislative assembly to repay the loan.

SECTION 5. AMENDMENT. Section 49-01-05 of the North Dakota Century Code is amended and reenacted as follows:

49-01-05. Salary of commissioners.

The annual salary of a commissioner is ~~one hundred thirty thousand dollars through June 30, 2024, and one hundred thirty five thousand two hundred one hundred thirty-nine thousand two hundred fifty-six dollars through June 30, 2026, and one hundred forty-three thousand four hundred thirty-four dollars thereafter.~~ All fees received or charged by any commissioner for any act or service rendered in any official capacity must be accounted for and paid over by the commissioner monthly to the state treasurer and must be credited to the general fund of the state.

SECTION 6. AMENDMENT. Section 57-43.2-19 of the North Dakota Century Code is amended and reenacted as follows:

57-43.2-19. Transfer, deposit, and distribution of funds.

All taxes, license fees, penalties, and interest collected under this chapter must be transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund, except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section 57-43.2-03 of up to ~~three hundred thirty-two thousand three hundred twenty-seven~~ three hundred fifty-two thousand eight hundred ninety-two dollars per year must be transferred to the state treasurer who shall deposit the moneys in the rail safety fund. The highway tax distribution fund must be distributed in the manner as prescribed by section 54-27-19.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 9

HOUSE BILL NO. 1009

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the agriculture commissioner; to amend and reenact section 4.1-01-02 of the North Dakota Century Code, relating to the salary of the agriculture commissioner; to provide for a transfer; to provide for a report; to provide an exemption; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the agriculture commissioner for the purpose of defraying the expenses of the agriculture commissioner, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$17,042,562	\$933,974	\$17,976,536
New and vacant FTE pool	0	754,477	754,477
Operating expenses	7,426,173	588,083	8,014,256
Capital assets	7,000	4,100	11,100
Grants	10,953,969	7,141,300	18,095,269
Agricultural products utilization commission	2,110,417	3,000,000	5,110,417
North Dakota trade office	1,600,000	400,000	2,000,000
Board of animal health	865,718	(8,357)	857,361
Wildlife services	1,657,400	150,000	1,807,400
Pipeline restoration and reclamation oversight program	200,000	(200,000)	0
Pipeline and royalty oversight programs	0	500,000	500,000
Crop harmonization board	<u>75,000</u>	<u>0</u>	<u>75,000</u>
Total all funds	\$41,938,239	\$13,263,577	\$55,201,816
Less other funds	<u>27,117,306</u>	<u>11,455,034</u>	<u>38,572,340</u>
Total general fund	\$14,820,933	\$1,808,543	\$16,629,476
Full-time equivalent positions	80.00	1.00	81.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Agricultural products utilization commission	\$0	\$3,000,000	\$3,000,000
Grasslands grazing grants	0	3,000,000	3,000,000
Food distribution grants	0	1,500,000	1,500,000
Autonomous technology grants	0	300,000	300,000
North Dakota trade office	<u>400,000</u>	<u>0</u>	<u>400,000</u>
Total	\$400,000	\$7,800,000	\$8,200,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The agriculture commissioner may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. OTHER FUNDS - TRANSFER - DEPARTMENT OF WATER RESOURCES. The other funds line item in section 1 of this Act includes the sum of \$125,000 which the department of water resources shall transfer to the agriculture commissioner for the purpose of defraying the expenses of the wildlife services program.

SECTION 5. TRANSFER - ENVIRONMENT AND RANGELAND PROTECTION FUND - MINOR USE PESTICIDE FUND. The agriculture commissioner shall transfer \$325,000 from the environment and rangeland protection fund to the minor use pesticide fund during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. TRANSFER - ENVIRONMENT AND RANGELAND PROTECTION FUND TO ENVIRONMENTAL IMPACT MITIGATION FUND - MITIGATION OF AGRICULTURAL LAND. The agriculture commissioner shall transfer \$250,000 from the environment and rangeland protection fund to the environmental impact mitigation fund for the purpose of mitigation of agricultural land under section 4.1-01-21.1, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 7. TRANSFER - BIOSCIENCE INNOVATION GRANT FUND TO GENERAL FUND. The office of management and budget shall transfer any balance in the bioscience innovation grant fund to the general fund on June 30, 2025.

SECTION 8. OTHER FUNDS - TRANSFER - BANK OF NORTH DAKOTA PROFITS - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION. The other funds line item in section 1 of this Act includes the sum of \$3,000,000 which the Bank of North Dakota shall transfer from the Bank's current earnings and undivided profits to the agriculture commissioner for deposit in the agricultural products utilization fund for the purpose of defraying the expenses of the agricultural products utilization commission, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 9. OTHER FUNDS - ENVIRONMENT AND RANGELAND PROTECTION FUND. The other funds line item in section 1 of this Act includes the sum of \$8,057,927 from the environment and rangeland protection fund for the purpose of defraying the expenses of various agriculture commissioner programs.

SECTION 10. OTHER FUNDS - GAME AND FISH FUND. The other funds line item in section 1 of this Act includes the sum of \$671,918 from the game and fish department operating fund for the purpose of defraying the expenses of various agriculture commissioner programs.

SECTION 11. OTHER FUNDS - ABANDONED OIL AND GAS WELL PLUGGING AND SITE RECLAMATION FUND. The other funds line item in section 1 of this Act includes the sum of \$500,000 from the abandoned oil and gas well plugging and site reclamation fund, of which \$200,000 is for the purpose of defraying the expenses of the pipeline restoration and reclamation program and \$300,000 is for the purpose of defraying the expenses of the postproduction royalty oversight program.

SECTION 12. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - MATCHING FUNDS - REPORT TO LEGISLATIVE MANAGEMENT. The other funds line item in section 1 of this Act includes the sum of \$4,800,000 from the strategic investment and improvements fund, of which:

1. \$3,000,000 is for the purpose of providing grassland grazing grants to an organization representing cooperative grazing associations in the state. To be eligible for a grant under this program, an organization must provide one dollar of matching funds from nonstate sources for every four dollars of grant funding. An organization that receives a grant under this program may distribute the funding to cooperative grazing associations for eligible infrastructure projects, which must be located on national grasslands within the state. Eligible infrastructure projects include water development; fencing; conservation initiatives; compliance with federal permitting requirements, including fees for professional services; and other projects to enhance wildlife habitat, capture carbon, or increase the health of grasslands. Program participants shall develop and implement a grazing land plan in compliance with local soil conservation district guidance and the plan must be approved by the local soil conservation district. The agriculture commissioner shall establish additional guidelines for the program;
2. \$1,500,000 is for grants to food pantries for meat and protein-related purchases; and
3. \$300,000 is for autonomous technology grants to individuals or entities in the agriculture industry, as follows:
 - a. For purposes of this subsection, autonomous technology includes uncrewed aircraft systems, autonomous vehicles, or other autonomous systems, processes, or technologies.
 - b. The agriculture commissioner shall develop an application process and guidelines for the grants, including eligibility criteria, matching requirements, eligible uses of grant funding, and maximum grant awards. To be eligible for a grant, an individual or entity shall certify to the agriculture commissioner that the operation of the autonomous technology is related to the inspection, operation, maintenance, or construction of agriculture property or infrastructure. The agriculture commissioner may require an individual or entity to provide one dollar of matching funds for every four dollars awarded by the state. An individual or entity may use grant funding for autonomous technology operations, contracting for services related to autonomous technology, or other eligible uses as determined by the agriculture commissioner.
 - c. During the 2025-26 interim, the agriculture commissioner shall provide at least one report to the legislative management regarding the autonomous technology grants, including a list of grant recipients, the amounts awarded, and a description of the use of the grant funding.

SECTION 13. TRADE OFFICE - MATCHING FUND REQUIREMENT. The North Dakota trade office line item and the general fund appropriation in section 1 of this Act include \$2,000,000 of funding related to the North Dakota trade office. The agriculture commissioner may spend sixty percent of this amount without requiring any matching funds from the trade office. Any additional amounts may be spent only to the extent the North Dakota trade office provides one dollar of matching funds from private or other public sources for each one dollar provided by the agriculture commissioner. Matching funds may include money spent by businesses or organizations to pay salaries to export assistants, provide training to export assistants, or purchase computer equipment as part of the North Dakota trade office's export assistant program.

SECTION 14. WATERBANK PROGRAM - MATCHING FUNDS. The salaries and wages line item in section 1 of this Act includes up to \$50,000 from the general fund for matching funds for the North Dakota outdoor heritage fund grant provided for the waterbank program.

SECTION 15. AMENDMENT. Section 4.1-01-02 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01-02. Salary of agriculture commissioner.

The annual salary of the agriculture commissioner is ~~one hundred thirty one thousand four hundred twenty three dollars through June 30, 2024, and one hundred thirty six thousand six hundred eighty one hundred forty thousand seven hundred eighty dollars through June 30, 2026, and one hundred forty-five thousand three dollars after that date.~~

SECTION 16. WILDLIFE SERVICES PROGRAM - INDIRECT COSTS. The wildlife services line item in section 1 of this Act includes the sum of \$1,807,400 for the purpose of defraying the expenses of the wildlife services program during the biennium beginning July 1, 2025, and ending June 30, 2027. The agriculture commissioner may not use funding appropriated for the program to pay indirect costs as part of the United States department of agriculture animal and plant health inspection service wildlife services program.

SECTION 17. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The sum of \$300,000 appropriated from federal funds derived from COVID-19 funds for the specialty crop block grant program during the 2019-21 biennium in section 1 of chapter 27 of the 2021 Session Laws, and continued into the 2021-23 biennium in section 2 of chapter 27 of the 2021 Session Laws and the 2023-25 biennium in section 20 of chapter 41 of the 2023 Session Laws;
2. The sum of \$5,000,000 appropriated from the strategic investment and improvements fund for grasslands grazing grants in the grants line item in section 1 of chapter 9 of the 2021 Session Laws, and continued into the 2023-25 biennium in section 21 of chapter 41 of the 2023 Session Laws;
3. The sum of \$660,000 appropriated from the environment and rangeland protection fund for the regional livestock development and planning program in section 2 of chapter 76 of the 2023 Session Laws; and

4. The sum of \$1,000,000 appropriated from the strategic investment and improvements fund for grasslands grazing grants in the grants line item in section 1 of chapter 41 of the 2023 Session Laws.

SECTION 18. EMERGENCY. Section 7 of this Act is declared to be an emergency measure.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 10
HOUSE BILL NO. 1010
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the insurance commissioner; to create and enact a new section to chapter 26.1-23.1 of the North Dakota Century Code, relating to a government self-insurance pool report; to amend and reenact subsection 8 of section 10-04-10 and section 26.1-01-09 of the North Dakota Century Code, relating to fees charged by the securities division and the salary of the insurance commissioner; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from other funds derived from special funds and federal funds, to the insurance commissioner for the purpose of defraying the expenses of the insurance commissioner, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$10,746,226	\$3,955,150	\$14,701,376
New and vacant FTE pool	0	325,136	325,136
Operating expenses	2,637,667	613,692	3,251,359
Capital assets	0	90,000	90,000
Grants	<u>2,400,000</u>	<u>0</u>	<u>2,400,000</u>
Total other funds	\$15,783,893	\$4,983,978	\$20,767,871
Full-time equivalent positions	47.00	10.00	57.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding.

<u>One-Time Funding Description</u>	<u>Other Funds</u>
Radios and x-ray machine	\$90,000
Accrued leave payout	30,000
Fire marshal compensatory time and overtime	<u>20,000</u>
Total other funds	\$140,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The insurance commissioner may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - REPORTING. In addition to the amounts appropriated in section 1 of this Act, any federal funds that become available are appropriated to the insurance commissioner, for the biennium beginning July 1, 2025, and ending June 30, 2027. The insurance commissioner shall report any additional federal funds under this section to the office of management and budget and the legislative council.

SECTION 5. AMENDMENT. Subsection 8 of section 10-04-10 of the North Dakota Century Code is amended and reenacted as follows:

8. Fees. The fee, which must accompany the application, for registration, transfer, or notice filing, and for each annual renewal thereof is:

a. For each broker-dealer

~~\$200.00~~\$240.00

b. For each agent

~~\$60.00~~\$75.00

c. For each investment adviser or federal covered adviser

~~\$100.00~~\$120.00

d. For each investment adviser representative

~~\$50.00~~\$60.00

An application to register as a broker-dealer, agent, investment adviser, or investment adviser representative may, with the consent of the commissioner, be withdrawn upon written application.

SECTION 6. AMENDMENT. Section 26.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

26.1-01-09. Salary of commissioner.

The annual salary of the commissioner is one hundred ~~thirty thousand dollars through June 30, 2024, and one hundred thirty five thousand two hundred dollars~~thirty-nine thousand two hundred fifty-six dollars through June 30, 2026, and one hundred forty-three thousand four hundred thirty-four dollars thereafter.

SECTION 7. A new section to chapter 26.1-23.1 of the North Dakota Century Code is created and enacted as follows:

Government self-insurance pool - Report.

A government self-insurance pool organized under this chapter shall provide a report to the legislative management by September thirtieth of each even-numbered year. The report must include information on activities of the pool, including the claims activity, claims payment history, balances, a history of complaints, and executive staff and board compensation.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 11

HOUSE BILL NO. 1012

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of various divisions of the department of health and human services; to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to an extraordinary medical needs housing loan fund; to amend and reenact sections 50-06-06.6, 50-06-42, 50-24.5-02.3, and 50-33-05, and subsection 1 of 50-36-03 of the North Dakota Century Code and subsection 6 of the new section to chapter 54-07 of the North Dakota Century Code created in section 1 of Senate Bill No. 2176, as approved by the sixty-ninth legislative assembly, relating to leases of department of health and human services property, substance use disorder treatment program, basic care payment rates, state of residence for child care assistance, opioid settlement advisory committee, and children's cabinet; to provide for a transfer; to authorize a line of credit; to provide legislative intent; to provide for a legislative management study; to provide an application; to provide an exemption; to provide for a report; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the department of health and human services for the purpose of defraying the expenses of its various divisions, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

Subdivision 1.

SALARIES AND WAGES BLOCK GRANT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages block grant	\$0	\$611,513,737	\$611,513,737
Total all funds	0	611,513,737	611,513,737
Less other funds	0	291,449,112	291,449,112
Total general fund	\$0	\$320,064,625	\$320,064,625

Subdivision 2.

BUSINESS OPERATIONS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$25,763,358	(\$25,763,358)	\$0
Operating expenses	155,308,399	(77,023,770)	78,284,629
Capital assets	108,934	(108,934)	0
Grants	11,812,627	6,966,375	18,779,002
Total all funds	\$192,993,318	(\$95,929,687)	\$97,063,631
Less other funds	118,894,310	(71,526,221)	47,368,089
Total general fund	\$74,099,008	(\$24,403,466)	\$49,695,542

Subdivision 3.

BEHAVIORAL HEALTH

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$8,792,675	(\$8,792,675)	\$0
Operating expenses	79,381,458	23,888,138	103,269,596
Grants	40,476,298	18,639,322	59,115,620
Behavioral health clinics	196,383,945	(139,346,713)	57,037,232
State hospital	94,826,973	(73,946,818)	20,880,155
Opioid addiction prevention	<u>2,000,000</u>	<u>6,000,000</u>	<u>8,000,000</u>
Total all funds	\$421,861,349	(\$173,558,746)	\$248,302,603
Less other funds	<u>113,955,941</u>	<u>(42,100,463)</u>	<u>71,855,478</u>
Total general fund	\$307,905,408	(\$131,458,283)	\$176,447,125

Subdivision 4.

HUMAN SERVICES

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$168,325,918	(\$168,325,918)	\$0
Operating expenses	88,885,469	114,503,276	203,388,745
Capital assets	10,000	0	10,000
Grants	621,189,007	68,720,524	689,909,531
Life skills and transition center	44,992,263	(32,284,605)	12,707,658
Grants - medical assistance	742,793,564	(2,344,921)	740,448,643
County social services	<u>197,663,661</u>	<u>6,928,621</u>	<u>204,592,282</u>
Total all funds	\$1,863,859,882	(\$12,803,023)	\$1,851,056,859
Less other funds	<u>1,240,409,529</u>	<u>(29,237,367)</u>	<u>1,211,172,162</u>
Total general fund	\$623,450,353	\$16,434,344	\$639,884,697

Subdivision 5.

MEDICAL SERVICES

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$21,008,344	(\$21,008,344)	\$0
Operating expenses	70,807,977	92,364,562	163,172,539
Grants	1,651,004	2,006,800	3,657,804
Grants - medical assistance	<u>2,682,778,803</u>	<u>(72,879,073)</u>	<u>2,609,899,730</u>
Total all funds	\$2,776,246,128	\$483,945	\$2,776,730,073
Less other funds	<u>1,818,029,530</u>	<u>(39,227,077)</u>	<u>1,778,802,453</u>
Total general fund	\$958,216,598	\$39,711,022	\$997,927,620

Subdivision 6.

PUBLIC HEALTH

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$60,415,388	(\$60,415,388)	\$0
Operating expenses	37,721,213	17,120,591	54,841,804
Capital assets	1,469,780	1,565,838	3,035,618
Grants	81,718,145	2,967,835	84,685,980

Tobacco prevention	13,063,162	(22,607)	13,040,555
Women, infants, and children food payments	19,900,000	1,100,000	21,000,000
Cares Act/COVID-19	<u>83,909,182</u>	<u>(58,871,210)</u>	<u>25,037,972</u>
Total all funds	\$298,196,870	(\$96,554,941)	\$201,641,929
Less other funds	<u>250,440,690</u>	<u>(81,142,870)</u>	<u>169,297,820</u>
Total general fund	\$47,756,180	(\$15,412,071)	\$32,344,109

Subdivision 7.

TOTAL - SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total all funds	\$5,553,157,547	\$233,151,285	\$5,786,308,832
Grand total other funds	<u>3,541,730,000</u>	<u>28,215,114</u>	<u>3,569,945,114</u>
Grand total general fund	\$2,011,427,547	\$204,936,171	\$2,216,363,718
Full-time equivalent positions	2,483.83	204.52	2,688.35

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Technology projects	\$0	\$4,826,930	\$4,826,930
Human service centers and life skills and transition center projects	0	1,684,480	1,684,480
Retire mainframe	0	15,000,000	15,000,000
Child care programs	11,772,500	0	11,772,500
Housing programs	0	1,000,000	1,000,000
State laboratory move and equipment	0	2,962,304	2,962,304
Partial hospitalization day treatment	0	2,000,000	2,000,000
Developmental disabilities eligibility assessment tool for kids	200,000	200,000	400,000
Toxicology equipment	151,500	100,000	251,500
Behavioral health facility grant	0	12,960,000	12,960,000
Cultural community center grant	0	300,000	300,000
Intermediate care facility grant	0	4,400,000	4,400,000
Juvenile justice diversion services	0	750,000	750,000
Critical access hospital networking	0	2,000,000	2,000,000
Basic care daily rate increase	2,619,004	2,922,236	5,541,240
Infant and toddler care provider support	11,000,000	0	11,000,000
Child welfare technology project line of credit	0	8,411,218	8,411,218
Medical housing for individuals with extraordinary medical needs	<u>200,000</u>	<u>0</u>	<u>200,000</u>
Northwest behavioral health facility grant	1,500,000	0	1,500,000
Guardianship funding	3,266,177	0	3,266,177
Waterford upstart funding	1,500,000	0	1,500,000
Fetal alcohol spectrum disorder clinic	<u>350,000</u>	<u>0</u>	<u>350,000</u>
Total	\$32,559,181	\$59,517,168	\$92,076,349

SECTION 3. FUNDING TRANSFERS - EXEMPTION - AUTHORIZATION - REPORT. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority between line items within subdivisions 1, 2, 3, 4, 5, and 6 of section 1 of this Act and any other appropriation authority for the department of health and human services approved by the sixty-ninth legislative assembly, for the biennium beginning July 1, 2025, and ending June 30, 2027, as requested by the department of health and human services. The department of health and human services shall notify the legislative council of any transfer made pursuant to this section. The department of health and human services shall report to the budget section after June 30, 2026, any transfer made in excess of \$50,000 and to the appropriations committees of the seventieth legislative assembly regarding any transfers made pursuant to this section.

SECTION 4. FULL-TIME EQUIVALENT POSITION BLOCK GRANT PROGRAM - REPORT. Section 1 of this Act includes funding for a full-time equivalent position block grant program. This funding as approved by the sixty-ninth legislative assembly is available for defraying the expense of full-time equivalent positions as determined by the department of health and human services. Notwithstanding any other provision of law, the department is authorized to increase or decrease authorized full-time equivalent positions subject to the availability of funds and the provisions of this section. The department of health and human services may not increase full-time equivalent positions for the purpose of transferring human service zone employees to state employment. Pursuant to section 3 of this Act, the department is authorized to transfer appropriation authority of up to the underfunded amount of \$14,771,038 to the salaries and wages block grant line item. The department of health and human services shall report to the office of management and budget and the legislative council any adjustments to full-time equivalent positions.

SECTION 5. DEPARTMENT OF HEALTH AND HUMAN SERVICES - SALARIES AND WAGES BLOCK GRANT - VACANT POSITIONS - REPORT. The department of health and human services shall report to the budget section quarterly during the 2025-26 interim regarding the status of its salaries and wages block grant and vacant positions and employee turnover. The report must include:

1. The legislative appropriation for salaries and wages allocated by the department to major department programs by funding source and the number of full-time equivalent positions the department is allocating to each major program based on the legislative appropriation;
2. Any changes to salaries and wages funding or full-time equivalent positions allocated to major department programs;
3. Any new full-time equivalent positions added, the cost of the position for the remainder of the biennium, and the cost to continue funding the position in the subsequent biennium by funding source;
4. Any full-time equivalent positions removed and related funding;
5. The number of full-time equivalent positions that become vacant and the number filled each month;
6. The number of vacant full-time equivalent positions at the end of each month;
7. Salaries and wages savings resulting from vacant positions and employee turnover each month by funding source; and

8. The use of salaries and wages savings for other purposes for each month by funding source.

SECTION 6. BEHAVIORAL HEALTH FACILITY GRANT - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - APPLICATION.

1. Section 1 of this Act includes the sum of \$12,960,000 from the strategic investment and improvements fund for a behavioral health facility grant pursuant to this section.
2. A grant of \$12,960,000 must be provided to establish a behavioral health facility in the northeast human service region. The grant recipient must provide matching funds of \$3,240,000 to establish the facility.
3. The department shall require an entity receiving funding under this section to operate the facility for at least ten years and require the grant amount to be repaid if the entity does not operate the facility for at least ten years.
4. The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this section.

SECTION 7. APPROPRIATION - OFFICE OF GUARDIANSHIP AND CONSERVATORSHIP. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,266,178, or so much of the sum as may be necessary, to the office of guardianship and conservatorship, for the biennium beginning July 1, 2025, and ending June 30, 2027, for the purpose of providing guardianship services after March 30, 2026.

SECTION 8. TRANSFER - OFFICE OF GUARDIANSHIP AND CONSERVATORSHIP. Section 1 of this Act includes the sum of \$3,266,177 from the general fund for guardianship programs. On April 1, 2026, the office of management and budget shall transfer any unspent appropriation authority for guardianship programs from the department of health and human services to the office of guardianship and conservatorship, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 9. INFANT AND TODDLER CARE PROVIDER SUPPORT DIRECT PAYMENT - ONE-TIME FUNDING - REPORT. Section 1 of this Act includes the sum of \$11,000,000 of one-time funding from the general fund for direct payments to licensed child care providers to support high-quality early childhood care for infants and toddlers. The department shall administer the direct payment program and include the following provisions:

1. To qualify for a direct payment under this section, a direct payment recipient may not be currently receiving a child care assistance program infant/toddler bonus payment and must:
 - a. Be a licensed child care facility within the state of North Dakota;
 - b. Be enrolled in the state's bright and early quality rating system at a two-star, three-star, or four-star rating level; and
 - c. Provide care for children from birth through three years of age.

2. Eligible providers may receive up to \$200 per month for each child from birth through seventeen months of age and up to \$115 per month for each child from eighteen through thirty-six months of age.
3. The department shall distribute the direct payments on a quarterly basis. Direct payments may not be used for non-child care-related expenses or debt repayment.
4. Direct payment recipients shall submit annual reports to the department detailing fund usage, enrollment statistics, and other information requested by the department.
5. The department shall provide reports to the legislative management and to the appropriations committees of the seventieth legislative assembly on direct payments and the effectiveness of the program.

SECTION 10. INTERMEDIATE CARE FACILITY MEDICALLY AND BEHAVIORALLY COMPLEX SERVICES GRANT - ONE-TIME FUNDING - APPLICATION. Section 1 of this Act includes the sum of \$4,400,000 of one-time funding from the community health trust fund for providing a one-time grant to a licensed intermediate care facility in the south central human service region for providing services to children or young adults with medically and behaviorally complex conditions. To be eligible to receive the grant under this section, a licensed intermediate care facility must provide early intervention, clinical, and residential services, provide community and home support, education, recreation and leisure activities, and assistive technology; and provide services in at least eight communities for individuals with intellectual or developmental disabilities. The grant funds awarded may be used only for the costs of providing services to children and young adults with medically and behaviorally complex conditions. The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this section.

SECTION 11. SPECIAL HEALTH CARE NEEDS GRANT - APPLICATION. Section 1 of this Act includes the sum of \$100,000 from the general fund for providing a grant to a provider in the south central human service region for statewide education, information, training, and peer support to families with children with special health care needs, medically complex conditions, or a disability. The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this section.

SECTION 12. CRISIS SERVICES GRANTS - APPLICATION. Section 1 of this Act includes the sum of \$585,000 from the general fund for providing crisis services grants, including the sum of \$300,000 for crisis organizations that provide crisis services to young adults who are at risk of being homeless or experiencing other serious adverse life events and the sum of \$285,000 to a volunteer-based ecumenical ministry organization. The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this section.

SECTION 13. MEDICAL HOUSING FOR INDIVIDUALS WITH EXTRAORDINARY MEDICAL NEEDS - ONE-TIME FUNDING.

1. Section 1 of this Act includes the sum of \$200,000 from the general fund for the preliminary design consultation and project administration of developing housing for individuals with disabilities that have extraordinary medical needs and for rent subsidies for individuals residing in these housing facilities, for the biennium beginning July 1, 2025, and ending June 30, 2027.

2. The department of health and human services shall collaborate with the North Dakota housing finance agency, individuals with disabilities, caregivers, and families to solicit proposals for the development of accessible housing for individuals with disabilities that have extraordinary medical needs, for the biennium beginning July 1, 2025, and ending June 30, 2027. The department shall solicit proposals from public entities, for-profit organizations, and nonprofit organizations to design, construct, maintain, and operate the housing facility. Proposals must:
 - a. Ensure that services in the facility may be provided separately from the facility ownership interests;
 - b. Ensure that individuals residing in the facility may choose among independent living service providers; and
 - c. Comply with the federal home and community-based settings rules as defined under 42 CFR 441.301(c)(4).

SECTION 14. BEHAVIORAL HEALTH FACILITY GRANT - GENERAL FUND - ONE-TIME FUNDING - APPLICATION. Section 1 of this Act includes the sum of \$1,500,000 appropriated from the general fund and section 29 of this Act continues unexpended appropriation authority of up to \$1,950,000 appropriated from the general fund in chapter 44 of the 2023 Session Laws to provide a total of \$3,450,000 for the purpose of providing a one-time behavioral health facility grant to establish a behavioral health facility in the northwest human service center region, for the biennium beginning July 1, 2025, and ending June 30, 2027. The department of health and human services shall include the following provisions relating to the grant award.

1. The grant recipient must provide matching funds of at least \$1,750,000 to establish the facility.
2. The department shall require an entity receiving a grant under this section to operate the facility for at least ten years and require the grant amount to be repaid if the entity does not operate the facility for at least ten years.
3. To continue to receive the grant, the behavioral health facility grant recipient must:
 - a. Enter a grant agreement or amendment or both with the department;
 - b. Provide and disclose information needed to comply with the department's data collection requirements; and
 - c. Operate in compliance with grant requirements.
4. The department may recapture grant funds distributed to a grant recipient found by the department to be out of compliance with the requirements established for the grant program.
5. The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this section.

SECTION 15. COMMUNITY CULTURAL CENTER GRANT - COMMUNITY HEALTH TRUST FUND - APPLICATION. Section 1 of this Act includes the sum of \$300,000 from the community health trust fund for the purpose of providing a

one-time community cultural center programming grant in the west central human service region. An entity may apply for a grant under this section if the entity certifies to the department the funds will be used for programs within the community cultural center. The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this section.

SECTION 16. JUVENILE JUSTICE DIVERSION SERVICES AND PROGRAMS - TASK FORCE - REPORT. Section 1 of this Act includes the sum of \$750,000 of one-time funding from the human services finance fund for juvenile justice diversion services and programs. The department of health and human services must use the funding for services to youth at risk of juvenile justice involvement but who have not committed delinquent acts as defined in chapter 27-20.4. The department shall establish a task force with representation from divisions in the department, human service zones, the department of public instruction, elementary and secondary schools, and members of the legislative assembly, to review juvenile justice diversion services and program. The department shall report its findings and recommendations to the legislative management and children's cabinet.

SECTION 17. OTHER FUNDS - INSURANCE TAX DISTRIBUTION FUND. The other funds line item in subdivision 5 of section 1 of this Act includes the sum of \$1,125,000 from the insurance tax distribution fund for rural emergency medical services grants.

SECTION 18. OTHER FUNDS - COMMUNITY HEALTH TRUST FUND. The other funds line items in section 1 of this Act includes the sum of \$41,009,522 from the community health trust fund for the following purposes:

Loan repayment programs	\$594,500
Tobacco prevention and control grants to local public health units	6,250,000
Tobacco prevention and control	4,549,698
Tobacco cessation grants	500,000
Youth vaping prevention grants	300,000
Cancer and women's way programs	909,824
Behavior risk state survey	200,000
Intermediate care facility grant	4,400,000
Domestic violence programs	4,250,000
Local public health grants	3,275,000
988 crisis hotline	1,867,500
Various information technology system upgrades	1,335,000
Grants to rural ambulances	7,000,000
Law enforcement rural crisis support program	1,000,000
Development of partial hospitalization/intensive day treatment	2,000,000
Critical access hospital networking	2,000,000
Forensic examiner electronic records	278,000
Cultural center programming	<u>300,000</u>
Total	\$41,009,522

SECTION 19. OTHER FUNDS - HUMAN SERVICE FINANCE FUND. The other funds line items in section 1 of this Act includes the sum of \$242,862,030 from the human service finance fund for state-paid economic assistance and social and human services.

SECTION 20. OTHER FUNDS - OPIOID SETTLEMENT FUND. The other funds line item in section 1 of this Act includes the sum of \$8,000,000 from the opioid settlement fund for opioid remediation and abatement efforts.

SECTION 21. OTHER FUNDS - CHARITABLE GAMING OPERATING FUND.

The other funds line item in section 1 of this Act includes the sum of \$1,900,000 from the charitable gaming operating fund for domestic and sexual violence prevention.

SECTION 22. OTHER FUNDS - HEALTH CARE TRUST FUND. The other funds line item in section 1 of this Act includes the sum of \$1,448,052 from the health care trust fund for the additional daily rate increase for basic care.

SECTION 23. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The other funds line items in section 1 of this Act includes the sum of \$22,106,784 from the strategic investment and improvements fund for the following purposes:

Retiring technology from the mainframe	\$2,500,000
New state laboratory move-in costs and security equipment purchases	2,962,304
Capital projects in certified community behavioral health clinics and life skills and transition center	1,684,480
Housing initiative programs	1,000,000
Technology projects at the state hospital	1,000,000
Behavioral health facility grant	12,960,000
Total	\$22,106,784

SECTION 24. OTHER FUNDS - BANK OF NORTH DAKOTA LINE OF CREDIT - CHILD WELFARE TECHNOLOGY PROJECT. The other funds line item in subdivision 2 of section 1 of this Act includes the sum of \$8,411,218 from a Bank of North Dakota line of credit. The department of health and human services may borrow up to \$8,411,218 through a line of credit from the Bank of North Dakota during the biennium beginning July 1, 2025, and ending June 30, 2027, for costs associated with a child welfare technology project. The interest rate on the line of credit may not exceed the prevailing interest rate charged to North Dakota governmental entities. If the department accesses the line of credit, it shall request a deficiency appropriation from the seventieth legislative assembly to repay the line of credit.

SECTION 25. LABORATORY BUILDING STEERING COMMITTEE. The department of health and human services shall maintain the laboratory building steering committee to oversee the design and construction of the laboratory building project, for the biennium beginning July 1, 2025, and ending June 30, 2027, or until work is completed, whichever occurs earlier. The committee must include representation from the department of health and human services, department of environmental quality, the office of management and budget, the governor's office, and the legislative assembly. The legislative assembly representation must include one member of the senate appointed by the senate majority leader, one member of the house appointed by the house majority leader, and one member of the minority party from either the senate or the house appointed by the minority leaders of the senate and the house.

SECTION 26. CAPITAL PAYMENTS. During the biennium beginning July 1, 2025, and ending June 30, 2027, the department of health and human services is authorized to expend funds for the payment of special assessments at the state hospital, southeast human service center, and life skills and transition center. Pursuant to section 3 of this Act, the director of the office of management and budget may transfer appropriation authority between line items within section 1 of this Act and any remaining appropriation authority for the department of health and human services approved by the sixty-ninth legislative assembly. The department of health and human services may transfer funds for the payment of special assessments at the state hospital, southeast human service center, and life skills and transition center

ahead of the special needs assessments schedule. Notwithstanding section 54-27-12, the department of health and human services may spend funds for the payment of special assessments at the state hospital and life skills and transition center.

SECTION 27. CAPITAL PROJECTS - EMERGENCY COMMISSION AND BUDGET SECTION APPROVAL. During the biennium beginning July 1, 2025, and ending June 30, 2027, pursuant to section 3 of this Act, the director of the office of management and budget may transfer appropriation authority between line items within section 1 of this Act and any remaining appropriation authority for the department of health and human services approved by the sixty-ninth legislative assembly for capital projects and maintenance pertaining to operation of its facilities, including demolition projects. Notwithstanding section 54-27-12, the department of health and human services may spend up to \$10,000,000 for capital projects and maintenance pertaining to operation of its facilities, including demolition projects, under this section and may seek emergency commission and budget section approval to spend more than \$10,000,000 under this section.

SECTION 28. PERMANENT SUPPORTIVE HOUSING GRANTS. Section 1 of this Act includes the sum of \$4,672,536 from the general fund for permanent supportive housing grants. The department of health and human services shall develop a funding methodology to distribute the funding to qualified entities that utilize best practices for permanent supportive housing, provide recovery-oriented and person-centered services, submit process and outcome measures to the department of health and human services, and authorize the department of health and human services to conduct onsite visits to review program operations.

SECTION 29. EXPENDITURES MAY NOT EXCEED APPROPRIATION - MEDICAL ASSISTANCE EXPANSION PROGRAM - APPLICATION.

1. Section 1 of this Act includes the sum of \$662,099,340, of which \$66,209,934 is from the general fund, for the medical assistance expansion program, for the biennium beginning July 1, 2025, and ending June 30, 2027. The expenditures for individuals eligible for the medical assistance expansion program may not exceed this amount.
2. The department of health and human services may exceed appropriations for increases in medical assistance expansion program caseload, for the addition of coverage consistent with the traditional Medicaid 1915(i) state plan, utilization rates, and reduction in federal medical assistance percentage.
3. The managed care organization under contract with the department of health and human services to manage the medical assistance expansion program shall reimburse providers within the same provider type and specialty at consistent levels and with consistent methodology and may not provide incentive, quality, or supplemental payments to providers, unless part of a value-based program approved by the department of health and human services. The managed care organization shall reimburse all North Dakota substance use providers of American society of addiction medicine level 2.5 at consistent levels and with consistent methodology. The managed care organization may consider urban and rural providers as different provider types.
4. The managed care organization and the department of health and human services shall ensure payments to Indian or Tribal 638 health care providers, federally qualified health centers, and rural health clinics meet the federally required minimum levels of reimbursement. Critical access hospitals may not

be paid less than one hundred percent of Medicare allowable costs and human service centers may not be paid less than one hundred percent of the current traditional Medicaid rate. Behavioral health services involving partial hospitalization, intensive outpatient, professional services, and residential behavioral health services provided in facilities that are not institutions for mental diseases are not subject to the provisions in subsection 6.

5. The department of health and human services shall ensure providers within the same provider type and specialty are reimbursed at consistent levels and with consistent methodology and shall ensure the capitation rates under risk contracts are actuarially sound and are adequate to meet managed care organization contractual requirements regarding availability of services, assurance or adequate capacity and services, and coordination and continuity of care.
6. Except for the provisions in subsection 4, managed care organization premium payments must be built using the assumption that rates paid to providers under the medical assistance expansion program may not exceed one hundred forty-five percent of Medicare reimbursement rates paid to providers on January 1, 2025.

SECTION 30. HUMAN SERVICE CENTERS - CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS - FULL-TIME EQUIVALENT POSITIONS - REPORT. The department of health and human services shall continue the process of the human service centers becoming a certified community behavioral health clinic to provide continuous community-based behavioral health services for children and adults. The department of health and human services shall pursue additional federal funding as available. Subject to the availability of generated income, the department of health and human services may add full-time equivalent positions for the clinics to provide direct services for the period beginning with the effective date of this Act and ending June 30, 2027. The department of health and human services shall report to the office of management and budget and the legislative council each time a position is added.

SECTION 31. INTERMEDIATE CARE FACILITY MORATORIUM. The department of health and human services may not add any new licensed intermediate care facility for individuals with intellectual disabilities beds to the state's licensed bed capacity between July 1, 2025, and June 30, 2027.

SECTION 32. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and any unexpended appropriation authority may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The sum of \$3,674,757 appropriated from the general fund and the sum of \$25,918,566 appropriated from federal funds for the Medicaid management information system modularization technology project in chapter 12 of the 2021 Session Laws;
2. The sum of \$6,000,000 appropriated from the general fund and the sum of \$14,411,218 appropriated from federal funds for the child welfare technology project in chapter 12 of the 2021 Session Laws;
3. The sum of \$20,366,271 appropriated from the community health trust fund and the sum of \$39,534,525 appropriated from federal funds for the child support computer replacement project in chapter 44 of the 2023 Session Laws;

4. The sum of \$10,989,217 appropriated from the strategic investment and improvements fund for the procurement and grants management system in chapter 44 of the 2023 Session Laws;
5. The sum of \$4,150,000 appropriated from the general fund for defraying the expenses of additional human service centers to begin the process of becoming a certified community behavioral health clinic to provide continuous community-based behavioral health services for children and adults in chapter 44 of the 2023 Session Laws;
6. The sum of \$18,941,847 appropriated to the department of health and human services in chapter 549 of the 2021 Special Session Session Laws;
7. The sum of \$55,120,000 appropriated from the federal state fiscal recovery fund for a public health laboratory capital project in chapter 4 of the 2023 Session Laws;
8. The sum of \$2,200,000 appropriated from the general fund for the purpose of employer-led child care cost-share program in chapter 446 of the 2023 Session Laws;
9. The sum of \$986,555 appropriated from the general fund for the purpose of streamlining background checks project in chapter 446 of the 2023 Session Laws;
10. The sum of \$1,000,000 appropriated from the federal state fiscal recovery fund for the implementation of a virtual behavioral health crisis care program for rural law enforcement in chapter 44 of the 2023 Session Laws;
11. The sum of \$500,000 appropriated from the general fund and the sum of \$500,000 appropriated from federal funds for the purpose of program integrity audits in chapter 44 of the 2023 Session Laws; and
12. The sum of \$1,950,000 appropriated from the general fund to the department of health and human services for a northwest human service region behavioral health facility grant in chapter 44 of the 2023 Session Laws.

SECTION 33. LEGISLATIVE INTENT - UTILIZATION RATE ADJUSTMENT. It is the intent of the sixty-ninth legislative assembly that the department of health and human services seek a deficiency appropriation from the seventieth legislative assembly for any expenditures that exceed appropriated amounts as a result of underfunding, utilization rates, value-based purchasing for nursing facilities, reduction in federal medical assistance percentage, and unexpected contract cost increases that exceed ten percent, during the biennium beginning July 1, 2025, and ending June 30, 2027, if funding is not sufficient to pay actual expenses.

SECTION 34. LEGISLATIVE INTENT - PROVIDER RATE INCREASE. Except as otherwise noted, section 1 of this Act includes funding for human service provider inflation increases of two percent for each year of the biennium beginning July 1, 2025, and ending June 30, 2027. The provider inflation increase in this section does not apply to nursing facilities.

SECTION 35. FEDERAL FUNDING APPEAL LIMITATION. Except as otherwise specifically provided by federal law, a person may not appeal a denial, revocation, reduction in services or payment, or the termination of a program or service by the department of health and human services due to the unavailability of federal

coronavirus funding received under federal law resulting from the federal coronavirus pandemic emergency declarations, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 36. DEPARTMENT OF HEALTH AND HUMAN SERVICES - LONG-TERM STRUCTURED RESIDENCES PLAN - REPORT. During the 2025-26 interim, the department of health and human services shall review options and develop a plan to establish long-term structured residences. The department shall review necessary changes to statutes, rules, policies, and the estimated fiscal impact of establishing the residences. A long-term structured residence must be a highly structured therapeutic residential mental health treatment facility that is staffed continuously and designed to treat adults under chapters 12.1-04.1 and 25-03.1 who have severe and persistent mental illness and who have reached the maximum benefit from the mental health resources available elsewhere in the community or hospital. The department shall present a report to the legislative management by October 1, 2026, regarding its plan to establish long-term structured residences.

SECTION 37. AMENDMENT. A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

Extraordinary medical needs housing loan fund - Continuing appropriation.

1. The Bank of North Dakota shall administer a loan program to provide loans for new construction projects to provide housing for individuals with disabilities that have extraordinary medical needs. A construction project may include a land purchase and the construction costs of the project. The applicant must comply with project requirements as approved by the department of health and human services and the North Dakota housing finance agency.
2. The extraordinary medical needs housing loan fund is a special fund maintained in the state treasury from which the Bank shall provide loans under this section. The fund consists of revenues transferred under legislative authorization, interest upon moneys in the fund, and collections of interest and principal on loans made from the fund. All moneys in the fund are appropriated on a continuing basis to the Bank for the purpose of providing loans under this section.
3. The developer of the housing facility for individuals with disabilities that have extraordinary medical needs may submit an application to the Bank for a loan. The application must:
 - a. Provide detail on the proposed construction project and its compliance with the department of health and human services and the North Dakota housing finance agency requirements;
 - b. Demonstrate the need and long-term viability of the project; and
 - c. Include financial information the Bank determines appropriate to verify eligibility.
4. A loan approved under this section:
 - a. May not exceed three million three hundred thousand dollars for a project;
 - b. Must have an interest rate that does not exceed two percent; and
 - c. Must have a repayment schedule of no longer than twenty years.

5. A recipient of a loan under this section shall complete the financed construction project within twenty-four months of the approval of the loan. Failure to comply with this subsection may result in forfeiture of the entire loan received under this section.
6. The Bank shall deposit in the fund all principal and interest paid on the loans made from the fund. The Bank may deduct from interest payments a service fee for costs of administering the loan program. The fund must be audited annually pursuant to section 6-09-29 and the cost of the audit and any other actual costs incurred by the Bank on behalf of the fund must be paid from the fund.

SECTION 38. AMENDMENT. Section 50-06-06.6 of the North Dakota Century Code is amended and reenacted as follows:

50-06-06.6. Department may lease real and personal property.

The commissioner of the department or commissioner's designee may lease ~~surplus farm and pastureland at the state hospital and the life skills and transition center. The commissioner or designee also may enter into further leases of real or personal property at the life skills and transition center or the state hospital upon a specific finding that the granting of each such leasehold interest will result in a net economic gain for the department, taking into account all identifiable costs. Any lease of space for the purpose of providing child care services must meet requirements as determined by the department. The commissioner of the department or commissioner's designee may prescribe the terms and conditions of any leases entered into pursuant to this section and may renew existing leases. Any~~ The term of any lease entered into must be subject to renewal or cancelable each biennium may not exceed ninety-nine years.

1 SECTION 39. AMENDMENT. Section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows:

50-06-42. Substance use disorder treatment voucher system.

1. The department shall establish and administer, within the limits of legislative appropriations, a voucher system to address underserved areas and gaps in the state's substance abuse treatment system and to assist in the payment of addiction treatment services and medical costs provided by licensed substance abuse treatment programs, excluding regional human service centers and hospital- or medical clinic-based programs for medical management of withdrawal. An out-of-state licensed substance abuse treatment program located within a bordering state may participate in the voucher program to serve an underserved area of this state pursuant to the rules adopted by the department. The department shall develop rules to include processes and requirements for an out-of-state provider to receive reimbursement only for outpatient and community-based services upon a provider completing an assessment of need and receiving approval from the department.
2. Services eligible for the voucher program include only those levels of care recognized by the American society of addiction medicine, with particular emphasis given to underserved areas and programs. The department shall

¹ Section 50-06-42 was also amended by section 29 of Senate Bill No. 2113, chapter 441.

ensure that a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers collects and reports process and outcome measures.

3. The department shall develop requirements and provide training and technical assistance to a licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers. A licensed substance abuse treatment program, hospital, and medical clinic program accepting vouchers shall provide evidence-based services.
4. The department shall allocate funding appropriated for the substance use disorder treatment voucher as follows:
 - a. ~~No~~Except as provided in subdivisions c and d, no more than ~~forty-five~~fifty percent of the appropriated amount may be allocated for residential substance use disorder services administered by licensed substance abuse treatment programs with more than sixteen beds.
 - b. The remaining appropriation must be allocated for residential programs with sixteen or fewer beds, nonresidential outpatient, and ancillary substance use disorder services administered by licensed substance abuse treatment programs.
 - c. The department, during the last quarter of the biennium, may reallocate projected unused funds that were allocated under subdivision b to residential facilities outlined in subdivision a.
 - d. The department may reimburse a licensed substance abuse treatment program with more than sixteen beds the incurred direct medical costs of an eligible individual who does not have resources to cover the medical costs. The department may develop rules and may not exceed the total amount appropriated for medical cost reimbursement.

SECTION 40. AMENDMENT. Section 50-24.5-02.3 of the North Dakota Century Code is amended and reenacted as follows:

50-24.5-02.3. Basic care payment rates.

1. The department shall determine limits for the care of residents of basic care facilities that qualify as vendors of an aged, blind, and disabled persons program and for implementing provisions of this chapter based on data demonstrating the most recent costs that must be incurred for the care of residents in efficiently and economically operated basic care facilities. The department shall determine the limits every four years by July first, beginning with July 1, 2023.
2. The department shall establish the limits by using the median rates from the most recent data available. The direct care limit must be the median plus eighteen percent. The indirect care limit must be the median plus twelve percent.
3. For the rate year beginning July 1, 2023, the department shall increase rates and limits three and one-half percent for inflation. For the rate year beginning July 1, 2024, the department shall increase rates and limits three and one-half percent for inflation.

4. The department shall provide a rate increase in the amount of five dollars per day for the period beginning July 1, 2023, and ending June 30, ~~2025~~2027, after which the increase is not effective. This rate increase may not be included in any calculation of inflation increase.
5. Within the limits of legislative appropriations, the department shall establish an uncompensated care expense of three hundred sixty-five days.

SECTION 41. AMENDMENT. Section 50-33-05 of the North Dakota Century Code is amended and reenacted as follows:

50-33-05. State of residence.

Only child care assistance units physically residing within the boundaries of the state are eligible for child care assistance, unless the individual is employed by an early childhood program within the boundaries of the state and the individual has been approved for the state's child care assistance child care workforce benefit.

SECTION 42. AMENDMENT. Subsection 1 of section 50-36-03 of the North Dakota Century Code is amended and reenacted as follows:

1. The committee is composed of:
 - a. One member of the North Dakota association of counties appointed by the chairman of the legislative management, who shall serve a term of two years.
 - b. One member of the North Dakota league of cities appointed by the chairman of the legislative management, who shall serve a term of two years.
 - c. One member of the North Dakota state association of city and county health officials appointed by the chairman of the legislative management, who shall serve a term of two years.
 - d. One member who represents the highway patrol appointed by the highway patrol superintendent, who shall serve a term of two years.
 - e. The executive director of the department's division of behavioral health.
 - f. ~~The managing director of the office of recovery reinvented~~ One member in recovery appointed by the governor.
 - g. One member appointed by the governor who shall serve as a nonvoting member and as the presiding officer of the committee, who shall serve a term of two years.

² **SECTION 43. AMENDMENT.** Subsection 6 of the new section to chapter 54-07 of the North Dakota Century Code, as created by section 1 of Senate Bill No. 2176, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

² Section 54-07-13 was created by section 1 of Senate Bill No. 2176, chapter 480.

6. a. The office of the governor shall provide staffing and administrative services for the children's cabinet and coordinate with other designated working groups on children and family issues.
- b. The governor or the governor's designee serving on the cabinet may appoint a representative to serve in that official's capacity at a meeting if the governor or governor's designee is unable to attend.

SECTION 44. HOUSING AVAILABILITY ASSESSMENT - COLLABORATION WITH HOUSING FINANCE AGENCY. The department of health and human services shall collaborate with the North Dakota housing finance agency and other appropriate stakeholders to assess the availability of housing for individuals requiring extraordinary health care support services, for the biennium beginning July 1, 2025, and ending June 30, 2027. Based on the results of the assessment, if necessary, the department shall develop a plan to expand access to housing providing the least restrictive environment for individuals requiring extraordinary health care support services.

SECTION 45. BEHAVIORAL HEALTH CLINICS, NORTH DAKOTA STATE HOSPITAL, AND LIFE SKILLS AND TRANSITION CENTER FUNDING. Section 1 of this Act includes funding for the behavioral health clinics, North Dakota state hospital, and life skills and transition center as follows:

1. Behavioral health clinics:

a. Salaries and wages	\$174,911,640
b. Operating and capital	<u>57,037,232</u>
c. Total	\$231,948,872
2. State hospital:

a. Salaries and wages	\$68,999,503
b. Operating and capital	<u>20,880,155</u>
c. Total	\$89,879,658
3. Life skills and transition center:

a. Salaries and wages	\$55,639,421
b. Operating and capital	<u>12,707,658</u>
c. Total	\$68,347,079

SECTION 46. LEGISLATIVE MANAGEMENT STUDY - STUDENT TRUANCY AND ABSENTEEISM. The legislative management shall consider studying, during the 2025-26 interim, truancy and student absenteeism in kindergarten through grade twelve public schools. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement its recommendations, to the seventieth legislative assembly.

SECTION 47. LEGISLATIVE MANAGEMENT STUDY - MATERNAL HEALTH SERVICES - ACCESS AND WORKFORCE.

1. During the 2025-26 interim, the legislative management shall consider studying access to maternal health services. The study must include:
 - a. Consideration of the availability of prenatal and childbirth services, including provider shortages and service use.

- b. Development of strategies to increase the number of obstetricians, family doctors, and midwives providing maternal health services in this state.
 - c. A review of coverage and reimbursement for doulas and midwives, including training and certification needs.
 - d. Consideration of insurance and public policy options to improve maternal health outcomes, including through the Medicaid program.
 - e. Input from health care providers, insurers, public health officials, and maternal health experts.
2. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement its recommendations, to the seventieth legislative assembly.

SECTION 48. LEGISLATIVE INTENT - LIFE SKILLS AND TRANSITION CENTER. It is the intent of the sixty-ninth legislative assembly that during the 2025-26 interim, the department of health and human services review the facilities and land at the life skills and transition center to identify the portions of the life skills and transition center campus that are necessary for delivery of services and the portions of the campus that could be conveyed to a local government or related public or not-for-profit community development entity to redevelop to optimize local community development goals and the successful operation of the life skills and transition center. It is further the intent of the legislative assembly that the department of health and human services present any request to convey any portions of the campus to the seventieth legislative assembly.

SECTION 49. DISABILITY SERVICE ACCREDITATION STUDY - LEGISLATIVE MANAGEMENT REPORT. During the 2025-26 interim, the department of health and human services shall study accreditation requirements and provider costs for serving individuals with intellectual and developmental disabilities, including the cost of accreditation relative to the cost of providing services and reimbursement. The department shall report its findings and recommendations, together with any legislation necessary to implement recommendations to the legislative management by September 1, 2026.

SECTION 50. VALUE-BASED CARE INCENTIVE PROGRAM - PAYMENT WITHHOLD FOR NURSING FACILITIES - COLLABORATION WITH NORTH DAKOTA LONG TERM CARE ASSOCIATION. During the 2025-26 interim, the department of health and human services, in collaboration with the North Dakota long term care association, shall develop a payment withhold structure for value-based payments to provide funding for the value-based care incentive program for nursing facilities. The department shall implement the payment withhold beginning July 1, 2027. The department may not implement a payment withhold before July 1, 2027.

SECTION 51. LEGISLATIVE MANAGEMENT STUDY- DISABILITY SERVICES.

1. During the 2025-26 interim, the legislative management shall consider a study of the efficiency, effectiveness, and outcomes of developmental disability services provided by the department of health and human services. The study must include:
 - a. A review of the approval process, an analysis of accountability measures, an assessment of gaps in services, and an evaluation of overall program management.

- b. An assessment of whether the department is effectively managing cases and complying with federal law in the provision of support and services to individuals with disabilities.
 - c. Input from advocates, clients from the disability community, zone directors, service providers, and health care providers who serve individuals with disabilities.
 - d. Collaboration with the cross-disability advisory council.
- 2. The legislative council may contract with a consultant with expertise in the provision of developmental disability services to assist in the study.
 - 3. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement its recommendations, to the seventieth legislative assembly.

SECTION 52. APPROPRIATION - COMMUNITY HEALTH TRUST FUND - LEGISLATIVE COUNCIL - DISABILITY SERVICES - ONE-TIME FUNDING. There is appropriated out of any moneys in the community health trust fund, not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to the legislative council for the purpose of contracting for consulting services for a disability services study, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation in this section is considered a one-time funding item.

SECTION 53. LEGISLATIVE INTENT - STATEWIDE DEMENTIA COORDINATION. It is the intent of the sixty-ninth legislative assembly that the department of health and human services address the statewide coordination of dementia services.

SECTION 54. LEGISLATIVE MANAGEMENT REPORT - BEHAVIORAL HEALTH FACILITY GRANTS. During the 2025-26 interim the department of health and human services shall provide reports to the budget section regarding the award of grant funding to increase the number of behavioral health beds in the state.

SECTION 55. EFFECTIVE DATE. Section 39 of this Act becomes effective on July 1, 2026.

SECTION 56. EFFECTIVE DATE. Section 9 of this Act becomes effective on January 1, 2026.

Approved May 16, 2025

Filed May 19, 2025

CHAPTER 12

HOUSE BILL NO. 1013

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of public instruction, the center for distance education, the state library, the school for the deaf, and North Dakota vision services - school for the blind; to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to the collection of free or reduced-price meal eligibility information; to amend and reenact sections 15.1-02-02 and 15.1-27-16 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction and administrative cost-sharing; to provide for a transfer; to provide a report; to provide an exemption; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the department of public instruction, the center for distance education, the state library, the school for the deaf, and North Dakota vision services - school for the blind for the purpose of defraying the expenses of those agencies, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

Subdivision 1.

DEPARTMENT OF PUBLIC INSTRUCTION

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$19,964,765	\$1,121,603	\$21,086,368
New and vacant FTE pool	0	695,495	695,495
Operating expenses	32,793,320	10,618,819	43,412,139
Integrated formula payments	2,299,674,851	114,602,852	2,414,277,703
Grants - special education	24,000,000	(2,000,000)	22,000,000
Grants - transportation	58,100,000	2,000,000	60,100,000
Grants - other grants	382,738,893	29,705,709	412,444,602
Grants - program grants	17,205,000	8,511,027	25,716,027
Grants - passthrough grants	3,569,000	1,166,000	4,735,000
PowerSchool	5,775,000	(5,775,000)	0
Student information systems	0	5,775,000	5,775,000
National board certification	<u>176,290</u>	<u>0</u>	<u>176,290</u>
Total all funds	\$2,843,997,119	\$166,421,505	\$3,010,418,624
Less other funds	<u>1,115,246,674</u>	<u>187,164,012</u>	<u>1,302,410,686</u>
Total general fund	\$1,728,750,445	(\$20,742,507)	\$1,708,007,938
Full-time equivalent positions	86.25	0.00	86.25

Subdivision 2.

CENTER FOR DISTANCE EDUCATION

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Center for distance education	\$11,613,483	\$3,066,477	\$14,679,960
New and vacant FTE pool	0	203,156	203,156
Total all funds	\$11,613,483	\$3,269,633	\$14,883,116
Less other funds	<u>4,550,000</u>	<u>2,074,000</u>	<u>6,624,000</u>
Total general fund	\$7,063,483	\$1,195,633	\$8,259,116
Full-time equivalent positions	30.80	0.20	31.00

Subdivision 3.

STATE LIBRARY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$4,615,731	\$500,120	\$5,115,851
New and vacant FTE pool	0	107,552	107,552
Operating expenses	2,282,298	707,777	2,990,075
Grants	<u>2,283,528</u>	0	<u>2,283,528</u>
Total all funds	\$9,181,557	\$1,315,449	\$10,497,006
Less other funds	<u>2,499,073</u>	<u>305,139</u>	<u>2,804,212</u>
Total general fund	\$6,682,484	\$1,010,310	\$7,692,794
Full-time equivalent positions	26.75	0.00	26.75

Subdivision 4.

SCHOOL FOR THE DEAF

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$9,283,599	\$735,225	\$10,018,824
New and vacant FTE pool	0	415,571	415,571
Operating expenses	1,705,586	320,839	2,026,425
Capital assets	<u>158,678</u>	<u>283,800</u>	<u>442,478</u>
Total all funds	\$11,147,863	\$1,755,435	\$12,903,298
Less other funds	<u>2,811,557</u>	<u>360,186</u>	<u>3,171,743</u>
Total general fund	\$8,336,306	\$1,395,249	\$9,731,555
Full-time equivalent positions	45.36	1.50	46.86

Subdivision 5.

NORTH DAKOTA VISION SERVICES - SCHOOL FOR THE BLIND

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$5,538,818	\$241,078	\$5,779,896
New and vacant FTE pool	0	259,436	259,436
Operating expenses	869,686	406,571	1,276,257
Capital assets	<u>39,192</u>	<u>230,808</u>	<u>270,000</u>
Total all funds	\$6,447,696	\$1,137,893	\$7,585,589
Less other funds	<u>1,206,705</u>	<u>534,239</u>	<u>1,740,944</u>
Total general fund	\$5,240,991	\$603,654	\$5,844,645
Full-time equivalent positions	27.75	1.00	28.75

Subdivision 6.

TOTAL - SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total all funds	\$2,882,387,718	\$173,899,915	\$3,056,287,633
Less grand total other funds	<u>1,126,314,009</u>	<u>190,437,576</u>	<u>1,316,751,585</u>
Grand total general fund	\$1,756,073,709	(\$16,537,661)	\$1,739,536,048

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in each entity's base budget for the 2027-29 biennium and which each entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total Funds</u>
Department of Public Instruction			
Teacher retention program	\$0	\$2,000,000	\$2,000,000
School board training	0	1,500,000	1,500,000
Early learning program	0	1,500,000	1,500,000
Centers of excellence	0	1,000,000	1,000,000
Native American essential understandings and book series	0	950,000	950,000
Statewide reading tool	0	500,000	500,000
Dyslexia training	0	300,000	300,000
Total department of public instruction	\$0	\$7,750,000	\$7,750,000
Center for Distance Education			
Information technology equipment	\$0	\$25,000	\$25,000
Student information system upgrade	<u>75,250</u>	<u>0</u>	<u>75,250</u>
Total center for distance education	\$75,250	\$25,000	\$100,250
School for the Deaf			
Equipment replacement	\$0	\$45,000	\$45,000
Campus security upgrades	0	<u>238,800</u>	<u>238,800</u>
Total school for the deaf	\$0	\$283,800	\$283,800
North Dakota vision services			
- School for the Blind			
Equipment less than \$5,000	\$0	\$28,000	\$28,000
Door replacement	0	10,000	10,000
Breakroom remodel	0	55,000	55,000
Tractor replacement	0	55,000	55,000
South parking lot replacement	0	150,000	150,000
Total school for the blind	<u>\$0</u>	<u>\$298,000</u>	<u>\$298,000</u>
Grand total	\$75,250	\$8,356,800	\$8,432,050

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The department of public instruction, center for distance education, state library, school for the deaf, and North Dakota vision services - school for the blind may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item or the center for distance education line item within each respective subdivision in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. APPROPRIATION - 2023-25 BIENNIUM - CONTRACT REIMBURSEMENTS. 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 department of public instruction for the purpose of providing contract reimbursements, for the period beginning with the effective date of this section, and ending June 30, 2025. The department of public instruction may use up to \$500,000 to reimburse vendors for services related to federal elementary and secondary school emergency relief fund contracts which have been denied payment by the United States department of education. Reimbursement may be made only for services provided through May 2, 2025.

SECTION 5. APPROPRIATION - TUITION APPORTIONMENT. The sum of \$595,677,350, included in the integrated formula payments line item in subdivision 1 of section 1 of this Act, is from the state tuition fund in the state treasury. Any additional amount in the state tuition fund that becomes available for distribution to public schools is appropriated to the department of public instruction for that purpose, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. OTHER FUNDS - FOUNDATION AID STABILIZATION FUND. The other funds line item in subdivision 1 of section 1 of this Act includes the sum of \$233,000,000 from the foundation aid stabilization fund for integrated formula payments.

SECTION 7. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The other funds line item in subdivision 1 of section 1 of this Act includes the sum of \$6,250,000 from the strategic investment and improvements fund for one-time program grants, relating to dyslexia training, a statewide reading tool, a teacher retention program, a centers of excellence program, school board training, and a native American essential understandings program and book series.

SECTION 8. INTEGRATED FORMULA PAYMENTS AND SPECIAL EDUCATION CONTRACTS EXPENDITURE AUTHORITY. The superintendent of public instruction may expend funds included in the integrated formula payments and grants - special education contracts line items in subdivision 1 of section 1 of this Act for paying grants for educational services that were due in the 2023-25 biennium but which were not filed, claimed, or properly supported by the education provider until after June 30, 2025. To be reimbursed under this section, claims must be properly supported and filed with the superintendent of public instruction by June 30, 2026.

SECTION 9. GIFTED AND TALENTED PROGRAM. The sum of \$800,000, included in the integrated formula payments line item in subdivision 1 of section 1 of this Act, must be distributed to reimburse school districts or special education units for gifted and talented programs upon the submission of an application that is approved in accordance with guidelines adopted by the superintendent of public instruction. The superintendent of public instruction shall encourage cooperative efforts for gifted and talented programs among school districts and special education units.

SECTION 10. MEDICAID MATCHING FUNDING - WITHHOLDING AND DISTRIBUTION. State school aid payments for special education must be reduced by the amount of matching funds required to be paid by school districts or special education units for students participating in the Medicaid program, for the biennium beginning July 1, 2025, and ending June 30, 2027. Special education funds equal to the amount of the matching funds required to be paid by the school district or special education unit must be paid by the superintendent of public instruction to the department of health and human services on behalf of the school district or unit.

SECTION 11. REGIONAL EDUCATION ASSOCIATIONS - GRANTS - DISTRIBUTION. The integrated formula payments line item in subdivision 1 of section 1 of this Act includes \$600,000 from the general fund for the purpose of providing annual grants to regional education associations, for the biennium beginning July 1, 2025, and ending June 30, 2027. An annual grant of \$50,000 is provided to each regional education association that exists as of July 1, 2025. Regional education associations that merge during the 2025-27 biennium are entitled to the annual grants that would have been paid to each of the member associations.

SECTION 12. STUDENT MEALS - GRANTS - DISTRIBUTION. The grants - program grants line item in subdivision 1 of section 1 of this Act includes \$6,000,000 from the general fund for the purpose of providing grants to school districts to defray the expenses of providing meals, free of charge, for all students enrolled in public or nonpublic school at or below two hundred twenty-five percent of the federal poverty guideline, for the biennium beginning July 1, 2025, and ending June 30, 2027. The superintendent of public instruction shall develop guidelines and reporting requirements for the grants.

SECTION 13. PARAPROFESSIONAL-TO-TEACHER PROGRAM - GRANTS - DISTRIBUTION. The grants - program grants line item in subdivision 1 of section 1 of this Act includes \$3,000,000 from the general fund for the purpose of providing grants to accredited institutions of higher education to assist paraprofessionals to become qualified teachers, for the biennium beginning July 1, 2025, and ending June 30, 2027. The superintendent of public instruction may award up to \$20,000 to each qualifying institution for program startup and other administrative costs and the remainder of the appropriation may be used only for tuition and scholarships for students enrolled in the program. The superintendent of public instruction may establish policies and procedures to administer this program.

SECTION 14. NORTH DAKOTA GOVERNOR'S SCHOOLS - GRANTS - DISTRIBUTION. The grants - passthrough grants line item in subdivision 1 of section 1 of this Act includes \$500,000 from the general fund for the purpose of providing grants for North Dakota governor's schools at North Dakota state university and university of North Dakota, for the biennium beginning July 1, 2025, and ending June 30, 2027.

1. The superintendent of public instruction shall conduct North Dakota governor's schools once a summer alternating annually between North Dakota state university and university of North Dakota.
2. The superintendent of public instruction shall award the grants based on providing an average cost of \$5,000 per student attending the schools each year not to exceed a total of \$250,000 to each university for each year of the biennium.
3. The governor's schools program must provide programs related to science, technology, engineering, mathematics, energy law, mental health, education, and health sciences.
4. The superintendent of public instruction shall name codirectors at each university to ensure continued collaboration of the schools at both campuses.
5. Funds may be used only for defraying expenses for students while on campus, including housing, dining, resident assistants, program directors, instructors, and faculty research sponsors.

SECTION 15. EXEMPTION - INDIRECT COST RECOVERIES, GENERAL EDUCATIONAL DEVELOPMENT FEES, AND DISPLACED HOMEMAKER DEPOSITS. Notwithstanding section 54-44.1-15, the department of public instruction may deposit indirect cost recoveries in its operating account. In addition, any moneys collected by the department of public instruction for general educational development fees and displaced homemakers deposits must be deposited in the public instruction fund in the state treasury. Any funds deposited in the public instruction fund may only be spent subject to appropriation by the legislative assembly.

SECTION 16. EXEMPTION - TRANSFER - PUBLIC INSTRUCTION FUND - TRANSFER - GENERAL FUND. Notwithstanding section 54-44.1-11, if, after the superintendent of public instruction complies with all statutory payment obligations imposed for the 2023-25 biennium, from any moneys remaining in the integrated formula payments line item in subdivision 1 of section 1 of chapter 45 of the 2023 Session Laws, the lesser of \$11,000,000 or the remaining amount must be continued into the 2025-27 biennium and the office of management and budget shall transfer this amount into the public instruction fund for the purpose of providing integrated formula payments as appropriated in subdivision 1 of section 1 of this Act. The superintendent of public instruction shall transfer any of these funds remaining unspent at the end of the 2025-27 biennium to the general fund.

SECTION 17. EXEMPTION - UNEXPENDED APPROPRIATIONS - DEPARTMENT OF PUBLIC INSTRUCTION. The following appropriations to the department of public instruction are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. Any funds remaining from federal funds derived from the elementary and secondary school emergency education relief fund and any other federal funds appropriated in subdivision 2 of section 2 of chapter 28 of the 2021 Session Laws; and
2. Any funds remaining from special funds from the public instruction fund in the state treasury, derived from reimbursements withheld from school districts' integrated formula payments for the purpose of information technology project upgrades to the state automated reporting system and the statewide longitudinal data system, appropriated in section 17 of chapter 549 of the 2021 Special Session Session Laws.

SECTION 18. EXEMPTION - UNEXPENDED APPROPRIATION - STATE LIBRARY. The sum of \$150,000, appropriated from the general fund to the state library for building renovations in subdivision 3 of section 1 of chapter 45 of the 2023 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for building renovations during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 19. EXEMPTION - UNEXPENDED APPROPRIATIONS - SCHOOL FOR THE DEAF. The sum of \$800,000, appropriated from special funds, derived from trust fund distributions, rents, and service revenue, to the school for the deaf for boiler replacement, pneumatic controls, and a fire alarm system in subdivision 4 of section 1 of chapter 45 of the 2023 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for boiler replacement, pneumatic controls, and a fire alarm system during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 20. STATE AID TO PUBLIC LIBRARIES. The grants line item in subdivision 3 of section 1 of this Act includes \$1,737,582 for aid to public libraries, of which no more than one-half may be expended during the fiscal year ending June 30, 2026.

SECTION 21. AMENDMENT. Section 15.1-02-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-02. Salary.

The annual salary of the superintendent of public instruction is ~~one hundred thirty eight thousand one hundred forty two~~ one hundred forty seven thousand nine hundred seventy-eight dollars through June 30, ~~2024~~2026, and ~~one hundred forty three thousand six hundred sixty eight~~ one hundred fifty-two thousand four hundred seventeen dollars thereafter.

SECTION 22. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Electronic collection of free or reduced-price meal eligibility information - Requirements.

1. Each school district shall annually provide an electronic form to all parents or guardians of enrolled students to collect household income information necessary to determine eligibility for free or reduced-price meals under the national school lunch program and other relevant federal and state assistance programs.
2. The electronic form must be made available to all parents or guardians at the beginning of the eligibility period or the beginning of each school year and must be designed to facilitate ease of completion and submission.
3. A school district shall offer a paper form upon request of a parent or guardian who prefers a nonelectronic submission method.

SECTION 23. AMENDMENT. Section 15.1-27-16 of the North Dakota Century Code is amended and reenacted as follows:

~~15.1-27-16. Per student payments — Administrative cost sharing — Cooperating districts and special education units. (Effective through June 30, 2026)~~

- ~~1. If any school district receiving payments under this chapter cooperates with another school district for the joint provision of educational services under a plan approved by the superintendent of public instruction, the superintendent of public instruction shall, notwithstanding the provisions of section 15.1-27-03.2, create and assign a separate weighting factor that allows the cooperating districts to receive, for a period of four years, a payment rate equivalent to that which each district would have received had the cooperative plan not taken effect. The superintendent of public instruction shall compute the separate weighting factor to four decimal places and that weighting factor is effective for the duration of the cooperative plan.~~
- ~~2. A school district that is cooperating with another school district under a cooperative plan approved by the superintendent of public instruction, and which has taxable property located in the same city as the other school district under the cooperative plan, may not be required as part of the cooperative plan to:~~

- a. ~~Provide unduplicated grade-level services; or~~
 - b. ~~Share administrative personnel.~~
3. ~~If any school district in the state receiving payments under this chapter or any special education unit in the state cooperates with another school district or special education unit to jointly employ or contract with a superintendent or a school district business manager, or both, or to jointly employ or contract with a special education unit director or a special education unit business manager, or both, the superintendent of public instruction shall provide partial reimbursement of the salary of the superintendent or the school district business manager, or both, or partial reimbursement of the salary of the special education unit director or the special education unit business manager, or both, as follows:~~
- a. ~~If the salary exceeds two hundred thousand dollars, the amount of the reimbursement must be calculated based upon two hundred thousand dollars. Each cooperating school district or special education unit shall receive a prorated share of the reimbursement percentages listed below each year for four years. The prorated reimbursement is based on the percentage of full time equivalency that the superintendent or school district business manager, or both, or the special education unit director or special education unit business manager, or both, are employed or contracted by each district or special education unit. The percentage of reimbursement for the salary of the jointly hired superintendent or school district business manager, or both, or of the jointly hired special education unit director or special education unit business manager, or both, must be as follows:~~
 - (1) ~~If two schools or special education units are cooperating, ten percent of the salary;~~
 - (2) ~~If three schools or special education units are cooperating, fifteen percent of the salary;~~
 - (3) ~~If four schools or special education units are cooperating, twenty percent of the salary; and~~
 - (4) ~~If five or more schools or special education units are cooperating, twenty five percent of the salary.~~
 - b. ~~To be eligible for reimbursement under this subsection, the cooperating school districts or special education units must:~~
 - (1) ~~Have been approved by the superintendent of public instruction and have implemented their administrative cost sharing program after June 30, 2022; and~~
 - (2) ~~Submit the salary of the superintendent or school district business manager, or both, or the salary of the special education unit director or special education unit business manager, or both, to the superintendent of public instruction by June first of each year.~~

Per student payments - Cooperating districts. (~~Effective after June 30, 2026~~)

1. If any school district receiving payments under this chapter cooperates with another school district for the joint provision of educational services under a plan approved by the superintendent of public instruction, the superintendent of public instruction shall, notwithstanding the provisions of section 15.1-27-03.2, create and assign a separate weighting factor that allows the cooperating districts to receive, for a period of four years, a payment rate equivalent to that which each district would have received had the cooperative plan not taken effect. The superintendent of public instruction shall compute the separate weighting factor to four decimal places and that weighting factor is effective for the duration of the cooperative plan.
2. A school district that is cooperating with another school district under a cooperative plan approved by the superintendent of public instruction, and which has taxable property located in the same city as the other school district under the cooperative plan, may not be required as part of the cooperative plan to:
 - a. Provide unduplicated grade level services; or
 - b. Share administrative personnel.

SECTION 24. EFFECTIVE DATE. Section 22 of this Act becomes effective July 1, 2026.

Approved May 12, 2025

Filed May 12, 2025

CHAPTER 13

HOUSE BILL NO. 1014

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the protection and advocacy project.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from federal funds, to the protection and advocacy project for the purpose of defraying the expenses of the protection and advocacy project, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Protection and advocacy operations	\$7,791,270	\$417,060	\$8,208,330
New and vacant FTE pool	0	361,911	361,911
Total all funds	\$7,791,270	\$778,971	\$8,570,241
Less other funds	4,359,417	387,871	4,747,288
Total general fund	\$3,431,853	\$391,100	\$3,822,953
Full-time equivalent positions	28.50	1.00	29.50

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Accrued leave payments	\$19,288	\$0	\$19,288
Total	\$19,288	\$0	\$19,288

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The protection and advocacy project may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the protection and advocacy operations line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 14

HOUSE BILL NO. 1015

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to create and enact a new section to chapter 54-44 of the North Dakota Century Code, relating to a state facility maintenance fund; to amend and reenact subsection 1 of section 10-30.5-02 of the North Dakota Century Code and section 9 of House Bill No. 1012, as approved by the sixty-ninth Legislative Assembly, relating to the North Dakota development fund and infant and toddler care provider support payments; to repeal section 11-38-08 of the North Dakota Century Code, relating to county achievement days; to provide for a transfer; to authorize a line of credit; to provide an exemption; to provide for a report; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the office of management and budget for the purpose of defraying the expenses of the office of management and budget, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$23,510,218	\$2,884,853	\$26,395,071
New and vacant FTE pool	98,200,000	(96,997,038)	1,202,962
Operating expenses	18,217,793	6,874,081	25,091,874
Capital assets	308,355	5,808,649	6,117,004
Emergency commission contingency fund	750,000	(750,000)	0
Guardianship grants	7,100,000	1,000,000	8,100,000
Prairie public broadcasting	1,200,000	(800,000)	400,000
Community service supervision grants	350,000	(35,000)	315,000
State employee child care benefits	3,000,000	(1,635,000)	1,365,000
Student internship program	0	500,000	500,000
State facility maintenance fund	0	34,000,000	34,000,000
Rent, moving, and space reconfiguration pool	0	5,700,000	5,700,000
Retirement incentive pool	0	1,000,000	1,000,000
State hospital project	0	300,000,000	300,000,000
Total all funds	\$152,636,366	\$257,550,545	\$410,186,911
Less other funds	<u>71,757,126</u>	<u>291,360,834</u>	<u>363,117,960</u>
Total general fund	\$80,879,240	(\$33,810,289)	\$47,068,951
Full-time equivalent positions	110.00	1.00	111.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are

not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Procurement automation	\$0	\$515,052	\$515,052
Recruiting management system	250,000	0	250,000
Student internship program	500,000	0	500,000
Employee leave payouts	99,305	50,695	150,000
Snow removal equipment	0	172,000	172,000
Floor scrubber	0	20,000	20,000
Capitol building improvements	0	3,000,000	3,000,000
Governor's residence projects	0	2,350,000	2,350,000
State facility maintenance fund	0	34,000,000	34,000,000
Rent, moving, and space reconfiguration pool	0	5,700,000	5,700,000
Retirement incentive pool	1,000,000	0	1,000,000
Prairie public broadcasting infrastructure grants	0	400,000	400,000
State hospital project	<u>0</u>	<u>300,000,000</u>	<u>300,000,000</u>
Total	\$1,849,305	\$346,207,747	\$348,057,052

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The office of management and budget may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the provisions of this Act.

SECTION 4. CONTINGENT APPROPRIATION - LOAN REPAYMENT TO BANK OF NORTH DAKOTA. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, for the period beginning with the effective date of this section and ending June 30, 2027, the sum of \$13,600,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of paying the outstanding adjutant general loan obligation and accrued interest relating to state costs incurred for responding to unlawful protests. The office of management and budget shall transfer, from the funding appropriated in this section, the amount necessary to pay the outstanding loan obligation and accrued interest to the Bank of North Dakota. The appropriation in this section is effective upon the office of management and budget certifying to the legislative council that the state has received and deposited in the general fund at least \$13,600,000 related to the judgement awarded by the United States District Court for the District of North Dakota on April 24, 2025, in the case of State of North Dakota vs. United States of America.

SECTION 5. APPROPRIATION - NEW AND VACANT FTE POOL - 2023-25 BIENNIUM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be necessary, to the office of management and budget for the 2023-25 biennium new and vacant FTE pool, for the period beginning with the effective date of this section and ending June 30, 2025. Notwithstanding any other provision of law, the office of management and budget may transfer the funds under this section to other state agencies in accordance with the guidelines established in section 16 of chapter 640 of the 2023 Special Session Laws.

SECTION 6. APPROPRIATION - UNIFORM LAW COMMISSION - 2023-25 BIENNium. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$45,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of uniform law commission expenses, for the period beginning with the effective date of this section and ending June 30, 2025.

SECTION 7. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - STATE FACILITY MAINTENANCE FUND. The office of management and budget shall transfer the sum of \$34,000,000 from the strategic investment and improvements fund to the state facility maintenance fund during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 8. APPROPRIATION - COMMUNITY SERVICES SUPERVISION FUND. Any moneys in the community service supervision fund under section 29-26-22 are appropriated to the office of management and budget for distribution to community corrections association regions on or before August first of each year, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 9. TRANSFER - SOCIAL SERVICES FUND TO HUMAN SERVICE FINANCE FUND. The office of management and budget shall transfer the sum of \$235,800,000 from the social services fund to the human service finance fund during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 10. TRANSFER AUTHORITY - STUDENT INTERNSHIP PROGRAM - STATE FACILITY MAINTENANCE FUND - RENT, MOVING, AND SPACE RECONFIGURATION POOL. The office of management and budget may transfer appropriation authority to eligible state agencies during the biennium beginning July 1, 2025, and ending June 30, 2027, from the line items in section 1 of this Act as follows:

1. From the student internship line item for student internships.
2. From the state facility maintenance fund line item for maintenance projects at state-owned facilities.
3. From the rent, moving, and space reconfiguration pool line item for agency lease, relocation, and remodeling costs.

SECTION 11. TRANSFER - FEDERAL STATE FISCAL RECOVERY FUND APPROPRIATION AUTHORITY TO DEPARTMENT OF CORRECTIONS AND REHABILITATION - EXEMPTION - SPENDING RESTRICTION - REPORT.

1. Notwithstanding any other provision of law, on or before June 30, 2025, the office of management and budget shall transfer any federal state fiscal recovery fund appropriation authority amounts previously obligated but not anticipated to be expended from the state agency that received the appropriation authority to the department of corrections and rehabilitation for the purpose of defraying the expenses of salaries and wages of the department of corrections and rehabilitation, for the biennium beginning July 1, 2023, and ending June 30, 2025.
2. Notwithstanding any other provision of law, on or before December 31, 2026, the office of management and budget shall transfer any federal state fiscal recovery fund appropriation authority amounts previously obligated but not anticipated to be expended from the state agency that received the appropriation authority to the department of corrections and rehabilitation for

the purpose of defraying the expenses of salaries and wages of the department of corrections and rehabilitation, for the biennium beginning July 1, 2025, and ending June 30, 2027.

3. The office of management and budget shall transfer any uncommitted accumulated interest and earnings of the federal state fiscal recovery fund to the department of corrections and rehabilitation during the biennium beginning July 1, 2025, and ending June 30, 2027. Any interest and earnings received by the department of corrections and rehabilitation under this section are appropriated to the department for the purpose of defraying the expenses of salaries and wages, for the biennium beginning July 1, 2025, and ending June 30, 2027.
4. The department of corrections and rehabilitation may not spend general fund appropriations equal to the amount of any federal state fiscal recovery fund moneys transferred to the department under this section.
5. The office of management and budget shall report to the budget section regarding any appropriation authority and interest and earnings transferred under this section.

SECTION 12. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The other funds line item in section 1 of this Act includes the sum of \$206,807,052 from the strategic investment and improvements fund for the following projects:

Procurement automation	\$515,052
Snow removal equipment	172,000
Floor scrubber	20,000
Rent, moving, and space reconfiguration pool	5,700,000
Prairie public broadcasting infrastructure grants	400,000
State hospital project	<u>200,000,000</u>
Total	\$206,807,052

SECTION 13. OTHER FUNDS - CAPITOL BUILDING FUND. The other funds line item in section 1 of this Act includes the sum of \$5,850,000 from the capitol building fund for the following purposes and projects:

Ongoing capitol grounds repairs	\$500,000
Governor's residence projects	2,350,000
Capitol building improvements	<u>3,000,000</u>
Total	\$5,850,000

SECTION 14. OTHER FUNDS - STATE HOSPITAL PROJECT - BANK OF NORTH DAKOTA LINE OF CREDIT - PROJECT OVERSIGHT.

1. The other funds line item in section 1 of this Act includes \$100,000,000 from a Bank of North Dakota line of credit. The office of management and budget may borrow up to \$100,000,000 through a line of credit from the Bank of North Dakota during the biennium beginning July 1, 2025, and ending June 30, 2027, for costs associated with the construction of a new state hospital. The interest rate on the line of credit may not exceed the prevailing interest rate charged to North Dakota governmental entities. If the office of management and budget accesses the line of credit, it shall request a deficiency appropriation from the seventieth legislative assembly to repay the line of credit.

2. The office of management and budget shall oversee and have managerial control of the project consistent with the objectives approved by the state hospital steering committee established in this Act. The office of management and budget may seek other federal, state, local, or private funds, and may enter contracts, agreements, or partnerships to complete the project. Any management consultants utilized for the project must report directly to the office of management and budget.

SECTION 15. NEW STATE HOSPITAL - STEERING COMMITTEE. The office of management and budget shall establish a new state hospital facility steering committee to oversee the design and construction of a new state hospital facility, for the biennium beginning July 1, 2025, and ending June 30, 2027. The committee must include representation from the department of health and human services, the office of management and budget, the governor's office, and the legislative assembly. The legislative assembly representation must include one member of the senate appointed by the senate majority leader, one member of the house appointed by the house majority leader, and one member of the minority party from either the senate or the house appointed by the minority leaders of the senate and the house.

SECTION 16. GRANTS AND SPECIAL ITEMS. Section 1 of this Act includes appropriation authority which may be used only for the following grants and special items:

Unemployment insurance	\$1,500,000
Capitol grounds planning commission	\$25,000
Statewide memberships and related expenses	\$757,489

SECTION 17. STATE EMPLOYEE COMPENSATION ADJUSTMENTS - GUIDELINES.

1. The 2025-27 biennium compensation adjustments for permanent state employees are to average 3 percent per eligible employee for the first fiscal year of the biennium and are to average 3 percent per eligible employee for the second year of the biennium. The increases for the first year of the biennium are to be given beginning with the month of July 2025, to be paid in August 2025, and for the second year of the biennium are to be given beginning with the month of July 2026, to be paid in August 2026. Increases for eligible state employees are to be based on documented performance and are not to be the same percentage increase for each employee.
2. The office of management and budget shall develop guidelines for use by state agencies for providing compensation adjustments for classified state employees. The guidelines must follow the compensation philosophy statement under section 54-44.3-01.2.
3. Probationary employees are not entitled to the increases. However, at the discretion of the appointing authority, probationary employees may be given all or a portion of the increases effective in July, paid in August, or upon completion of probation. Employees whose overall documented performance level does not meet standards are not eligible for any salary increase.

SECTION 18. NEW AND VACANT FTE POOL - GUIDELINES - EXEMPTION - TRANSFERS - REPORTS - APPLICATION.

1. Notwithstanding section 54-16-04, the office of management and budget shall transfer funds from an executive branch state agency's new and vacant

FTE pool line item to the agency's salaries and wages line item or other line items with salaries and wages funding as requested by the agency in accordance with provisions of this section.

2. An executive branch state agency may request a transfer to provide funding for the salaries and wages necessary for the remainder of the 2025-27 biennium for a new full-time equivalent position authorized by the sixty-ninth legislative assembly from the date of hiring through the end of the biennium, limited to the amount identified for the position in the statement of purpose of amendment.
3. After July 31, 2026, an executive branch state agency may request a transfer if the agency projects actual salaries and wages expenditures will exceed the agency's available salaries and wages funding for the biennium. The transfer amount may not exceed the amount by which the agency's actual salaries and wages savings from vacant positions and employee turnover to date and estimates for the remainder of the biennium adjusted for other identified uses of any savings are less than the vacant position savings estimate used by the sixty-ninth legislative assembly in development of the agency's appropriation. The agency shall provide documentation supporting the need for the transfer to the office of management and budget and the legislative council in advance of the transfer request.
4. Each executive branch state agency with a new and vacant FTE pool line item shall report to the office of management and budget and the legislative council on a quarterly basis regarding any transfer of appropriation authority for filling a new full-time equivalent position. The report must include the funding transferred, the title of the position filled, the salary funding removed by the sixty-ninth legislative assembly for the position by funding source as identified in the statement of purpose of amendment, and the date the position was filled.
5. Each executive branch state agency with a new and vacant FTE pool line item shall report quarterly to the office of management and budget and the legislative council on the number of full-time equivalent positions that become vacant and the number of positions filled each month, the number of vacant positions at the end of each month, salaries and wages savings by funding source for each month resulting from vacant positions and employee turnover, and the use of salaries and wages savings by funding source for other purposes, including accrued leave payouts, salary increases in addition to general salary increases provided by the sixty-ninth legislative assembly, bonuses, incentive or location pay adjustments, reclassifications, temporary salaries or overtime in excess of amounts provided by the sixty-ninth legislative assembly, or other items.
6. The office of management and budget shall report to each meeting of the budget section regarding the status of funding in each executive branch state agency's new and vacant FTE pool line item; vacant positions, employee turnover, and savings from vacant positions and employee turnover by agency; and uses of savings from vacant positions and employee turnover for other purposes by agency.
7. The provisions of section 54-27-10 do not apply to the salaries and wages line item of appropriations approved by the sixty-ninth legislative assembly, for the biennium beginning July 1, 2025, and ending June 30, 2027.

8. An executive branch state agency may request a deficiency appropriation from the seventieth legislative assembly if the funding in the agency's new and vacant FTE pool line item is insufficient to provide the necessary salaries and wages funding for the biennium.

SECTION 19. A new section to chapter 54-44 of the North Dakota Century Code is created and enacted as follows:

State facility maintenance fund.

There is created in the state treasury the state facility maintenance fund. The fund consists of moneys allocated to the fund from legislative transfers. Subject to legislative appropriation, moneys in the fund may be used for maintenance needs at state-owned facilities, excluding facilities under the control of the state board of higher education.

³ **SECTION 20. AMENDMENT.** Subsection 1 of section 10-30.5-02 of the North Dakota Century Code is amended and reenacted as follows:

1. It is the purpose of this chapter to create a statewide nonprofit development corporation that will have the authority to take equity positions in, to provide loans to, ~~or to form a management and operation entity related to the beyond visual line of sight uncrewed aircraft system program under section 54-60-29.1, and~~ to use other innovative financing mechanisms to provide capital for new or expanding businesses in this state, or relocating businesses to this state. The corporation's principal mission is the development and expansion of primary sector business in this state. The corporation may form additional corporations, limited liability companies, partnerships, and joint ventures related to the beyond visual line of sight uncrewed aircraft system program under section 54-60-29.1, or other forms of business associations in order to further its mission of primary sector economic development.

SECTION 21. Section 9 of House Bill No. 1012, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

SECTION 9. - INFANT AND TODDLER CARE PROVIDER SUPPORT DIRECT PAYMENT - ONE-TIME FUNDING - REPORT. Section 1 of this Act includes the sum of \$11,000,000 of one-time funding from the general fund for direct payments to licensed child care providers to support high-quality early childhood care for infants and toddlers. The department shall administer the direct payment program and include the following provisions:

1. To qualify for a direct payment under this section, a direct payment recipient may not be currently receiving a child care assistance program infant/toddler bonus payment and must:
 - a. ~~Be a licensed child care facility~~ Be a licensed early childhood program within the state of North Dakota;
 - b. Be enrolled in the state's bright and early quality rating system at a two-star, three-star, or four-star rating level; and
 - c. Provide care for children from birth ~~through~~ to three years of age.

³ Section 10-30.5-02 was also amended by section 17 of Senate Bill No. 2018, chapter 50.

2. Eligible providers may receive up to \$200 per month for each child from birth through seventeen months of age and up to \$115 per month for each child from eighteen ~~through~~ thirty-six months of age.
3. The department shall distribute the direct payments on a ~~quarterly~~ monthly basis. Direct payments may not be used for non-child care-related expenses or debt repayment.
4. Direct payment recipients shall submit annual reports to the department detailing fund usage, enrollment statistics, and other information requested by the department.
5. The department shall provide reports to the legislative management and to the appropriations committees of the seventieth legislative assembly on direct payments and the effectiveness of the program.

SECTION 22. REPEAL. Section 11-38-08 of the North Dakota Century Code is repealed.

SECTION 23. EXEMPTION - FISCAL MANAGEMENT. The amount appropriated for the fiscal management division, as contained in section 1 of chapter 640 of the 2023 Special Session Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available for continued development and operating costs of the statewide systems, including accounting, management, and payroll, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 24. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The sum of \$500,000 appropriated from the strategic investment and improvements fund in section 1 and identified in section 2 of chapter 40 of the 2019 Session Laws and continued into the 2021-23 biennium pursuant to chapter 42 of the 2021 Session Laws and continued into the 2023-25 biennium pursuant to chapter 640 of the 2023 Special Session Session Laws for an assessment of state facilities.
2. The sum of \$3,659,555 appropriated from federal funds in section 1 and identified in section 2 of chapter 640 of the 2023 Special Session Session Laws for the governor's emergency education relief program.
3. The sum of \$4,000,000 from the capitol building fund in section 1 and identified in section 2 of chapter 640 of the 2023 Special Session Session Laws for the window replacement project.
4. The sum of \$2,500,000 appropriated from the general fund in section 1 and identified in section 2 of chapter 640 of the 2023 Special Session Session Laws for space utilization improvements.
5. The sum of \$20,000,000 appropriated from the strategic investment and improvements fund in section 1 and identified in section 2 of chapter 640 of the 2023 Special Session Session Laws for the boiler replacement project and water mitigation at the liberty memorial building.

6. The sum of \$400,000 appropriated from the general fund in section 1 and identified in section 2 of chapter 640 of the 2023 Special Session Session Laws for the procurement automation project.

SECTION 25. EMERGENCY. The capital assets, state facility maintenance fund, and rent, moving, and space reconfiguration pool line items in section 1 of this Act and sections 4, 5, 6, and 11 of this Act are declared to be emergency measures.

Approved May 12, 2025

Filed May 12, 2025

CHAPTER 15

HOUSE BILL NO. 1016

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide a statement of legislative intent; to provide an exemption; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the office of the adjutant general for the purpose of defraying the expenses of the office of the adjutant general, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

Subdivision 1.

NATIONAL GUARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$7,745,742	(\$4,089,855)	\$3,655,887
New and vacant FTE pool	0	1,943,664	1,943,664
Operating expenses	3,214,211	(1,618,997)	1,595,214
Capital assets	224,046	47,749,954	47,974,000
Grants	470,692	0	470,692
Civil air patrol	330,642	215,254	545,896
Tuition, recruiting, and retention	3,362,235	0	3,362,235
Air guard contract	8,928,725	111,734	9,040,459
Army guard contract	49,586,921	19,080,973	68,667,894
Veterans' cemetery	1,401,147	62,469	1,463,616
Reintegration program	<u>900,634</u>	<u>(900,634)</u>	<u>0</u>
Total all funds	\$76,164,995	\$62,554,562	\$138,719,557
Less other funds	<u>58,308,741</u>	<u>59,468,686</u>	<u>117,777,427</u>
Total general fund	\$17,856,254	\$3,085,876	\$20,942,130

Subdivision 2.

DEPARTMENT OF EMERGENCY SERVICES

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$13,562,188	\$1,800,194	\$15,362,382
New and vacant FTE pool	0	910,777	910,777
Operating expenses	6,815,567	769,316	7,584,883
Capital assets	0	660,000	660,000
Grants	27,790,000	0	27,790,000
Disaster costs	74,249,944	78,761,155	153,011,099
Radio communications	<u>0</u>	<u>1,020,000</u>	<u>1,020,000</u>

Total all funds	\$122,417,699	\$83,921,442	\$206,339,141
Less other funds	<u>114,662,611</u>	<u>81,789,583</u>	<u>196,452,194</u>
Total general fund	\$7,755,088	\$2,131,859	\$9,886,947

Subdivision 3.

SECTION 1 TOTAL

	Base Level	Adjustments or Enhancements	Appropriation
Grand total all funds	\$198,582,694	\$146,476,004	\$345,058,698
Less grand total other funds	<u>172,971,352</u>	<u>141,258,269</u>	<u>314,229,621</u>
Grand total general fund	\$25,611,342	\$5,217,735	\$30,829,077
Full-time equivalent positions	233.00	2.00	235.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which each entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>Other Funds</u>
National guard	
Camp Grafton regional training institute	\$34,000,000
Critical infrastructure state matching funds	4,500,000
Williston readiness center design	2,500,000
Civil air patrol statewide interoperable radio network upgrade	206,426
Line of communication bridge training site	3,674,000
Dickinson readiness center	5,800,000
Camp Grafton fitness facility	<u>2,000,000</u>
Total national guard	\$52,680,426
Department of emergency services	
Safeguarding Tomorrow through Ongoing Risk Mitigation Act	\$39,050,000
Wildland fires	2,550,000
Disaster response equipment	660,000
Law enforcement redundant switch	525,000
Statewide interoperable radio network costs	495,000
Flood mitigation grants	<u>200,000</u>
Total department of emergency services	<u>\$43,480,000</u>
Grand total	\$96,160,426

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The adjutant general may not spend funds appropriated in the new and vacant FTE pool line items in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line items to the applicable salaries and wages, civil air patrol, air guard contract, army guard contract, veterans' cemetery, and disaster costs line items within each subdivision in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. VETERANS' CEMETERY MAINTENANCE FUND - APPROPRIATION. In addition to the amount appropriated to the adjutant general in the veterans' cemetery line item in subdivision 1 of section 1 of this Act, there is appropriated any additional funds that are received and deposited in the veterans' cemetery maintenance fund pursuant to sections 37-03-14 and 39-04-10 for the operation of the North Dakota veterans' cemetery for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 5. EXEMPTION - MAINTENANCE AND REPAIRS - TRANSFERS.

Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer up to \$500,000 of appropriation authority to the operating expenses and capital assets line items contained in section 1 of this Act, as requested by the adjutant general during the biennium beginning July 1, 2025, and ending June 30, 2027. The adjutant general shall notify the legislative council of any transfers made pursuant to this section.

SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.

The other funds line item in subdivision 1 of section 1 of this Act includes the sum of \$7,206,426 from the strategic investment and improvements fund, of which \$4,500,000 is for critical infrastructure state matching funds, \$2,500,000 is for the Williston readiness center design, and \$206,426 is for the civil air patrol statewide interoperable radio network upgrade. The other funds line item in subdivision 2 of section 1 of this Act includes the sum of \$1,020,000 from the strategic investment and improvements fund, of which \$525,000 is for the state radio law enforcement redundant switch and \$495,000 is for statewide interoperable radio network costs.

SECTION 7. OTHER FUNDS - STATE DISASTER RELIEF FUND.

The other funds line item in subdivision 2 of section 1 of this Act includes the sum of \$11,800,703 from the state disaster relief fund, of which \$5,750,703 is for costs related to previous state disasters, \$2,000,000 is for natural disaster response and recovery grants, \$3,550,000 is for the ten percent state match for the federal safeguarding tomorrow through ongoing risk mitigation program, \$300,000 is for wildland fire disaster funding, and \$200,000 is for flood mitigation grants.

SECTION 8. GIFTS, GRANTS, AND DONATIONS - NORTH DAKOTA MILITARY MUSEUM.

The adjutant general may accept gifts, grants, and donations, including those from private and federal sources, and remit the funding to the state treasurer for deposit in the state historical society gifts and bequests fund for the construction of a North Dakota military museum during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 9. EXEMPTION - UNEXPENDED APPROPRIATIONS.

The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. Any amounts remaining for the construction of the Dickinson readiness center continued in section 12 of chapter 48 of the 2023 Session Laws appropriated from federal funds in subdivision 1 of section 1 of chapter 16 of the 2021 Session Laws;
2. Any amounts remaining for the line of communication bridge training site continued in section 12 of chapter 48 of the 2023 Session Laws appropriated from federal funds in subdivision 1 of section 1 of chapter 16 of the 2021 Session Laws;
3. The sum of \$9,000,000 appropriated from the federal state fiscal recovery fund for the construction of the Camp Grafton fitness facility in subdivision 1 of section 1 of chapter 48 of the 2023 Session Laws;
4. The sum of \$3,362,235 appropriated from the general fund for tuition assistance, recruiting, and retention incentives to eligible current and former members of the North Dakota national guard in subdivision 1 of section 1 of chapter 48 of the 2023 Session Laws, which may be used for program administration and operating costs;

5. Any amounts remaining for the expansion of Camp Grafton continued in section 12 of chapter 48 of the 2023 Session Laws appropriated from the national guard training area and facility development trust fund in section 3 of chapter 16 of the 2021 Session Laws;
6. Any amounts remaining for replacing the state active duty software and maintenance continued in section 12 of chapter 48 of the 2023 Session Laws appropriated from the federal state fiscal recovery fund in subsection 24 of section 1 of chapter 550 of the 2021 Special Session Session Laws;
7. The sum of \$314,000 appropriated from the general fund for cybersecurity grants in subdivision 2 of section 1 of chapter 48 of the 2023 Session Laws; and
8. The sum of \$225,000 appropriated from the state disaster relief fund for flood mitigation grants in subdivision 2 of section 1 of chapter 48 of the 2023 Session Laws.

SECTION 10. CAMP GRAFTON EXPANSION - LEGISLATIVE INTENT. It is the intent of the sixty-ninth legislative assembly that the adjutant general contract for the purchase or long-term lease of land for the Camp Grafton expansion, including the purchase of up to one thousand six hundred acres and the long-term lease of the remainder, not to exceed six thousand acres in total. The adjutant general may not use eminent domain for the expansion of Camp Grafton.

SECTION 11. EMERGENCY. The following are declared to be an emergency measure:

1. The sum of \$6,000,000 appropriated from the general fund and the strategic investment and improvements fund for critical infrastructure state matching funds in the army guard contract line item in subdivision 1 of section 1 of this Act;
2. The sum of \$206,426 appropriated from the strategic investment and improvements fund for the civil air patrol statewide interoperable radio network upgrade in the civil air patrol line item in subdivision 1 of section 1 of this Act; and
3. The sum of \$39,050,000 appropriated from the state disaster relief fund and federal funds for the Safeguarding Tomorrow through Ongoing Risk Mitigation Act in the disaster costs line item of subdivision 2 of section 1 of this Act.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 16

HOUSE BILL NO. 1017

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the game and fish department; and to provide an exemption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from other funds derived from special funds and federal funds, to the game and fish department for the purpose of defraying the expenses of the game and fish department, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$37,008,098	\$2,317,621	\$39,325,719
New and vacant FTE pool	0	1,862,510	1,862,510
Operating expenses	17,788,258	2,016,038	19,804,296
Capital assets	5,400,661	1,622,479	7,023,140
Grants - game and fish	10,089,976	(3,001,997)	7,087,979
Land habitat and deer depredation	27,183,516	4,989,565	32,173,081
Noxious weed control	725,000	0	725,000
Missouri River enforcement	313,869	9,912	323,781
Grants, gifts, and donations	677,970	17,110	695,080
Nongame wildlife conservation	100,000	0	100,000
Lonetree reservoir	2,156,714	(48,117)	2,108,597
Wildlife services	500,000	0	500,000
Shooting sports grant program	250,000	0	250,000
Aquatic nuisance species program	2,533,452	352,055	2,885,507
Total other funds	\$104,727,514	\$10,137,176	\$114,864,690
Full-time equivalent positions	170.00	0.00	170.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>Other Funds</u>
Information technology projects	\$380,000
Baukol-Noonan dam repairs	150,000
Equipment	220,200
Garrison dam national fish hatchery pondliners	1,500,000
Garrison dam national fish hatchery pumps	300,000
Wildlife habitat and access on private lands	5,000,000
Total other funds	\$7,550,200

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The game and fish department may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item and other line items with salaries and wages in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. GRANTS, GIFTS, AND DONATIONS LINE ITEM. The grants, gifts, and donations line item in section 1 of this Act includes up to \$100,000 received by the game and fish department for surface damage, easements, or reclamation on department-owned or managed properties as a result of mineral exploration and extraction activities.

SECTION 5. MIDTERM CONSERVATION AGREEMENTS. The game and fish department may spend up to \$2,777,778 from other funds in the land habitat and deer depredation line item in section 1 of this Act for national fish and wildlife foundation midterm conservation agreements with private landowners. The department shall limit the term of these agreements to a maximum of thirty years. The department shall provide buyback provisions after the fifteenth, twentieth, and twenty-fifth years of the agreement if the property owner desires to withdraw all or a portion of acreage from the lease.

SECTION 6. EXEMPTION - LINE ITEM TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer up to \$2,000,000 of appropriation authority between the operating expenses, capital assets, and grants - game and fish line items in section 1 of this Act as requested by the game and fish department during the biennium beginning July 1, 2025, and ending June 30, 2027. The game and fish department shall notify the legislative council of any transfers made pursuant to this section.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 17

HOUSE BILL NO. 1018

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the state historical society; to amend and reenact section 55-01-02.1 of the North Dakota Century Code, relating to jurisdiction of the heritage center; to authorize a Bank of North Dakota line of credit; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the state historical society for the purpose of defraying the expenses of the state historical society, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$16,832,853	\$3,313,454	\$20,146,307
New and vacant FTE pool	0	934,276	934,276
Operating expenses	3,443,236	2,084,415	5,527,651
Capital assets	1,330,184	82,267,649	83,597,833
Grants	928,340	1,092,500	2,020,840
Cultural heritage grants	500,000	(500,000)	0
America 250 th celebration	0	2,000,000	2,000,000
Total all funds	\$23,034,613	\$91,192,294	\$114,226,907
Less other funds	<u>2,434,264</u>	<u>88,381,416</u>	<u>90,815,680</u>
Total general fund	\$20,600,349	\$2,810,878	\$23,411,227
Full-time equivalent positions	83.50	2.00	85.50

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Temporary staff salaries and operating	\$10,225	\$52,011	\$62,236
Repatriation compliance costs	100,000	0	100,000
Pembina state museum exhibits	0	638,000	638,000
Underrepresented community program	0	75,000	75,000
Military gallery expansion project	0	77,944,524	77,944,524
Inspiration gallery updates	0	700,000	700,000
Medora area planning	0	2,000,000	2,000,000
State archive storage updates	207,500	0	207,500

Historical structures and buildings improvements	0	3,000,000	3,000,000
Paul Bruhn historical revitalization grants	0	750,000	750,000
Historic museum repairs grant	0	200,000	200,000
Historic armory restoration grant	0	100,000	100,000
America 250 th celebration	0	<u>2,000,000</u>	<u>2,000,000</u>
Total	\$317,725	\$87,459,535	\$87,777,260

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The state historical society may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. APPROPRIATION - REVOLVING FUND. All fees collected by the state historical society and deposited in the revolving fund established pursuant to section 55-03-04 are appropriated to the state historical society for the purposes provided in chapter 55-03, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 5. APPROPRIATION - GIFTS, GRANTS, AND BEQUESTS. All gifts, grants, devises, bequests, donations, and assignments received by the state historical society and deposited with the state treasurer pursuant to section 55-01-04 are appropriated to the state historical society for the purposes provided in section 55-01-04, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - MATCHING FUNDS REQUIREMENT.

1. The other funds line item in section 1 of this Act includes the sum of \$27,488,000 from the strategic investment and improvements fund, of which \$638,000 is for Pembina state museum exhibit designs and objects, \$15,000,000 is for the military gallery expansion project, \$4,200,000 is for the repayment of a Bank of North Dakota line of credit for the military gallery expansion project from the 2023-25 biennium, \$350,000 is for an update to the inspiration gallery at the North Dakota heritage center, \$2,000,000 is for Medora area planning, \$3,000,000 is for improvements to historical structures and buildings, \$200,000 is for a historic museum repairs grant, \$100,000 is for a historic armory restoration grant, and \$2,000,000 is for America 250th celebration activities, of which \$1,000,000 is for state-related celebration activities and \$1,000,000 is for Medora-related celebration activities.
2. The state historical society may spend funds appropriated for the historic museum repairs grant and historic armory restoration grant programs only to the extent the organizations have secured one dollar of matching funds from nonstate sources for every two dollars provided by the state historical society. The state historical society may accept matching funds raised during or prior to the 2025-27 biennium for programs under this subsection.
3. The state historical society may access the \$15,000,000 appropriated from the strategic investment and improvements fund for the military gallery expansion project in section 1 of this Act only upon certification from the director of the state historical society to the office of management and budget that at least

thirty-three percent, or \$12,785,693, of the \$38,744,524 appropriated from donations for the military gallery expansion project in section 1 of this Act, has been pledged from nonstate sources for the project.

SECTION 7. OTHER FUNDS - BANK OF NORTH DAKOTA LINE OF CREDIT - MILITARY GALLERY EXPANSION PROJECT. The other funds line item in section 1 of this Act includes the sum of \$20,000,000, which the state historical society may borrow through a line of credit from the Bank of North Dakota during the biennium beginning July 1, 2025, and ending June 30, 2027. The interest rate on the line of credit may not exceed the prevailing interest rate charged to North Dakota governmental entities. If the state historical society accesses the line of credit, the state historical society shall request a deficiency appropriation from the seventieth legislative assembly to repay the line of credit.

SECTION 8. OTHER FUNDS - DONATIONS. The other funds line item in section 1 of this Act includes the sum of \$39,094,524 from other funds derived from donations, of which \$38,744,524 is for the military gallery expansion project and \$350,000 is for an update to the inspiration gallery at the North Dakota heritage center.

SECTION 9. OTHER FUNDS - DEPARTMENT OF TRANSPORTATION GRANT. The other funds line item in section 1 of this Act includes \$100,000 of grant funding from the department of transportation for the purpose of defraying the expenses of the Lewis and Clark interpretive center.

SECTION 10. AMENDMENT. Section 55-01-02.1 of the North Dakota Century Code is amended and reenacted as follows:

55-01-02.1. Society to have jurisdiction over heritage center.

The society has jurisdiction over the administration and operations of the North Dakota heritage center building. The director of the office of management and budget is responsible for maintenance of the heritage center building. The society, in consultation with the adjutant general, is responsible for all public displays, signage, and museum content for the military gallery within the North Dakota heritage center building. The society and the adjutant general shall enter a memorandum of agreement to establish policies on public displays, signage, and museum content for the military gallery. The regimental room of the military gallery must be named the North Dakota national guard regimental room. The society shall maintain the collections displayed and stored at the heritage center and shall provide, or arrange, for the security of those collections. The society shall establish a policy that authorizes the consumption of alcoholic beverages, including distilled spirits as defined in section 5-01-01, at the heritage center during an event that is open only to invited guests and if the alcoholic beverages are dispensed by a qualified alcoholic beverage licensee.

SECTION 11. EMERGENCY. The following are declared to be an emergency measure:

1. \$4,200,000 appropriated from the strategic investment and improvements fund in section 1 of this Act to repay a Bank of North Dakota line of credit for the military gallery expansion project; and
2. \$15,000,000 appropriated from the strategic investment and improvements fund in section 1 of this Act for the military gallery expansion project.

Approved May 5, 2025

Filed May 6, 2025

CHAPTER 18

HOUSE BILL NO. 1019

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the parks and recreation department; to create and enact a new section to chapter 55-08 of the North Dakota Century Code, relating to the creation and naming of state parks; to provide for a transfer; to provide for a report; and to provide an exemption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the parks and recreation department for the purpose of defraying the expenses of the parks and recreation department and for providing a grant to the International Peace Garden, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

Subdivision 1.

PARKS AND RECREATION DEPARTMENT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Administration	\$2,999,629	(\$219,225)	\$2,780,404
Parks operations and maintenance	24,128,685	19,088,428	43,217,113
Recreation	11,465,641	855,335	12,320,976
New and vacant FTE pool	0	679,393	679,393
Total all funds	\$38,593,955	\$20,403,931	\$58,997,886
Less other funds	<u>24,893,684</u>	<u>19,701,790</u>	<u>44,595,474</u>
Total general fund	\$13,700,271	\$702,141	\$14,402,412
Full-time equivalent positions	65.00	11.00	76.00

Subdivision 2.

INTERNATIONAL PEACE GARDEN

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
International Peace Garden	\$1,126,329	\$1,967,500	\$3,093,829
Total all funds	\$1,126,329	\$1,967,500	\$3,093,829
Less other funds	0	<u>1,967,500</u>	<u>1,967,500</u>
Total general fund	\$1,126,329	\$0	\$1,126,329

Subdivision 3.

SECTION 1 TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total all funds	\$39,720,284	\$22,371,431	\$62,091,715
Less grand total other funds	<u>24,893,684</u>	<u>21,669,290</u>	<u>46,562,974</u>
Grand total general fund	\$14,826,600	\$702,141	\$15,528,741

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Equipment	\$250,000	\$250,000	\$500,000
Deferred maintenance	0	12,500,000	12,500,000
State parks comfort stations	0	924,000	924,000
State parks technology enhancements	0	2,500,000	2,500,000
Lake Metigoshe state park sewer project	0	800,000	800,000
State parks matching grants	0	2,500,000	2,500,000
International Peace Garden music camp project	0	1,400,000	1,400,000
International Peace Garden sewer, water, and irrigation master development plan	0	250,000	250,000
International Peace Garden conservatory project	<u>0</u>	<u>317,500</u>	<u>317,500</u>
Total	\$250,000	\$21,441,500	\$21,691,500

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The parks and recreation department may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to other line items with salaries and wages in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - REPORTING. In addition to the amounts appropriated in section 1 of this Act, any additional federal or special funds that become available are appropriated to the parks and recreation department, for the biennium beginning July 1, 2025, and ending June 30, 2027. The department shall report any additional income under this section to the office of management and budget and the legislative council.

SECTION 5. TRANSFER - GAME AND FISH DEPARTMENT TO PARKS AND RECREATION DEPARTMENT - GAME AND FISH OPERATING FUND - BOAT RAMP OPERATION AND MAINTENANCE. The sum of \$122,000, or so much of the sum as may be necessary, included in the park operations and maintenance line item in subdivision 1 of section 1 of this Act, is from the game and fish operating fund, or federal or other funds available to the game and fish department, which must be transferred to the parks and recreation department for maintenance, operating, and extraordinary repairs expenses relating to boat ramps at state parks, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The other funds line item in section 1 of this Act includes \$19,941,500 from the strategic investment and improvements fund, of which:

1. \$12,500,000 is for deferred maintenance at state parks, \$924,000 is for comfort stations at state parks, \$2,500,000 is for state parks technology

enhancements, \$800,000 is for a Lake Metigoshe state park sewer infrastructure project, \$1,250,000 is for state parks matching funds, \$1,400,000 is for an international music camp complex revitalization project at the International Peace Garden, \$250,000 is for a sewer, water, and irrigation master development plan at the International Peace Garden, and \$317,500 is for a cactus conservatory project at the International Peace Garden.

2. The parks and recreation department may use funding appropriated for deferred maintenance at state parks for the purchase of buildings to replace currently owned buildings that are beyond feasible repair.
3. The parks and recreation department shall use the \$800,000 identified in this section for the Lake Metigoshe state park sewer infrastructure project to provide a grant to a local sewer district to replace or repair the sewer infrastructure system servicing Lake Metigoshe state park and surrounding areas. Grant funding awarded under this section may not exceed twenty percent of the total project cost to replace or repair the sewer infrastructure system.

SECTION 7. INTERNATIONAL PEACE GARDEN. The International Peace Garden line item in section 1 of this Act includes \$1,967,500 for projects at the International Peace Garden, which the parks and recreation department may provide only to the extent the funds are matched by the province of Manitoba at a value equal to the United States dollar exchange rate on July 1, 2025.

***SECTION 8.** A new section to chapter 55-08 of the North Dakota Century Code is created and enacted as follows:

Creation and naming of state parks.

Notwithstanding any other provision of law, a state agency or official may not create a new state park or rename an existing state park without prior approval from the legislative assembly.

SECTION 9. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The sum of \$634,126 appropriated from the parks and recreation fund for extraordinary repairs in subdivision 1 of section 1 of chapter 44 of the 2019 Session Laws, continued into the 2021-23 biennium in section 13 of chapter 19 of the 2021 Session Laws, and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws.
2. The sum of \$200,000 appropriated from the general fund for trail lease renewals and construction or purchasing trail easements in subdivision 1 of section 1 of chapter 19 of the 2021 Session Laws and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws.
3. The sum of \$50,000 appropriated from the general fund for the Fort Abraham Lincoln viewshed lease in subdivision 1 of section 1 of chapter 19 of the 2021 Session Laws and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws for plantings to improve the viewshed.
4. The sum of \$10,000,000 appropriated from the federal state fiscal recovery fund for deferred maintenance and capital projects in subsection 9 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws.

5. The sum of \$5,000,000 appropriated from the state fiscal recovery fund for the grants to local park districts to renovate and upgrade existing facilities in subsection 5 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws.
6. The sum of \$1,632,800 appropriated from the state fiscal recovery fund and local matching funds for capital project improvements at state parks, subject to the parks and recreation department obtaining matching funds from nonstate sources for each project on a dollar-for-dollar basis in section 7 of chapter 19 of the 2021 Session Laws as amended in section 4 of chapter 548 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws.
7. The sum of \$7,900,000 appropriated from the state fiscal recovery fund for the deferred maintenance and capital projects in section 6 of chapter 19 of the 2021 Session Laws as amended by section 3 of chapter 548 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 9 of chapter 51 of the 2023 Session Laws.
8. The sum of \$800,000 appropriated from the strategic investment and improvements fund for a pavilion construction project at the International Peace Garden in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
9. The sum of \$10,000,000 appropriated from the strategic investment and improvements fund for deferred maintenance and capital projects in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
10. The sum of \$2,400,000 appropriated from the strategic investment and improvements fund for a cabin construction project in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
11. The sum of \$250,000 appropriated from the strategic investment and improvements fund for a Lake Metigoshe reimagined project in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
12. The sum of \$6,000,000 appropriated from the strategic investment and improvements fund for city, county, and tribal park system grants in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
13. The sum of \$70,000,000 appropriated from special funds derived from a Bank of North Dakota line of credit for the Theodore Roosevelt presidential library project in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws, which may be used only for providing reimbursement of construction costs associated with building the Theodore Roosevelt presidential library, including fixtures, furnishings, exhibit structures, supplies, and materials.
14. The sum of \$6,000,000 appropriated from the strategic investment and improvements fund for a Pembina Gorge campground project in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.
15. The sum of \$3,000,000 appropriated from the strategic investment and improvements fund and matching funds for state park matching grants subject to the parks and recreation department obtaining matching funds from nonstate sources for each project on a dollar-for-dollar basis in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws.

16. The sum of \$2,000,000 appropriated from grant funds from the state water commission for sovereign land grants in subdivision 1 of section 1 of chapter 51 of the 2023 Session Laws. The department may use up to \$450,000 of this funding for deferred maintenance projects at state parks and for the purchase of equipment. All other remaining funding under this subsection must be used for sovereign land grants.

Approved May 19, 2025

Filed May 19, 2025

* Section 8 of House Bill No. 1019 was vetoed, see chapter 603.

CHAPTER 19

HOUSE BILL NO. 1020

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of water resources; to create and enact a new section to chapter 61-24.6 of the North Dakota Century Code, relating to the northwest area water supply biota water treatment plant operating fund; to amend and reenact subsection 1 of section 54-12-08 and sections 54-35-02.7 and 61-02-79 of the North Dakota Century Code, relating to state agency employment of attorneys, the powers and duties of the water topics overview committee, and a Bank of North Dakota line of credit; to provide legislative intent; to provide for a report; to provide for a study; to provide a continuing appropriation; to provide for a transfer; to provide an exemption; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from other funds, derived from special funds and federal funds, to the department of water resources for the purpose of defraying the expenses of the department of water resources, for the period beginning with the effective date of this Act, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$22,998,148	\$2,333,877	\$25,332,025
New and vacant FTE pool	0	2,371,058	2,371,058
Operating expenses	56,625,923	(26,082,810)	30,543,113
Capital assets	124,136,712	(121,582,762)	2,553,950
Southwest pipeline project	0	101,000,000	101,000,000
Northwest area water supply	0	106,857,325	106,857,325
Water supply - grants	316,200,000	(316,200,000)	0
Rural water supply - grants	52,000,000	(52,000,000)	0
Water supply	0	110,000,000	110,000,000
Regional water supply	0	245,000,000	245,000,000
General water - grants	12,000,000	(12,000,000)	0
General water	0	18,000,000	18,000,000
Flood control grants	115,700,000	(115,700,000)	0
Flood control	0	117,600,000	117,600,000
Discretionary funding	0	10,000,000	10,000,000
Total other funds	\$699,660,783	\$69,596,688	\$769,257,471
Full-time equivalent positions	93.00	5.00	98.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>Other Funds</u>
New FTE costs	\$36,000
Board of water well contractors costs	30,000
Emergency pumps replacement	480,000
Excavator replacement	400,000
Data logger replacement	60,000
Bank of North Dakota line of credit	<u>260,000,000</u>
Total other funds	\$261,006,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER

REQUEST. The department of water resources may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - REPORT. In addition to the amounts appropriated in section 1 of this Act, any additional federal funds and other amounts in the resources trust fund and water commission fund which become available are appropriated to the department of water resources for the purpose of defraying the expenses of the department of water resources, for the period beginning with the effective date of this Act, and ending June 30, 2027. Any additional amounts in the resources trust fund must be allocated equally between municipal water supply grants and rural water supply grants. Any additional amounts in the water commission fund must be allocated to the project for which the funding was intended. Any additional federal funds which become available to the department of water resources must be allocated for the purpose for which the funds were received. The director of the department of water resources shall report to the legislative management on the use of any additional appropriation authority pursuant to this section.

SECTION 5. OTHER FUNDS - WATER PROJECTS STABILIZATION FUND. The total other funds line item in section 1 of this Act includes \$42,500,000 from the water projects stabilization fund for water supply grants for the period beginning with the effective date of this Act, and ending June 30, 2027.

SECTION 6. DEPARTMENT OF WATER RESOURCES DISCRETIONARY FUNDING. The discretionary funding appropriated to the department of water resources in section 1 of this Act or continued in section 24 of this Act may be used as necessary, except for salaries and wages, for the period beginning with the effective date of this Act, and ending June 30, 2027.

SECTION 7. TRANSFER - RESOURCES TRUST FUND - WATER INFRASTRUCTURE REVOLVING LOAN FUND. The state treasurer shall transfer \$40,000,000 from the resources trust fund to the water infrastructure revolving loan fund at the Bank of North Dakota for providing loans for water projects, as requested by the director of the department of water resources, during the period beginning with the effective date of this Act, and ending June 30, 2027.

SECTION 8. BANK OF NORTH DAKOTA LINE OF CREDIT - WATER INFRASTRUCTURE REVOLVING LOAN FUND - TRANSFER. The department of water resources may request a line of credit from the Bank of North Dakota not to exceed \$100,000,000 to be transferred to the water infrastructure revolving loan fund as requested by the director of the department of water resources to provide local cost-share loans for projects approved by the state water commission pursuant to

section 6-09-49.2 for the period beginning with the effective date of this Act, and ending June 30, 2027. The interest rate associated with the line of credit must be the prevailing interest rate charged to North Dakota government entities. The department of water resources shall request a deficiency appropriation from the seventieth legislative assembly to repay the line of credit.

4 SECTION 9. AMENDMENT. Subsection 1 of section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and ~~no person may~~ a person may not act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, the agriculture commissioner, and the ~~securities commissioner~~ department of water resources may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.

SECTION 10. 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~~ Powers and duties.

1. The legislative management, during each ~~interim~~ interbiennium, shall appoint a water topics overview committee in the same manner as the legislative management appoints other interim committees. The committee must meet quarterly during the interim 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 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.
2. Any request anticipated to be submitted to the state water commission or to the next legislative assembly for which the state cost-share is estimated to be ten million dollars or more must be reported to the water topics overview committee before May thirty-first of each even-numbered year. The committee shall review the request and make a recommendation on the prioritization of the project for consideration by the next legislative assembly. A copy of the committee's report concerning a new water project request must be provided to the appropriations committees of the legislative assembly.

⁴ Section 54-12-08 was also amended by section 12 of Senate Bill No. 2214, chapter 101.

3. The committee may solicit draft measures and proposals from interested persons during the interim between legislative sessions, and also may study measures and proposals referred to the committee by the legislative assembly or the legislative management.
4. If a water project requesting state funds of ten million dollars or more is introduced in either house without a report from the committee, the committee shall consider and report its recommendation regarding the project. A copy of the committee's report concerning the new water project request must be provided to the appropriations committees of the legislative assembly.
5. The committee shall work collaboratively with the state water commission and may meet with the state water commission.
6. The committee shall report on the committee's project prioritization process, provide updates on allocated program expenditures, and report on the fund balances of projects, grants, and contracts. ~~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.~~
7. The committee shall report the findings and recommendations of the committee, along with any necessary legislation, to the legislative management and to the legislative assembly.

SECTION 11. AMENDMENT. Section 61-02-79 of the North Dakota Century Code is amended and reenacted as follows:

61-02-79. Bank of North Dakota - Line of credit.

~~The Bank of North Dakota shall extend~~department of water resources may request a line of credit ~~from the Bank of North Dakota~~ not to exceed ~~one hundred million~~two hundred sixty million dollars at the prevailing interest rate charged to North Dakota government entities. The department of water resources shall repay the line of credit from funds available in the resources trust fund or other funds, as appropriated by the legislative assembly. If the moneys available at the end of each biennium are not sufficient to repay the line of credit, the department of water resources shall request from the legislative assembly a deficiency appropriation to repay the line of credit. The department of water resources may access the line of credit, as necessary, to provide up to ~~fifty million dollars for the northwest area water supply project and up to fifty million dollars for the southwest pipeline project during the biennium beginning July 1, 2023, and ending June 30, 2025~~and two hundred ten million dollars for water projects.

SECTION 12. A new section to chapter 61-24.6 of the North Dakota Century Code is created and enacted as follows:

Biota water treatment plant operating fund - Continuing appropriation.

The biota water treatment plant operating fund is a special fund in the state treasury into which all federal funds received for the operation of the northwest area water supply's biota water treatment plant must be deposited. All moneys in the fund are appropriated to the department of water resources on a continuing basis for operations of the biota water treatment plant.

SECTION 13. STATE WATER COMMISSION - RED RIVER VALLEY WATER SUPPLY PROJECT FUNDING - LEGISLATIVE INTENT. Excluding the funding provided for Red River valley water supply projects prior to the 2023-25 biennium, the state water commission may not approve state funding for the Red River valley water supply project in excess of a total of \$953,000,000 without legislative approval. It is the intent of the sixty-ninth legislative assembly that of the \$773,000,000 yet to be designated, \$205,000,000 is provided from funds appropriated to the department of water resources for regional water supply in section 1 of this Act.

SECTION 14. RED RIVER VALLEY WATER SUPPLY PROJECT - FEDERAL FUNDING - LEGISLATIVE INTENT. It is the intent of the sixty-ninth legislative assembly that any federal funds received for the Red River valley water supply project be allocated seventy-five percent to the state cost share and twenty-five percent to the local cost share for the project.

SECTION 15. STATE WATER COMMISSION - MOUSE RIVER FLOOD CONTROL PROJECT FUNDING - LEGISLATIVE INTENT. Excluding the funding provided for Mouse River flood control projects prior to the 2023-25 biennium, the state water commission may not approve state funding for the Mouse River flood control project in excess of a total of \$380,500,000 without legislative approval. It is the intent of the sixty-ninth legislative assembly that of the \$304,400,000 yet to be designated, \$81,100,000 is provided from funds appropriated to the department of water resources for flood control in section 1 of this Act.

SECTION 16. STATE WATER COMMISSION - GRANTS AND WATER PROJECTS - 2025-27 BIENNIUM - LEGISLATIVE INTENT. It is the intent of the sixty-ninth legislative assembly that the funds appropriated in the water supply, regional water supply, flood control, and general water line items in section 1 of this Act be designated as follows, although funding may be reallocated between designations in each line item:

1. \$110,000,000 for water supply, including:
 - a. \$40,000,000 for municipal water supply; and
 - b. \$70,000,000 for rural water supply.
2. \$245,000,000 for regional water supply, including:
 - a. \$205,000,000 for Red River valley water supply project; and
 - b. \$40,000,000 for western area water supply project.
3. \$117,600,000 for flood control, including:
 - a. \$81,100,000 for Mouse River flood control;
 - b. \$12,000,000 for Valley City flood control;
 - c. \$17,000,000 for city of Bismarck flood control; and
 - d. \$7,500,000 for other flood control projects.
4. \$18,000,000 for general water, including:
 - a. \$15,000,000 for water conveyance; and
 - b. \$3,000,000 for other general water projects.

SECTION 17. MISSOURI RIVER AND OTHER WATER SYSTEMS - LEGISLATIVE INTENT. It is the intent of the sixty-ninth legislative assembly that the department of water resources continue to support efforts that protect and develop beneficial use of Missouri River system water and other available water supply sources.

SECTION 18. LEGISLATIVE MANAGEMENT STUDY - DESIGNATED APPROPRIATIONS FOR WATER PROJECTS. During the 2025-26 interim, the legislative management shall consider studying designated appropriations for water projects. The study must include an evaluation of the impact of designating appropriations for water projects and of providing legislative intent for funding to be provided over multiple bienniums for water projects. The study must also consider the appropriate involvement of the legislative management's water topics overview committee in the prioritization of funding for water projects. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 19. LEGISLATIVE MANAGEMENT STUDY - STORM WATER PROJECTS. During the 2025-26 interim, the legislative management shall consider studying funding for storm water projects in the state, including current funding sources, related statutes, and the policies of the state water commission. The study must include information regarding recently completed storm water projects and funding needs for future storm water projects in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 20. EXEMPTION - DEPARTMENT OF WATER RESOURCES STUDY - MISSOURI RIVER INTAKE SITES STUDY PHASE TWO - REPORT. During the 2025-26 interim, the department of water resources shall study or conduct a field investigation as phase two of the department's study of select intake sites identified in phase one of the Missouri River intake sites study conducted during the biennium beginning July 1, 2023, and ending June 30, 2025. The state water commission is not subject to procurement requirements under chapter 54-44 for the purpose of contracting with a consultant for this study. Funding necessary for the study is included in the appropriation in the discretionary funding line item in section 1 of this Act. The department of water resources shall report to the legislative management during the 2025-26 interim and to the appropriations committees of the seventieth legislative assembly regarding the status of and any recommendations from phase two of the Missouri River intake sites study.

SECTION 21. EXEMPTION - STATE WATER COMMISSION STUDY - REGIONAL WATER SYSTEMS GOVERNANCE AND FINANCE - REPORT. During the 2025-26 interim, the state water commission shall study the long-term governance and finance models of select regional water systems in the state. The study must include the operational and organizational aspects of the southwest pipeline project, northwest area water supply project, and Red River valley water supply project. The state water commission is not subject to procurement requirements under chapter 54-44 for the purpose of contracting with a consultant for this study and may contract for the study only with an entity that does not receive direct or indirect benefits from any regional, municipal, or rural water system within the state. Funding for the study is included in the appropriation in the discretionary funding line item in section 1 of this Act. The state water commission shall provide a draft report to the legislative management by March 31, 2026, regarding the results of and any recommendations from the regional water systems governance and finance study.

SECTION 22. EXEMPTION - STATE WATER COMMISSION STUDY - COST-SHARE POLICY AND FINANCIAL PLANNING - REPORT TO LEGISLATIVE MANAGEMENT. During the 2025-26 interim, the state water commission shall study its cost-share policy, including an evaluation of whether projected funding for water projects, in conjunction with the existing cost-share policy, will adequately address anticipated funding needs for water projects through July 1, 2039. The study must also evaluate the schedules and overall work plans of water projects and the state's financial role in deferred maintenance or replacement projects and must recommend strategies to address any funding shortfalls identified. The state water commission is not subject to procurement requirements under chapter 54-44 for the purpose of contracting for this study and may contract for the study only with an entity that does not receive direct or indirect benefits from the cost-share program. Funding for the study is included in the appropriation in the discretionary funding line item in section 1 of this Act. The state water commission shall provide a draft report to the legislative management by March 31, 2026, regarding the results of and any recommendations from the cost-share policy study.

SECTION 23. EXEMPTION - LINE ITEM TRANSFERS - REPORT. Notwithstanding section 54-16-04, the office of management and budget shall transfer up to \$5,000,000 between the operating expenses and capital assets line items in section 1 of this Act, during the period beginning with the effective date of this Act, and ending June 30, 2027, as requested by the director of the department of water resources. The director of the department of water resources shall report to the legislative management any transfers made pursuant to this section.

SECTION 24. EXEMPTION - GRANTS - WATER-RELATED PROJECTS - UNEXPENDED FUNDS - REPORT. Section 54-44.1-11 does not apply to funding appropriated or continued for grants or water-related projects included in the capital assets, water supply - grants, rural water supply - grants, flood control projects, discretionary funding, and general water - grants line items in sections 1, 3, and 21 of chapter 52 of the 2023 Session Laws. Any unexpended obligated and unobligated funds from these appropriations may be continued into the 2025-27 biennium. Any funds continued, estimated by the department of water resources to be \$600,000,000, may be expended only for the purpose for which it was originally appropriated. The director of the department of water resources shall report to the legislative management any funding continued pursuant to this section.

SECTION 25. EXEMPTION - BOWMAN RADAR SYSTEM. The amount of \$1,800,000 appropriated from other funds for the purpose of replacing the Bowman radar system in the capital assets line item in section 1 of chapter 52 of the 2023 Session Laws is not subject to Section 54-44.1-11 and any unexpended funds from this appropriation may be continued and expended for the purpose for which it was originally appropriated during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 26. EMERGENCY. This Act and House Bill No. 1040, as approved by the sixty-ninth legislative assembly, are declared to be an emergency measure.

Approved May 12, 2025

Filed May 12, 2025

CHAPTER 20
HOUSE BILL NO. 1021
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of workforce safety and insurance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from special funds derived from the workforce safety and insurance fund in the state treasury, not otherwise appropriated, to workforce safety and insurance, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Workforce safety and insurance operations	\$65,954,976	\$11,290,155	\$77,245,131
New and vacant FTE pool	0	3,189,008	3,189,008
Total special funds	\$65,954,976	\$14,479,163	\$80,434,139
Full-time equivalent positions	260.14	0.00	260.14

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>Other Funds</u>
Claims and policy system replacement project	\$5,208,325
MyWSI extranet enhancement project	1,366,050
Building improvements	2,000,000
Total	\$8,574,375

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. Workforce safety and insurance may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to workforce safety and insurance operations line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 21

HOUSE BILL NO. 1022

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the retirement and investment office.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from special funds, to the retirement and investment office for the purpose of defraying the expenses of the retirement and investment office, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$8,552,467	\$3,539,528	\$12,091,995
New and vacant FTE pool	0	470,466	470,466
Operating expenses	2,731,037	1,054,096	3,785,133
Contingencies	<u>200,000</u>	<u>0</u>	<u>200,000</u>
Total special funds	\$11,483,504	\$5,064,090	\$16,547,594
Full-time equivalent positions	34.00	1.00	35.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Information technology consulting	\$0	\$250,000	\$250,000
Total	\$0	\$250,000	\$250,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The retirement and investment office may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 22
HOUSE BILL NO. 1023
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the public employees retirement system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from special funds to the public employees retirement system for the purpose of defraying the expenses of the public employees retirement system, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$8,232,492	\$1,689,590	\$9,922,082
New and vacant FTE pool	0	607,917	607,917
Operating expenses	2,416,162	858,001	3,274,163
Contingencies	<u>250,000</u>	<u>0</u>	<u>250,000</u>
Total special funds	\$10,898,654	\$3,155,508	\$14,054,162
Full-time equivalent positions	40.50	2.00	42.50

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>Special Funds</u>
Automate PERSLink business system	<u>\$539,595</u>
Total special funds	\$539,595

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The public employees retirement system may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 23

HOUSE BILL NO. 1024

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of various state departments and institutions; to provide a statement of legislative intent; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the state departments and institutions of the state of North Dakota for the purpose of defraying their expenses for the period beginning with the effective date of this Act, and ending June 30, 2025, as follows:

Subdivision 1.

OFFICE OF THE GOVERNOR

Salaries and wages	\$50,000
Operating expenses	<u>20,000</u>
Total general fund	\$70,000

Subdivision 2.

OFFICE OF MANAGEMENT AND BUDGET

Operating expenses	\$195,000
Total special funds	<u>\$195,000</u>

Subdivision 3.

ATTORNEY GENERAL

Statewide litigation funding pool	\$3,000,000
Prosecution witness fees	<u>50,000</u>
Total general fund	\$3,050,000

Subdivision 4.

DEPARTMENT OF PUBLIC INSTRUCTION

Grants - other grants	<u>\$30,000,000</u>
Total federal funds	\$30,000,000

Subdivision 5.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Adult services - excess population costs	<u>\$11,500,000</u>
Total general fund	\$11,500,000

Subdivision 6.

OFFICE OF THE ADJUTANT GENERAL

Loan interest repayment - law enforcement costs	\$1,763,490
Loan repayment - disaster costs	<u>4,294,789</u>
Total general fund	\$6,058,279

Subdivision 7.

DEPARTMENT OF WATER RESOURCES

Line of credit repayment - water infrastructure revolving loan fund	<u>\$10,000,000</u>
Total resources trust fund	\$10,000,000

Subdivision 8.

TOTAL - SECTION 1

Grand total all funds	\$60,873,279
Less grand total other funds	<u>40,195,000</u>
Grand total general fund	\$20,678,279

SECTION 2. LEGISLATIVE INTENT - COST REIMBURSEMENTS - LOAN REPAYMENTS. It is the intent of the sixty-ninth legislative assembly that the attorney general seek reimbursement from the federal government for the costs of responding to unlawful activity associated with the construction of the Dakota access pipeline. It is further the intent of the sixty-ninth legislative assembly that these reimbursements be used to repay the Bank of North Dakota loans authorized by the emergency commission and the legislative assembly which were obtained to provide the funding necessary to respond to the unlawful activity associated with the construction of the Dakota access pipeline. It is further the intent of the sixty-ninth legislative assembly that the provisions of section 54-16-13 apply to the loans, except that emergency commission approval does not apply.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 24

HOUSE BILL NO. 1038

(Representatives Nathe, Bosch, Hagert, Lefor, Mitskog, O'Brien, Schreiber-Beck,
Stemen, Vigesaa)
(Senators Axtman, Bekkedahl, Hogue)

AN ACT to provide an appropriation to the department of commerce for a state radar data pathfinder program; to provide for a report; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - DEPARTMENT OF COMMERCE - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - STATE RADAR DATA PATHFINDER PROGRAM - LEGISLATIVE MANAGEMENT REPORT - ONE-TIME FUNDING.

There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$11,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of administering a state radar data pathfinder program, for the period beginning with the effective date of this Act, and ending June 30, 2027. This funding is considered a one-time funding item.

1. The department of commerce shall collaborate with the uncrewed aircraft systems test site established in section 54-60-28 in administering the state radar data pathfinder program and participating in the federal radar data pathfinder program administered by the federal aviation administration. The department of commerce shall use funding appropriated in this section to:
 - a. Support the integration of federal radar data with state uncrewed aircraft systems and the beyond visual line of sight program.
 - b. Develop and implement security control protocols that meet federal aviation administration radar data requirements to ensure compliance with national security standards.
 - c. Enhance uncrewed aircraft systems and radar data infrastructure in the state.
 - d. Increase the safety and effectiveness of the operations of the uncrewed aircraft systems test site.
 - e. Provide state agencies with training and technical resources to use federal radar data securely while using the beyond visual line of sight program.
2. During the 2025-26 interim, the department of commerce shall provide a report to the legislative management and the governor by June 30, 2026, regarding the status of the state radar data pathfinder program, integration of the state program with the federal aviation administration radar data pathfinder program, expenditures to date, and the effect of the program on uncrewed aircraft system operations, safety, and data security in the state.

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

Approved February 24, 2025

Filed February 25, 2025

CHAPTER 25

HOUSE BILL NO. 1106

(Representatives Monson, Jonas, Martinson, Meier, Schauer)
(Senators Mathern, Roers, Sorvaag)

AN ACT to provide an appropriation to the department of transportation for nonfixed route transit program grants.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - DEPARTMENT OF TRANSPORTATION - TRANSIT GRANTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of providing grants to nonfixed route public transportation providers, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 26

HOUSE BILL NO. 1143

(Representatives Pyle, Brandenburg, Davis, McLeod, Mitskog, Swiontek, Hauck)
(Senators Boschee, Lee, Roers, Barta, Dever)

AN ACT to provide an appropriation to the agriculture commissioner for a food distribution facility grant program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - AGRICULTURE COMMISSIONER - FOOD DISTRIBUTION FACILITY GRANT PROGRAM - ONE-TIME FUNDING. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$5,000,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of providing a food distribution facility grant program, for the biennium beginning July 1, 2025, and ending June 30, 2027. Grant funds may be used only to pay for site acquisition, architectural costs, engineering costs, labor, equipment, and materials related to the construction of a statewide charitable food distribution and logistics facility. A grant recipient must provide one dollar of matching funds from nonstate sources for each dollar provided by the agriculture commissioner. Entities receiving funding under this section shall report to the agriculture commissioner annually regarding the use and effectiveness of the funding. The funding provided in this section is considered a one-time funding item.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 27

HOUSE BILL NO. 1193

(Representatives Vetter, Bahl, Holle, Motschenbacher, Satrom, Christianson, McLeod, Schauer)
(Senators Barta, Cory, Meyer)

AN ACT to provide an appropriation to the attorney general for a peace officer and correctional officer appreciation grant program; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - ATTORNEY GENERAL - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - PEACE OFFICER AND CORRECTIONAL OFFICER APPRECIATION GRANT PROGRAM - LEGISLATIVE MANAGEMENT REPORT - ONE-TIME FUNDING. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$3,500,000, or so much of the sum as may be necessary, to the attorney general for the purpose of a peace officer and correctional officer appreciation grant program, for the biennium beginning July 1, 2025, and ending June 30, 2027. The attorney general shall provide grants to each city and county law enforcement agency in the state based on the proportional number of licensed peace officers and correctional officers employed by the city or county law enforcement agency compared to the total number of licensed peace officers and correctional officers employed by all city and county law enforcement agencies. Of the funding available for this program, a sum of at least \$750,000 must be granted to city and county law enforcement agencies employing ten or fewer employees working in a law enforcement capacity. Funding appropriated in this section must be used for providing retention bonuses to current law enforcement and correctional officers and providing tuition and fee payments on behalf of law enforcement trainees. During the 2025-26 interim, the attorney general shall provide a report to the legislative management regarding the use and effectiveness of grant funds, the number of grants provided, the average amount of bonuses provided by city and county law enforcement agencies and correctional facilities, and other program outcomes under this section. The appropriation in this section is considered a one-time funding item.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 28

HOUSE BILL NO. 1331

(Representatives Mitskog, Schreiber-Beck)
(Senators Sorvaag, Luick)

AN ACT to provide an appropriation to the North Dakota state college of science; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - NORTH DAKOTA STATE COLLEGE OF SCIENCE - ONE-TIME FUNDING. There is appropriated from other funds derived from gifts, grants, donations, and other local funds, the sum of \$1,750,000, or so much of the sum as may be necessary, to the North Dakota state college of science for the purpose of constructing an artificial turf playing surface, for the period beginning with the effective date of this Act, and ending June 30, 2027. The funding appropriated in this section includes up to \$250,000 from dining services auxiliary revenues. The funding appropriated in this section is considered a one-time funding item.

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

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 29

HOUSE BILL NO. 1468

(Representatives Bosch, Berg, Dockter, Martinson, Nathe, Porter, Heinert)
(Senators Axtman, Cleary, Larson)

AN ACT to provide an appropriation to the department of health and human services for a behavioral health facility grant.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. DEPARTMENT OF HEALTH AND HUMAN SERVICES - BEHAVIORAL HEALTH FACILITY GRANT.

1. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$16,000,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of providing a behavioral health facility grant, for the biennium beginning July 1, 2025, and ending June 30, 2027.
2. A grant of up to \$16,000,000 must be provided to increase the number of behavioral health beds in the west central human service center region. To be eligible to receive a grant under this section, an entity must increase the number of available inpatient behavioral health beds by thirty.
3. The department shall require an entity receiving a grant under this section to operate the behavioral health facility for at least ten years and require the grant amount to be repaid if the entity does not operate the facility for at least ten years. The amount of grant funding that must be repaid may be reduced by ten percent for each year the facility is in operation. Grant funding may not be awarded under this section until the physical infrastructure of the behavioral health facility is complete and the entity submits documentation to the department to detail adequate staffing plans to support the facility.
4. The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this section.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 30

HOUSE BILL NO. 1531

(Representatives Schreiber-Beck, Beltz, Fisher, Hagert, Kiefert, Monson)
(Senators Luick, Myrdal, Wanzek, Weber)

AN ACT to provide an appropriation to the agriculture commissioner to conduct an irrigation expansion study; and to provide for a report to the legislative management.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - GENERAL FUND - AGRICULTURE COMMISSIONER - IRRIGATION EXPANSION STUDY - ONE-TIME FUNDING - REPORT TO THE LEGISLATIVE MANAGEMENT.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$75,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of contracting with a consultant to study the potential benefits of expanding irrigation throughout the state, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation in this section is considered a one-time funding item.
2. The consultant shall study:
 - a. The potential economic benefits of increased irrigation and improved water conveyance in rural communities of the state;
 - b. The ramifications of failing to construct and implement irrigation infrastructure as originally designed under the Pick-Sloan Flood Control Act of 1944 [Pub. L. 78-534; 58 Stat. 887];
 - c. A comparison of the economic contribution between irrigated land and nonirrigated land;
 - d. A comparison of the economic contribution between using subsurface water management systems and land not using subsurface water management systems; and
 - e. Any other factors that would improve and expand irrigation in the state along with any perceived benefits from expanded irrigation.
3. The agriculture commissioner is exempt from the state purchasing practices under chapter 54-44.4 when contracting for services to accomplish the study.
4. Before July 1, 2026, the agriculture commissioner shall present the findings and recommendations of the study, and any proposed legislation necessary to implement the recommendations, to the legislative management.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 31

HOUSE BILL NO. 1581

(Representatives Finley-DeVile, Brown, Davis, Ista)
(Senators Mathern, Walen)

AN ACT to provide an appropriation to the department of commerce for tribal tourism grants; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - DEPARTMENT OF COMMERCE - TRIBAL TOURISM GRANTS - ONE-TIME FUNDING - LEGISLATIVE MANAGEMENT REPORT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing tribal tourism grants, for the biennium beginning July 1, 2025, and ending June 30, 2027. A tribal government in the state may apply to the department of commerce for a grant of up to \$20,000 to match funds committed by a tribal government to promote and enhance tribal nation tourism opportunities. A grant application must include a plan for using funds to promote and enhance tribal nation tourism opportunities to be overseen by the department of commerce division of tourism. The department of commerce shall report to legislative management regarding the distribution, use, and impact of grants. The appropriation provided in this section is considered a one-time funding item.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 32

HOUSE BILL NO. 1591

(Representatives Ostlie, Grueneich, Jonas, Novak, Pyle, Satrom, Schreiber-Beck, Stemen)

(Senators Conley, Meyer, Wanzek)

AN ACT to provide an appropriation to the agriculture commissioner for a county fair resiliency grant program; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - AGRICULTURE COMMISSIONER - COUNTY FAIR RESILIENCY GRANT PROGRAM - ONE-TIME FUNDING. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of providing grants to county agriculture fair associations for the planning, design, and construction of infrastructure projects, for the period beginning with the effective date of this Act, and ending June 30, 2027. The agriculture commissioner may not award more than \$100,000 to a county agriculture fair association under this program. The agriculture commissioner shall create guidelines to distribute the grant funding, including the requirement for a recipient to provide one dollar of matching funds from nonstate sources for every two dollars of grant funding received. The guidelines may provide for matching funds to be provided in the form of cash or in-kind contributions. The funding in this section is considered a one-time funding item.

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

Approved April 17, 2025

Filed April 21, 2025

CHAPTER 33

HOUSE BILL NO. 1603

(Representatives Brown, Davis, Finley-DeVill, Ista, Nelson)
(Senators Boschee, Braunberger, Mathern)

AN ACT to provide an appropriation to the state historical society for Native American grave protection and repatriation compliance efforts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - STATE HISTORICAL SOCIETY - NATIVE AMERICAN GRAVE PROTECTION AND REPATRIATION COMPLIANCE.

1. 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 state historical society for the purpose of providing compliance with the federal Native American Graves Protection and Repatriation Act, for the biennium beginning July 1, 2025, and ending June 30, 2027.
2. The state historical society shall use the funds provided under this section to establish a compliance committee consisting of tribal historic preservation officers or their designees from each North Dakota tribe with an agreement pursuant to chapter 54-40.2. The committee must consist of representatives from the state historical society, Indian affairs commission, and the attorney general's office. Each tribe participating on the committee shall provide matching funds of up to \$100,000 for committee efforts. All funds received for compliance efforts under this section must be placed into a separate account with oversight by the office of management and budget.
3. The committee must identify and prioritize compliance efforts for the repatriation of culturally significant human remains, funerary objects, sacred objects, and objects of cultural patrimony, including funding for staffing, training, and consultation with the tribal historic preservation offices. The compliance committee shall develop policies to facilitate meetings, grant usage, training, consultation, compliance timelines, training, and documentation requirements that directly address the repatriation of culturally significant items to North Dakota tribal nations.
4. The appropriation provided in this section does not authorize any new scientific study of Native American ancestral remains or burial property, as outlined in the federal Native American Graves Protection and Repatriation Act, nor may the funds be appropriated for such studies.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 34

SENATE BILL NO. 2001

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the legislative branch of state government; to amend and reenact sections 48-08-04, 54-03-10, 54-03-20, and 54-35-10 of the North Dakota Century Code, relating to use of legislative rooms and halls and legislative compensation; to provide a statement of legislative intent; to provide for a report; to provide an exemption; and to provide for application, transfer, and cancellation of unexpended appropriations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from the insurance regulatory trust fund, not otherwise appropriated, to the legislative branch of state government for the purpose of defraying the expenses of the legislative branch of state government, for the fiscal period beginning with the effective date of this Act, and ending June 30, 2027, as follows:

Subdivision 1.

SIXTY-NINTH AND SEVENTIETH LEGISLATIVE ASSEMBLIES AND BIENNIUM

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$12,950,567	\$1,645,103	\$14,595,670
Operating expenses	4,772,209	5,398,631	10,170,840
Capital assets	6,000	220,000	226,000
National conference of state legislatures	<u>283,070</u>	<u>23,102</u>	<u>306,172</u>
Total general fund	\$18,011,846	\$7,286,836	\$25,298,682

Subdivision 2.

LEGISLATIVE MANAGEMENT AND LEGISLATIVE COUNCIL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$15,435,797	\$1,190,358	\$16,626,155
New and vacant FTE pool	0	5,088,515	5,088,515
Operating expenses	3,780,912	1,435,238	5,216,150
Public printing	0	290,000	290,000
Capital assets	<u>6,000</u>	<u>280,000</u>	<u>286,000</u>
Total all funds	\$19,222,709	\$8,284,111	\$27,506,820
Less other funds	<u>88,000</u>	<u>0</u>	<u>88,000</u>
Total general fund	\$19,134,709	\$8,284,111	\$27,418,820
Full-time equivalent positions	45.00	25.00	70.00

Subdivision 3.

TOTAL - SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total all funds	\$37,234,555	\$15,570,947	\$52,805,502
Less grand total other funds	<u>88,000</u>	<u>0</u>	<u>88,000</u>
Grand total general fund	\$37,146,555	\$15,570,947	\$52,717,502

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in each entity's base budget for the 2027-29 biennium and which each entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total Funds</u>
Legislative Assembly			
Legislative chambers and system upgrades	<u>\$4,451,000</u>	<u>\$0</u>	<u>\$4,451,000</u>
Total legislative assembly	\$4,451,000	\$0	\$4,451,000
Legislative Management and Legislative Council			
Costs related to new positions	\$375,000	\$0	\$375,000
Legislative term limit study	225,000	0	225,000
Information technology equipment	<u>280,000</u>	<u>0</u>	<u>280,000</u>
Total legislative management and legislative council	<u>\$880,000</u>	<u>\$0</u>	<u>\$880,000</u>
Grand total	\$5,331,000	\$0	\$5,331,000

SECTION 3. NEW AND VACANT FTE POOL - BUDGET SECTION REPORT.

1. The legislative council may not spend funds from the new and vacant FTE pool line item in subdivision 2 of section 1 of this Act, but may transfer funds from this line item to the salaries and wages line item as necessary to provide funding for:
 - a. Filling a new FTE position from the date of hire through the end of the biennium; or
 - b. Salaries and wages if actual salaries and wages savings from vacant positions and employee turnover adjusted for other uses are less than the estimate used by the sixty-ninth legislative assembly in the development of the appropriation.
2. The legislative council shall report to the budget section regarding the use of funding in the pool including information on:
 - a. New FTE positions, including the date hired;
 - b. Vacant FTE positions, including information on positions that become vacant and positions filled, salaries and wages savings resulting from vacant positions and employee turnover, and the use of salaries and wages savings for other purposes; and

- c. Additional salaries and wages funding needed due to savings from vacant positions being less than anticipated.
3. If funding in the new and vacant FTE pool line item is insufficient to provide the necessary salaries and wages funding for the biennium, the legislative council may request a deficiency appropriation from the seventieth legislative assembly.

SECTION 4. EXEMPTION - TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority between line items of the legislative management and legislative council as may be requested by the chairman of the legislative management or the director of the legislative council upon the finding by the chairman or the director that the nature of studies and duties assigned to the legislative management or legislative council requires the transfers in properly carrying on the legislative management's and legislative council's functions and duties. The director of the office of management and budget shall similarly make transfers of appropriation authority between the line items for the sixty-ninth and seventieth legislative assemblies, upon request by the chairman of the legislative management or the director of the legislative council upon the finding by the chairman or director that the transfers are required for the legislative assembly to carry on its functions and duties.

SECTION 5. APPLICATION, TRANSFER AUTHORITY, AND CANCELLATION OF UNEXPENDED APPROPRIATIONS. Sections 54-16-04 and 54-44.1-11 do not apply to chapter 1 of the 2023 Session Laws. The director of the office of management and budget shall make transfers of appropriation authority between the line items and the agencies of the legislative branch within section 1 of that chapter as requested by the chairman of the legislative management or the director of the legislative council. The office of management and budget shall cancel unexpended appropriations for the legislative assembly and legislative council enacted prior to the 2023-25 biennium as directed by the chairman of the legislative management or the director of the legislative council.

***SECTION 6. AMENDMENT.** Section 48-08-04 of the North Dakota Century Code is amended and reenacted as follows:

48-08-04. Use of legislative assembly rooms, and halls, and other space in the capitol.

During the interim between legislative sessions, the committee rooms, halls, passageways, and other space in the capitol used by the legislative assembly, including the pioneer room, the coteau room, the Sheyenne River room, judicial wing room 216, and judicial wing rooms 327 B, C, and E, may not be used without authorization of the legislative council. The fifteenth floor of the capitol is reserved for the exclusive use of the legislative council.

SECTION 7. AMENDMENT. Section 54-03-10 of the North Dakota Century Code is amended and reenacted as follows:

54-03-10. Compensation of speaker, majority and minority leaders, assistant majority and minority leaders, committee chairmen, and employees.

The speaker of the house, the house majority leader, the senate majority leader, the house minority leader, and the senate minority leader shall each receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of ~~fifty~~fifty-two dollars per day for each calendar day during

any regular, special, or organizational session. Chairmen of the substantive standing committees, the house assistant majority leader, the senate assistant majority leader, the house assistant minority leader, and the senate assistant minority leader shall receive additional compensation of ~~ten~~^{fifteen} dollars for each calendar day during any regular, special, or organizational session. The additional compensation provided by this section must be paid in the manner provided in section 54-03-20. The legislative assembly, by concurrent resolution, shall fix the compensation of the other officers and employees elected or appointed.

⁵ **SECTION 8. AMENDMENT.** Section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

54-03-20. Compensation and expense reimbursement of members of the legislative assembly.

1. Each member of the legislative assembly is entitled to receive as compensation for services the sum of ~~two hundred fifty~~^{two hundred nineteen} dollars through June 30, ~~2024~~²⁰²⁶, and ~~two hundred thirty~~^{two hundred twenty-six} dollars thereafter for each calendar day during any organizational, special, or regular legislative session and for each day that member attends a meeting of a legislative committee between the organizational session and the regular session as authorized by legislative rule.
2. a. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed per calendar month the amount established under this subdivision by the director of the office of management and budget for lodging in state and which may not exceed the rate provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. On August first of each even-numbered year, the director of the office of management and budget shall set the maximum monthly reimbursement for the subsequent two-year period at an amount equal to thirty times seventy percent of the daily lodging reimbursement in effect on that date as provided under subdivision d of subsection 2 of section 44-08-04.
- b. Notwithstanding subdivision a:
 - (1) A member of the legislative assembly may elect to be reimbursed for less than the amount to which the legislator is entitled under this subsection by claiming the lesser amount on a voucher submitted with the receipt required by section 44-08-04.
 - (2) The legislative management may establish guidelines that may result in a reduced maximum reimbursement for a single dwelling in which two or more legislators share lodging and the total rent for that dwelling exceeds the amount to which a legislator is entitled under subdivision a.
3. a. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state

⁵ Section 54-03-20 was also amended by section 3 of Senate Bill No. 2084, chapter 417.

employees with the additional limitation that reimbursement for travel by common carrier may be only at the cost of coach fare and may not exceed one and one-half times the amount the member would be entitled to receive as mileage reimbursement for travel by motor vehicle.

- b. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed the maximum monthly reimbursement allowed under subdivision a of subsection 2.
4. The amount to which each legislator is entitled must be paid following the organizational session in December and 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.
5. If during a special session, the legislative assembly adjourns for more than three days, a member of the legislative assembly is entitled to receive compensation during those days only while in attendance at a standing committee if the legislator is a member of that committee, a majority or minority leader, or a legislator who is not on that committee but who has the approval of a majority or minority leader to attend.
6. A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session or a legislative committee meeting must be included as a calendar day during a legislative session or as a day of a legislative committee meeting for the purposes of this section.
7.
 - a. In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of ~~five hundred sixty-nine~~six hundred ten dollars through June 30, ~~2024~~2026, and ~~five hundred ninety-two~~six hundred twenty-eight dollars thereafter per month, paid monthly.
 - b. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.
 - c. The majority and minority leaders of the house and senate and the chairman of the legislative management, if the chairman is not a majority or minority leader, are each entitled to receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of ~~four hundred eighty-four~~four hundred thirty-seven dollars through June 30, ~~2024~~2026, and ~~four hundred twenty-four~~four hundred fifty dollars thereafter per month during the biennium for their execution of public duties.

8. Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances must be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)].
9. Before each regular legislative session, the legislative management shall make recommendations and submit any necessary legislation to adjust legislative compensation amounts.

SECTION 9. AMENDMENT. Section 54-35-10 of the North Dakota Century Code is amended and reenacted as follows:

54-35-10. Compensation of members and leadership.

1. The members of the legislative management and the members of any committee of the legislative management are entitled to be compensated for the time spent in attendance at sessions of the legislative management and of its committees at the rate of ~~two hundred fifty~~ two hundred nineteen dollars through June 30, ~~2024~~ 2026, and ~~two hundred thirteen~~ two hundred twenty-six dollars thereafter per day and must also be paid for expenses incurred in attending said meetings and in the performance of their official duties in the amounts provided by law for other state officers.
2. In addition to the compensation provided in subsection 1, the chairman of the legislative management is entitled to receive an additional ~~five~~ ten dollars for each day spent in attendance at sessions of the legislative management and of its committees, and the chairman of each of the legislative management's committees is entitled to receive ~~five~~ ten dollars for each day spent in attendance at sessions of the legislative management or of the committee which the person chairs.

SECTION 10. LEGISLATIVE INTENT - LEGISLATIVE MANAGEMENT - CHAMBER ACCESSIBILITY. It is the intent of the sixty-ninth legislative assembly that the legislative management review the accessibility of the legislative chambers and gather information regarding options to improve access.

Approved May 19, 2025

Filed May 19, 2025

* Section 6 of Senate Bill No. 2001 was vetoed, see chapter 604.

CHAPTER 35

SENATE BILL NO. 2002

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the judicial branch; to provide an appropriation to the office of guardianship and conservatorship; to create and enact a new subsection to section 54-06-08.2 of the North Dakota Century Code, relating to credit and debit card fees; to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to the salaries of justices of the supreme court and salaries of district court judges; to provide for transfers; to provide for a report; and to provide an exemption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the judicial branch for the purpose of defraying the expenses of the judicial branch, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

Subdivision 1.

SUPREME COURT

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$12,363,778	\$1,368,155	\$13,731,933
New and vacant FTE pool	8,740,214	(767,241)	7,972,973
Operating expenses	2,915,259	219,534	3,134,793
Office of guardianship and conservatorship	0	375,478	375,478
Capital assets	<u>0</u>	<u>866,100</u>	<u>866,100</u>
Total all funds	\$24,019,251	\$2,062,026	\$26,081,277
Less other funds	<u>97,793</u>	<u>(53,664)</u>	<u>44,129</u>
Total general fund	\$23,921,458	\$2,115,690	\$26,037,148

Subdivision 2.

DISTRICT COURTS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$79,576,340	\$12,513,343	\$92,089,683
Operating expenses	24,524,619	3,318,107	27,842,726
Capital assets	0	5,142,216	5,142,216
Judges' retirement	<u>177,340</u>	<u>(13,666)</u>	<u>163,674</u>
Total all funds	\$104,278,299	\$20,960,000	\$125,238,299
Less other funds	<u>830,318</u>	<u>4,256,680</u>	<u>5,086,998</u>
Total general fund	\$103,447,981	\$16,703,320	\$120,151,301

Subdivision 3.

JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Judicial conduct commission and disciplinary board	<u>\$1,399,862</u>	<u>\$181,073</u>	<u>\$1,580,935</u>
Total all funds	\$1,399,862	\$181,073	\$1,580,935
Less other funds	<u>512,317</u>	<u>4,314</u>	<u>516,631</u>
Total general fund	\$887,545	\$176,759	\$1,064,304

Subdivision 4.

TOTAL - SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total all funds	\$129,697,412	\$23,203,099	\$152,900,511
Grand total other funds	<u>1,440,428</u>	<u>4,207,330</u>	<u>5,647,758</u>
Grand total general fund	\$128,256,984	\$18,995,769	\$147,252,753
Full-time equivalent positions	384.00	10.00	394.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total Funds</u>
Information technology equipment lease	\$874,216	\$0	\$874,216
Case management software cloud migration	0	758,000	758,000
Clerk filing software	0	1,250,000	1,250,000
Court records access system	0	960,000	960,000
Cloud-based storage fees	866,100	0	866,100
Courtroom audio and video equipment	0	1,200,000	1,200,000
Cass County courtroom equipment	0	100,000	100,000
Total	\$1,740,316	\$4,268,000	\$6,008,316

SECTION 3. NEW AND VACANT FULL-TIME EQUIVALENT POOL - BUDGET SECTION REPORT.

1. The supreme court may not spend funding from the new and vacant full-time equivalent funding pool line item in subdivision 1 of section 1 of this Act, but may transfer funds from this line item to the salaries and wages line items within subdivisions 1 and 2 of this Act, to the guardianship and conservatorship line item within subdivision 1 of this Act, and to the judicial conduction commission and disciplinary board line item within subdivision 3 of this Act, as necessary to provide funding for:

- a. Filling a new position from the date of hire through the end of the biennium; or

- b. Salaries and wages if actual salaries and wages savings from vacant positions and employee turnover, adjusted for other uses, are less than the estimate used by the sixty-ninth legislative assembly in the development of the appropriation.
- 2. The supreme court shall report to the budget section regarding the use of funding in the pool, including information on:
 - a. New full-time equivalent positions, including the date hired;
 - b. Vacant full-time equivalent positions, including information regarding positions that become vacant and positions filled, salaries and wages savings resulting from vacant positions and employee turnover, and the use of salaries and wages savings for other purposes; and
 - c. Additional salaries and wages funding needed due to savings from vacant positions being less than anticipated.
- 3. If funding in the new and vacant full-time equivalent pool line item is insufficient to provide the necessary salaries and wages funding for the biennium, the supreme court may request a deficiency appropriation from the seventieth legislative assembly.

SECTION 4. APPROPRIATION. There are appropriated any funds received by the supreme court, district courts, and judicial conduct commission and disciplinary board, not otherwise appropriated, pursuant to federal acts and private gifts, grants, and donations for the purpose as designated in the federal acts or private gifts, grants, and donations, for the period beginning July 1, 2025, and ending June 30, 2027.

SECTION 5. APPROPRIATION - OFFICE OF GUARDIANSHIP AND CONSERVATORSHIP. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$355,000, or so much of the sum as may be necessary, to the office of guardianship and conservatorship for the purpose of providing salaries, wages, and operations funding for an attorney position transferred to the office pursuant to Senate Bill No. 2029, as approved by the sixty-ninth legislative assembly, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - COURT FACILITIES IMPROVEMENT AND MAINTENANCE FUND. The office of management and budget shall transfer the sum of \$200,000 from the strategic investment and improvements fund to the court facilities improvement and maintenance fund during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 7. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The grand total other funds line item in section 1 of this Act includes the sum of \$4,268,000 from the strategic investment and improvements fund for one-time projects and programs as follows:

Case management software cloud migration	\$758,000
Clerk filing software	1,250,000
Court records access system	960,000
Courtroom audio and video equipment	1,200,000
Cass County courtroom equipment	<u>100,000</u>
Total	\$4,268,000

SECTION 8. AMENDMENT. Section 27-02-02 of the North Dakota Century Code is amended and reenacted as follows:

27-02-02. Salaries of justices of supreme court.

The annual salary of each justice of the supreme court is ~~one hundred seventy nine thousand three hundred twelve dollars through June 30, 2024, and one hundred eighty six thousand four hundred eighty four dollars thereafter~~ two hundred seven thousand two hundred forty-nine dollars. The chief justice of the supreme court is entitled to receive an additional ~~five thousand seventy one dollars per annum through June 30, 2024, and five thousand two hundred seventy four~~ seven thousand six hundred forty-seven dollars per annum thereafter.

SECTION 9. AMENDMENT. Section 27-05-03 of the North Dakota Century Code is amended and reenacted as follows:

27-05-03. Salaries and expenses of district judges.

The annual salary of each district judge is ~~one hundred sixty four thousand five hundred thirty two dollars through June 30, 2024, and one hundred seventy one thousand one hundred thirteen dollars thereafter~~ one hundred eighty-four thousand three hundred sixty-six dollars. Each district judge is entitled to travel expenses, including mileage and subsistence while engaged in the discharge of official duties outside the city in which the judge's chambers are located. The salary and expenses are payable monthly in the manner provided by law. A presiding judge of a judicial district is entitled to receive an additional ~~four thousand six hundred seventy-five~~ five thousand one hundred sixty-two dollars per annum ~~through June 30, 2024, and four thousand eight hundred sixty two dollars thereafter~~.

SECTION 10. A new subsection to section 54-06-08.2 of the North Dakota Century Code is created and enacted as follows:

The judicial branch may charge a reasonable fee not exceeding the discount charged by the credit or debit card issuer. The fee may be added to a payment as a service charge for the acceptance of a payment made by a credit or debit card. The state court administrator shall determine which nationally recognized cards will be accepted for payments made to the judicial branch under this section.

SECTION 11. EXEMPTION - TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority between line items in section 1 of this Act, as requested by the supreme court upon a finding by the court that the nature of the duties of the court and its staff requires the transfers to carry on properly the functions of the judicial branch of government.

Approved May 12, 2025

Filed May 12, 2025

CHAPTER 36

SENATE BILL NO. 2003

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the North Dakota university system; to create and enact two new sections to chapter 15-10 of the North Dakota Century Code, relating to presidential searches and the state commissioner of higher education; to amend and reenact subsection 2 of section 6-09-53, subdivision a of subsection 1 of section 15-10-17, subdivision c of subsection 1 of section 15-10-48, subdivisions a and c of subsection 1 of section 15-10-48.2, subdivision c of subsection 1 of section 15-10-49, subsection 1 of section 15-10-75, subsection 1 of the new section to chapter 15-10, as created by section 1 of House Bill No. 1437, as approved by the sixty-ninth legislative assembly, paragraph 3 of subdivision h of subsection 1 of section 15-18.2-02, subsection 2 of section 15-18.2-03, subsection 1 of section 15-18.2-05, section 15-54.1-04, subsection 2 of section 15-62.5-03, and section 54-44.1-11 of the North Dakota Century Code, sections 6 and 7 of chapter 126 of the 2021 Session Laws, sections 7, 8, and 9 of chapter 3 of the 2023 Session Laws, and subsection 17 of section 1 of chapter 550 of the 2021 Special Session Session Laws, relating to the powers and duties of the state board of higher education, the economic diversification research fund, matching grants for the advancement of academics, the workforce education innovation program, academic tenure policy at institutions of higher education, state aid for institutions of higher education, university system capital building funds, the scholars program, the cancellation of unexpended appropriations, transfers from the Bank of North Dakota to the skilled workforce loan repayment program fund and the skilled workforce scholarship fund, transfers from the Bank of North Dakota to the skilled workforce loan repayment program fund, the skilled workforce scholarship fund, and to the state board of higher education for dual-credit tuition scholarships, and funding for hyperbaric oxygen therapy; to repeal section 15-10-74 of the North Dakota Century Code, relating to the naming of the Bismarck state college polytechnic center; to authorize the state board of higher education to issue and sell bonds for capital projects; to provide for a transfer; to provide for the conveyance of real property; to provide for a legislative management higher education funding review committee; to provide for a legislative management study; to provide for a report; to provide legislative intent; to provide an exemption; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the state board of higher education and to the entities and institutions under the supervision of the board for the purpose of defraying the expenses of the state board of higher education and the entities and institutions under the supervision of the board, for the period beginning with the effective date of this Act, and ending June 30, 2027, as follows:

Subdivision 1.

NORTH DAKOTA UNIVERSITY SYSTEM

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Capital assets - bond payments	\$11,197,896	(\$936,521)	\$10,261,375
Competitive research programs	5,685,750	0	5,685,750
System governance	10,569,162	1,181,064	11,750,226
State employee child care benefits	0	910,000	910,000
Core technology services	71,988,917	6,518,417	78,507,334
Student financial assistance grants	29,917,306	1,000,000	30,917,306
Supplemental student financial assistance grants	0	5,000,000	5,000,000
Professional student exchange program	3,699,342	1,500,000	5,199,342
Academic and CTE scholarships	17,216,749	0	17,216,749
Scholars program	1,807,115	0	1,807,115
Native American scholarship	1,000,000	0	1,000,000
Tribally controlled community college grants	1,400,000	200,000	1,600,000
Education incentive programs	260,000	0	260,000
Student mental health	284,400	0	284,400
Veterans' assistance grants	454,875	0	454,875
Shared campus services	800,000	0	800,000
Nursing education consortium	1,356,000	1,100,000	2,456,000
NASA EPSCoR	342,000	0	342,000
Education challenge fund	0	24,760,000	24,760,000
Workforce education innovation grants	0	10,000,000	10,000,000
Dual-credit tuition scholarship	1,500,000	0	1,500,000
Total all funds	\$159,479,512	\$51,232,960	\$210,712,472
Less other funds	<u>26,260,897</u>	<u>36,885,852</u>	<u>63,146,749</u>
Total general fund	\$133,218,615	\$14,347,108	\$147,565,723
Full-time equivalent positions	162.83	6.00	168.83

Subdivision 2.

BISMARCK STATE COLLEGE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$110,026,302	\$5,165,031	\$115,191,333
Capital assets	<u>1,922,561</u>	<u>2,200,000</u>	<u>4,122,561</u>
Total all funds	\$111,948,863	\$7,365,031	\$119,313,894
Less other funds	<u>74,566,953</u>	<u>5,251,570</u>	<u>79,818,523</u>
Total general fund	\$37,381,910	\$2,113,461	\$39,495,371
Full-time equivalent positions	335.33	2.92	338.25

Subdivision 3.

LAKE REGION STATE COLLEGE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$41,913,733	\$2,418,065	\$44,331,798
Capital assets	<u>362,667</u>	<u>2,500,000</u>	<u>2,862,667</u>

Total all funds	\$42,276,400	\$4,918,065	\$47,194,465
Less other funds	<u>26,601,597</u>	<u>3,431,171</u>	<u>30,032,768</u>
Total general fund	\$15,674,803	\$1,486,894	\$17,161,697
Full-time equivalent positions	120.59	(5.44)	115.15

Subdivision 4.

WILLISTON STATE COLLEGE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$37,378,349	\$2,423,802	\$39,802,151
Capital assets	<u>1,261,968</u>	<u>0</u>	<u>1,261,968</u>
Total all funds	\$38,640,317	\$2,423,802	\$41,064,119
Less other funds	<u>25,154,992</u>	<u>796,812</u>	<u>25,951,804</u>
Total general fund	\$13,485,325	\$1,626,990	\$15,112,315
Full-time equivalent positions	102.83	(3.09)	99.74

Subdivision 5.

UNIVERSITY OF NORTH DAKOTA

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$967,725,670	\$56,041,426	\$1,023,767,096
Capital assets	4,411,566	124,500,000	128,911,566
Research network	<u>2,500,000</u>	<u>0</u>	<u>2,500,000</u>
Total all funds	\$974,637,236	\$180,541,426	\$1,155,178,662
Less other funds	<u>790,481,856</u>	<u>169,626,346</u>	<u>960,108,202</u>
Total general fund	\$184,155,380	\$10,915,080	\$195,070,460
Full-time equivalent positions	2,060.56	131.39	2,191.95

Subdivision 6.

UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$240,396,968	\$18,815,356	\$259,212,324
Healthcare workforce initiative	<u>10,676,150</u>	<u>0</u>	<u>10,676,150</u>
Total all funds	\$251,073,118	\$18,815,356	\$269,888,474
Less other funds	<u>168,241,842</u>	<u>5,776,474</u>	<u>174,018,316</u>
Total general fund	\$82,831,276	\$13,038,882	\$95,870,158
Full-time equivalent positions	488.83	40.23	529.06

Subdivision 7.

NORTH DAKOTA STATE UNIVERSITY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$807,365,091	\$45,414,240	\$852,779,331
Capital assets	7,799,104	125,000,000	132,799,104
Research network	<u>2,500,000</u>	<u>0</u>	<u>2,500,000</u>
Total all funds	\$817,664,195	\$170,414,240	\$988,078,435
Less other funds	<u>653,917,430</u>	<u>163,772,791</u>	<u>817,690,221</u>
Total general fund	\$163,746,765	\$6,641,449	\$170,388,214
Full-time equivalent positions	1,867.50	(61.54)	1,805.96

Subdivision 8.

NORTH DAKOTA STATE COLLEGE OF SCIENCE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$102,490,255	\$8,221,477	\$110,711,732
Capital assets	<u>1,012,379</u>	<u>65,000</u>	<u>1,077,379</u>
Total all funds	\$103,502,634	\$8,286,477	\$111,789,111
Less other funds	<u>63,645,097</u>	<u>2,338,578</u>	<u>65,983,675</u>
Total general fund	\$39,857,537	\$5,947,899	\$45,805,436
Full-time equivalent positions	313.95	12.59	326.54

Subdivision 9.

DICKINSON STATE UNIVERSITY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$56,728,746	\$3,370,815	\$60,099,561
Capital assets	<u>409,078</u>	<u>12,500,000</u>	<u>12,909,078</u>
Total all funds	\$57,137,824	\$15,870,815	\$73,008,639
Less other funds	<u>32,697,829</u>	<u>13,758,716</u>	<u>46,456,545</u>
Total general fund	\$24,439,995	\$2,112,099	\$26,552,094
Full-time equivalent positions	178.00	(7.20)	170.80

Subdivision 10.

MAYVILLE STATE UNIVERSITY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$56,295,375	\$2,799,716	\$59,095,091
Capital assets	<u>358,992</u>	<u>34,924,814</u>	<u>35,283,806</u>
Total all funds	\$56,654,367	\$37,724,530	\$94,378,897
Less other funds	<u>34,375,971</u>	<u>36,760,335</u>	<u>71,136,306</u>
Total general fund	\$22,278,396	\$964,195	\$23,242,591
Full-time equivalent positions	226.92	0.00	226.92

Subdivision 11.

MINOT STATE UNIVERSITY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$116,510,048	\$4,701,181	\$121,211,229
Capital assets	<u>1,099,620</u>	<u>27,867,000</u>	<u>28,966,620</u>
Total all funds	\$117,609,668	\$32,568,181	\$150,177,849
Less other funds	<u>68,644,425</u>	<u>22,339,213</u>	<u>90,983,638</u>
Total general fund	\$48,965,243	\$10,228,968	\$59,194,211
Full-time equivalent positions	423.63	(2.47)	421.16

Subdivision 12.

VALLEY CITY STATE UNIVERSITY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$56,008,906	\$1,499,518	\$57,508,424
Capital assets	<u>455,823</u>	<u>0</u>	<u>455,823</u>
Total all funds	\$56,464,729	\$1,499,518	\$57,964,247
Less other funds	<u>28,111,916</u>	<u>1,421,115</u>	<u>29,533,031</u>
Total general fund	\$28,352,813	\$78,403	\$28,431,216
Full-time equivalent positions	211.94	5.50	217.44

Subdivision 13.

DAKOTA COLLEGE AT BOTTINEAU

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$26,229,141	\$1,249,697	\$27,478,838
Capital assets	<u>114,007</u>	<u>500,000</u>	<u>614,007</u>
Total all funds	\$26,343,148	\$1,749,697	\$28,092,845
Less other funds	<u>14,900,270</u>	<u>555,764</u>	<u>15,456,034</u>
Total general fund	\$11,442,878	\$1,193,933	\$12,636,811
Full-time equivalent positions	84.00	3.85	87.85

Subdivision 14.

NORTH DAKOTA FOREST SERVICE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Operations	\$24,874,803	\$1,942,413	\$26,817,216
Capital assets	<u>118,728</u>	<u>0</u>	<u>118,728</u>
Total all funds	\$24,993,531	\$1,942,413	\$26,935,944
Less other funds	<u>19,141,941</u>	<u>1,399,079</u>	<u>20,541,020</u>
Total general fund	\$5,851,590	\$543,334	\$6,394,924
Full-time equivalent positions	29.00	7.00	36.00

Subdivision 15.

TOTAL - SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total all funds	\$2,838,425,542	\$535,352,511	\$3,373,778,053
Grand total other funds	<u>2,026,743,016</u>	<u>464,113,816</u>	<u>2,490,856,832</u>
Grand total general fund	\$811,682,526	\$71,238,695	\$882,921,221

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total Funds</u>
Capital projects - general fund	\$9,635,000	\$0	\$9,635,000
Capital projects - strategic investment and improvements fund	0	101,196,814	101,196,814
Capital projects - other funds	0	219,225,000	219,225,000
Williston state college health care program startup costs	1,490,000	0	1,490,000
University of North Dakota national security crossroads	0	16,000,000	16,000,000
North Dakota state university new horizon programming	0	16,000,000	16,000,000
State college of science lease payments and aviation maintenance program	1,300,000	0	1,300,000
Mayville state university nursing simulation laboratory	500,000	0	500,000
Minot state university advancing students toward education and employment	500,000	0	500,000
Dual-credit scholarships	0	1,500,000	1,500,000
Challenge grants	0	24,760,000	24,760,000
Nursing education consortium	0	1,100,000	1,100,000
Financial aid system enhancements	25,000	0	25,000
Workforce education innovation grants	0	10,000,000	10,000,000
Forest service emerald ash borer mitigation	<u>0</u>	<u>950,000</u>	<u>950,000</u>
Total	\$13,450,000	\$390,731,814	\$404,181,814

SECTION 3. ADDITIONAL FEDERAL, PRIVATE, AND OTHER FUNDS - APPROPRIATION. All funds, in addition to those appropriated in section 1 of this Act, from federal, private, and other sources for competitive grants or other funds that the legislative assembly has not indicated the intent to reject, including tuition revenue, received by the state board of higher education and the institutions and entities under the control of the state board of higher education, are appropriated to the board and those institutions and entities, for the biennium beginning July 1, 2025, and ending June 30, 2027. All additional funds received under the North Dakota-Minnesota reciprocity agreement during the biennium beginning July 1, 2025, and ending June 30, 2027, are appropriated to the state board of higher education for reimbursement to institutions under the control of the board.

SECTION 4. USE OF EXTRAORDINARY REPAIRS FUNDING - MATCHING FUNDS. The capital assets line items in subdivisions 2 through 12 of section 1 of this Act include funding from the general fund for institution extraordinary repairs. An institution, excluding the university of North Dakota and North Dakota state university, shall provide one dollar of matching funds from operations or other sources for each one dollar of extraordinary repairs funding used for a project. The university of North Dakota and North Dakota state university shall provide two dollars of matching funds from operations or other sources for each one dollar of extraordinary repairs funding used for a project.

SECTION 5. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The grand total other funds line item in subdivision 15 of section 1 of this Act includes \$170,006,814 from the strategic investment and improvements fund as follows:

Challenge grants	\$24,760,000
Nursing education consortium	1,100,000
Workforce education innovation grants	10,000,000
Forest service emerald ash borer mitigation	950,000
Lake Region state college roof project	2,500,000
University of North Dakota science, technology, engineering, and mathematics building	55,640,000
University of North Dakota national security crossroads	16,000,000
North Dakota state university new horizon programming	16,000,000
Mayville state university old main renovation	34,924,814
Minot state university academic facilities projects	<u>8,132,000</u>
Total strategic investment and improvements fund	\$170,006,814

SECTION 6. OTHER FUNDS - COMMUNITY HEALTH TRUST FUND - UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES - ALLIED HEALTH FACILITY. The other funds line item in subdivision 5 of section 1 of this Act includes \$5,000,000 from the community health trust fund for the university of North Dakota school of medicine and health sciences allied health facility project.

SECTION 7. TRANSFER - NORTH DAKOTA UNIVERSITY SYSTEM OFFICE - BISMARCK STATE COLLEGE. Of the funding appropriated in the system governance and core technology services line items in subdivision 1 of section 1 of this Act, the state board of higher education shall transfer \$500,000 to the operations line item in subdivision 2 of section 1 of this Act by August 1, 2025. The North Dakota university system office may not assess institutions under the control of the state board of higher education to recover the cost of this transfer.

SECTION 8. TRANSFER - NORTH DAKOTA UNIVERSITY SYSTEM OFFICE - LAKE REGION STATE COLLEGE. Of the funding appropriated in the system governance and core technology services line items in subdivision 1 of section 1 of this Act, the state board of higher education shall transfer \$342,000 to the operations line item in subdivision 3 of section 1 of this Act by August 1, 2025. The North Dakota university system office may not assess institutions under the control of the state board of higher education to recover the cost of this transfer.

SECTION 9. TRANSFER - BANK OF NORTH DAKOTA PROFITS - STATE BOARD OF HIGHER EDUCATION SCHOLARSHIPS. The industrial commission shall transfer to the North Dakota university system office a total of \$1,500,000 from the current earnings and accumulated undivided profits of the Bank of North Dakota during the biennium beginning July 1, 2025, and ending June 30, 2027, as requested by the commissioner of higher education. The other funds line item in subdivision 1 of section 1 includes \$1,500,000 for the North Dakota university system office for dual-credit tuition scholarships.

SECTION 10. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - UNIVERSITY SYSTEM CAPITAL BUILDING FUND. The office of management and budget shall transfer \$26,500,000 from the strategic investment and improvements fund to the university system capital building fund during the period beginning with the effective date of this Act, and ending June 30, 2027, as requested by the commissioner of higher education. Funding transferred pursuant to this section is to be allocated to each institution as follows:

	<u>Tier II</u>	<u>Tier III</u>	<u>Total</u>
Bismarck state college	\$770,505	\$700,000	\$1,470,505
Lake Region state college	233,263	700,000	933,263
Williston state college	322,154	700,000	1,022,154
University of North Dakota	5,354,139	2,600,000	7,954,139
North Dakota state university	4,695,895	2,600,000	7,295,895
North Dakota state college of science	1,214,738	700,000	1,914,738
Dickinson state university	516,884	700,000	1,216,884
Mayville state university	332,070	700,000	1,032,070
Minot state university	906,412	700,000	1,606,412
Valley City state university	452,403	700,000	1,152,403
Dakota college at Bottineau	<u>201,537</u>	<u>700,000</u>	<u>901,537</u>
Total	\$15,000,000	\$11,500,000	\$26,500,000

SECTION 11. CAPITAL BUILDING FUNDS - USES. The institutions listed may use funding from the respective institution's university system capital building fund allocation for the following projects authorized by the sixty-ninth legislative assembly:

Bismarck state college - student housing	\$2,200,000
University of North Dakota - science, technology, engineering, and mathematics building	79,500,000
University of North Dakota - allied health facility	45,000,000
Dickinson state university - Woods hall and agriculture and technical education building projects	12,500,000
North Dakota state university - university village replacement phase II	54,000,000
North Dakota state university - Van Es biosafety laboratory	8,000,000
Minot state university - regional health sciences institute	<u>13,000,000</u>
Total	\$214,200,000

SECTION 12. CAMPUS CAPITAL PROJECTS - PROJECT MANAGEMENT. During the biennium beginning July 1, 2025, and ending June 30, 2027, each capital project authorized by the state board of higher education must have adequate project management oversight by either an institution official or a representative of an external entity. An institution may seek assistance from the university system office for project management oversight of a capital project.

SECTION 13. BOND ISSUANCE AUTHORIZATION - PURPOSES. The state board of higher education, in accordance with chapter 15-55, may arrange for the funding of projects authorized in this section, declared to be in the public interest, through the issuance of self-liquidating, tax-exempt evidences of indebtedness under chapter 15-55, during the period beginning with the effective date of this Act, and ending June 30, 2027. Evidences of indebtedness issued pursuant to this section are not a general obligation of the state of North Dakota. Any unexpended balance resulting from the proceeds of the evidences of indebtedness must be placed in a sinking fund to be used for the retirement of indebtedness. The evidences of indebtedness may be issued and the proceeds are appropriated in section 1 of this Act for the following capital projects:

North Dakota state university - university village replacement phase II	\$54,000,000
North Dakota state university - memorial union renovation and addition and related demolition of other facilities	50,000,000
Dickinson state university - Woods hall, agriculture and technical education building, and rodeo arena projects	12,500,000
Minot state university - student center	<u>3,100,000</u>
Total special funds	\$119,600,000

SECTION 14. NORTH DAKOTA STATE COLLEGE OF SCIENCE - ENHANCED LEASE PAYMENTS. The appropriation in subdivision 8 of section 1 of this Act includes \$800,000 for enhanced lease payments for deferred maintenance and extraordinary repairs for a facility in Fargo. The enhanced lease payments must be made pursuant to an agreement with the lessor that includes the repayment of the enhanced lease payments if the property is leased to another party or conveyed prior to June 30, 2035.

SECTION 15. AMENDMENT. Subsection 2 of section 6-09-53 of the North Dakota Century Code is amended and reenacted as follows:

2. In consultation with representatives of North Dakota state university and the university of North Dakota, the Bank, in consultation with the state board of higher education, shall award grants to institutions under the control of the state board of higher education. ~~The sum of five million dollars must be awarded~~The bank must award ninety percent of the funds available each biennium to North Dakota state university and the university of North Dakota with equal amounts awarded to each institution. The remaining funding must be awarded to the other institutions under the control of the state board of higher education, as determined by the board. The state board of higher education may not award more than fifty percent of the available funding during the first year of the biennium. The Bank of North Dakota shall distribute the grant funding as awarded by the state board of higher education.

SECTION 16. AMENDMENT. Subdivision a of subsection 1 of section 15-10-17 of the North Dakota Century Code is amended and reenacted as follows:

- a. ~~Appoint~~Subject to section 24 of this Act, appoint and remove the president or other faculty head, and the professors, instructors, teachers, officers, and other employees of the several institutions under the board's control, fix the salaries for those positions within the limits of legislative appropriations; and fix the terms of office and prescribe the duties of the positions.

SECTION 17. AMENDMENT. Subdivision c of subsection 1 of section 15-10-48 of the North Dakota Century Code is amended and reenacted as follows:

- c. The board may award up to ~~two million seven hundred thousand~~three million two hundred forty-five thousand dollars in matching grants each to the university of North Dakota and North Dakota state university; and up to ~~two million two hundred thousand~~two million six hundred forty-five thousand dollars in matching grants to the university of North Dakota school of medicine and health sciences. Of the amount available to the university of North Dakota, two hundred fifty thousand dollars must be awarded for projects dedicated to projects at the school of law.

⁶ **SECTION 18. AMENDMENT.** Subdivision a of subsection 1 of section 15-10-48.2 of the North Dakota Century Code is amended and reenacted as follows:

- a. Subject to legislative appropriations, each biennium the state board of higher education shall award one dollar in matching grants for every two dollars raised by the institutional foundation of North Dakota state university for projects dedicated exclusively to agricultural research and

⁶ Section 15-10-48.2 was also amended by section 19 of Senate Bill No. 2003, chapter 36.

extension at the agricultural experiment station. Notwithstanding section 15-10-53, awards under this section may be used for endowments, academic scholarships, operations, facility repair projects, and new capital construction projects.

7 SECTION 19. AMENDMENT. Subdivision c of subsection 1 of section 15-10-48.2 of the North Dakota Century Code is amended and reenacted as follows:

- c. The board may award up to ~~two million two hundred thousand~~ two million six hundred forty-five thousand dollars in matching grants under this section.

SECTION 20. AMENDMENT. Subdivision c of subsection 1 of section 15-10-49 of the North Dakota Century Code is amended and reenacted as follows:

- c. The board may award up to:
 - (1) ~~One million seven hundred thousand~~ Two million forty-five thousand dollars each to Bismarck state college, Dickinson state university, Minot state university, and the North Dakota state college of science;
 - (2) ~~One million one hundred thousand~~ One million three hundred twenty thousand dollars each to ~~Dickinson state university~~, Mayville state university; and Valley City state university; and
 - (3) ~~Six hundred thousand~~ Seven hundred twenty thousand dollars each to Dakota college at Bottineau, Lake Region state college, and Williston state college.

SECTION 21. AMENDMENT. Subsection 1 of section 15-10-75 of the North Dakota Century Code is amended and reenacted as follows:

1. The state board of higher education may provide award funds to institutions under its control, excluding the university of North Dakota and North Dakota state university, to create or enhance educational programs that address the workforce needs of North Dakota business and industry. An award made under this section may be used for curriculum development, equipment and technology purchases, facility modifications and equipment installation, hiring and training new and existing instructors, educational program promotion, and enhancement of postsecondary partnerships with primary and secondary schools. An institution may not be awarded more than one million five hundred thousand dollars pursuant to this section during a biennium. The state board of higher education shall establish a committee, guidelines, and application process for administration of the grant program established under this section.

SECTION 22. A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

Presidential searches.

The state board of higher education is responsible for appointment of presidents at institutions under the control of the board. Upon notification that the position of an institution president will become vacant, the state board of higher education may

⁷ Section 15-10-48.2 was also amended by section 18 of Senate Bill No. 2003, chapter 36.

authorize a search committee to conduct a search for a new president. The state board of higher education may retain the services of a consultant, determined and selected by the search committee, to assist the search committee.

SECTION 23. A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

State commissioner of higher education - Contract terms - Institution position.

The state board of higher education may enter into a personnel contract with the state commissioner of higher education. The personnel contract may provide for the commissioner to become a faculty or staff member at an institution under the control of the state board of higher education when the contract term is complete. The salaries and wages of a person who becomes a faculty or staff member pursuant to this section must be paid from the appropriation to the North Dakota university system office. The North Dakota university system office may not assess institutions under the control of the state board of higher education to recover the cost of the salaries and wages paid pursuant to this section.

⁸ **SECTION 24. AMENDMENT.** Subsection 1 of the new section to chapter 15-10 of the North Dakota Century Code, as created by section 1 of House Bill No. 1437, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

1. By July 1, 2026, institutions of higher education under the control of the state board of higher education offering faculty academic tenure shall develop and adopt a policy for tenured and tenure-track faculty employed by the institution, which:
 - a. Defines progression and advancement criteria at each stage of tenure progression, including criteria for continued post-tenure review.
 - b. Establishes a procedure for annual evaluation of all nontenure, tenure-track, and tenured faculty by the president of the institution or the designee of the president.
 - c. Establishes a procedure for post-tenure evaluations, which must be informed by the annual evaluations under subdivision b and conducted by a committee appointed by the president of the institution or the designee of the president. The first post-tenure evaluation must be completed within three years. Subsequent post-tenure evaluations must be completed at least every five years or more frequently.
 - d. Provides the composition of a culminating post-tenure evaluation committee must include the administrative supervisor of the faculty member being evaluated, at least one ranking administrator, and tenured faculty comprising no less than one-third and no more than one-half of the committee.
 - e. Defines the outcome of an unsatisfactory review of post-tenured faculty, which may be removal from the position. The decision to remove faculty from a position must be made by the employing institution and the state board of higher education.

⁸ Section 15-10-13.4 was created by section 1 of House Bill No. 1437, chapter 151.

- f. Is approved by the state board of higher education.
- g. Provides for a hearing and appeal process for a faculty member aggrieved by the policy adopted under this subsection or decision made by the committee under subdivision c.

SECTION 25. AMENDMENT. Paragraph 3 of subdivision h of subsection 1 of section 15-18.2-02 of the North Dakota Century Code is amended and reenacted as follows:

- (3) ~~9-014.0~~ for professional level credits;

SECTION 26. AMENDMENT. Subsection 2 of section 15-18.2-03 of the North Dakota Century Code is amended and reenacted as follows:

- 2. If the number of credit-hours completed by an institution would cause a decrease in the credit completion factor for that institution compared to the credit completion factor the institution ~~was entitled to receive during the 2017-19~~received during the prior biennium, the state board of higher education shall multiply the product determined under section 15-18.2-02 by a credit growth factor of 1.0 for credits in excess of the factor the institution ~~was entitled to receive during the 2017-19~~received during the prior biennium. Any weighted credit-hours multiplied by a credit growth factor under this section must have a weight of 1.0 under section 15-18.2-02. The state board of higher education shall multiply the remaining weighted credits by the credit completion factor the institution ~~was entitled to receive during the 2017-19~~received during the prior biennium.

SECTION 27. AMENDMENT. Subsection 1 of section 15-18.2-05 of the North Dakota Century Code is amended and reenacted as follows:

- 1. Except as provided under subsections 2 and 3, to determine the state aid payment to which each institution under its control is entitled, the state board of higher education shall multiply the product determined under section 15-18.2-03 by a base amount of:
 - a. ~~\$73.15~~\$79.57 in the case of North Dakota state university and the university of North Dakota;
 - b. ~~\$103.76~~\$111.55 in the case of Dickinson state university, Mayville state university, Minot state university, and Valley City state university; and
 - c. ~~\$110.38~~\$119.91 in the case of Bismarck state college, Dakota college at Bottineau, Lake Region state college, North Dakota state college of science, and Williston state college.

SECTION 28. AMENDMENT. Section 15-54.1-04 of the North Dakota Century Code is amended and reenacted as follows:

15-54.1-04. Tier III capital building funds - Matching requirements.

The state board of higher education may allocate tier III capital building fund moneys to an institution only after the institution, excluding the university of North Dakota and North Dakota state university, provides ~~two dollars~~one dollar of matching funds from operations or other sources for each one dollar from the university system capital building fund for the project. The state board of higher education may allocate

tier III capital building fund moneys to the university of North Dakota and North Dakota state university only after the institution provides two dollars of matching funds from operations or other sources for each one dollar from the university system capital building fund for the project. An institution may not use tier I extraordinary repairs funding, tier II capital building fund moneys, or state funding appropriated for a specific capital project as matching funds under this section.

SECTION 29. AMENDMENT. Subsection 2 of section 15-62.5-03 of the North Dakota Century Code is amended and reenacted as follows:

2. If two or more applicants have the same scores as determined in subsection 1, they must be ranked by the numeric sum of their ~~four~~ scale scores on the ACT or equivalent scores. If a nationally recognized standardized test approved by the state board of higher education does not calculate scale scores, the equivalent will be zero.

SECTION 30. AMENDMENT. Section 54-44.1-11 of the North Dakota Century Code is amended and reenacted as follows:

54-44.1-11. Office of management and budget to cancel unexpended appropriations - When they may continue. (Effective through July 31, ~~2025~~2027)

Except as otherwise provided by law, the office of management and budget, thirty days after the close of each biennial period, shall cancel all unexpended appropriations or balances of appropriations after the expiration of the biennial period during which they became available under the law. Unexpended appropriations for the state historical society are not subject to this section and the state historical society shall report on the amounts and uses of funds carried over from one biennium to the appropriations committees of the next subsequent legislative assembly. Unexpended appropriations for the North Dakota university system are not subject to this section and the North Dakota university system shall report on the amounts and uses of funds carried over from one biennium to the next to subsequent appropriations committees of the legislative assembly. The chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly with the office of the budget may continue appropriations or balances in force for not more than two years after the expiration of the biennial period during which they became available upon recommendation of the director of the budget for:

1. New construction projects.
2. Major repair or improvement projects.
3. Purchases of new equipment costing more than ten thousand dollars per unit if it was ordered during the first twelve months of the biennium in which the funds were appropriated.
4. The purchase of land by the state on a "contract for deed" purchase if the total purchase price is within the authorized appropriation.
5. Purchases by the department of transportation of roadway maintenance equipment costing more than ten thousand dollars per unit if the equipment was ordered during the first twenty-one months of the biennium in which the funds were appropriated.
6. Authorized ongoing information technology projects.

Office of management and budget to cancel unexpended appropriations - When they may continue. (Effective after July 31, ~~2025~~2027) The office of management and budget, thirty days after the close of each biennial period, shall cancel all unexpended appropriations or balances of appropriations after the expiration of the biennial period during which they became available under the law. Unexpended appropriations for the state historical society are not subject to this section and the state historical society shall report on the amounts and uses of funds carried over from one biennium to the appropriations committees of the next subsequent legislative assembly. The chairmen of the appropriations committees of the senate and house of representatives of the legislative assembly with the office of the budget may continue appropriations or balances in force for not more than two years after the expiration of the biennial period during which they became available upon recommendation of the director of the budget for:

1. New construction projects.
2. Major repair or improvement projects.
3. Purchases of new equipment costing more than ten thousand dollars per unit if it was ordered during the first twelve months of the biennium in which the funds were appropriated.
4. The purchase of land by the state on a "contract for deed" purchase if the total purchase price is within the authorized appropriation.
5. Purchases by the department of transportation of roadway maintenance equipment costing more than ten thousand dollars per unit if the equipment was ordered during the first twenty-one months of the biennium in which the funds were appropriated.
6. Authorized ongoing information technology projects.

SECTION 31. AMENDMENT. Section 6 of chapter 126 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 6. TRANSFER - BANK OF NORTH DAKOTA - SKILLED WORKFORCE STUDENT LOAN REPAYMENT PROGRAM FUND. The Bank of North Dakota shall transfer the sum of \$2,250,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the skilled workforce student loan repayment fund during the ~~biennium period~~ beginning July 1, 2021, and ending June 30, ~~2023~~2027.

SECTION 32. AMENDMENT. Section 7 of chapter 126 of the 2021 Session Laws is amended and reenacted as follows:

SECTION 7. TRANSFER - BANK OF NORTH DAKOTA - SKILLED WORKFORCE SCHOLARSHIP FUND. The Bank of North Dakota shall transfer the sum of \$2,250,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the skilled workforce scholarship fund during the ~~biennium period~~ beginning July 1, 2021, and ending June 30, ~~2023~~2027.

SECTION 33. AMENDMENT. Section 7 of chapter 3 of the 2023 Session Laws is amended and reenacted as follows:

SECTION 7. TRANSFER - BANK OF NORTH DAKOTA PROFITS - STATE BOARD OF HIGHER EDUCATION SCHOLARSHIPS. The industrial commission shall transfer to the North Dakota university system a total of \$1,500,000 from the current earnings and accumulated undivided profits of the Bank of North Dakota during the biennium period beginning July 1, 2023, and ending June 30, ~~2025~~2027, as requested by the commissioner of higher education. The estimated income line item in subdivision 1 of section 1 includes \$1,500,000 for the North Dakota university system office for dual-credit tuition scholarships.

SECTION 34. AMENDMENT. Section 8 of chapter 3 of the 2023 Session Laws is amended and reenacted as follows:

SECTION 8. TRANSFER - BANK OF NORTH DAKOTA PROFITS - SKILLED WORKFORCE STUDENT LOAN REPAYMENT PROGRAM FUND. The industrial commission shall transfer the sum of \$3,400,000 from the current earnings and accumulated undivided profits of the Bank of North Dakota to the skilled workforce student loan repayment program fund during the biennium period beginning July 1, 2023, and ending June 30, ~~2025~~2027.

SECTION 35. AMENDMENT. Section 9 of chapter 3 of the 2023 Session Laws is amended and reenacted as follows:

SECTION 9. TRANSFER - BANK OF NORTH DAKOTA PROFITS - SKILLED WORKFORCE SCHOLARSHIP FUND. The industrial commission shall transfer the sum of \$3,400,000 from the current earnings and accumulated undivided profits of the Bank of North Dakota to the skilled workforce scholarship fund during the biennium period beginning July 1, 2023, and ending June 30, ~~2025~~2027.

SECTION 36. AMENDMENT. Subsection 17 of section 1 of chapter 550 of the 2021 Special Session Session Laws is amended and reenacted as follows:

17. There is appropriated from federal funds derived from the state fiscal recovery fund, not otherwise appropriated, the sum of \$2,104,121, or so much of the sum as may be necessary, to the university of North Dakota school of medicine and health sciences for the purpose of purchasing equipment ~~and hiring personnel to be granted to health care providers in the state~~ to provide hyperbaric oxygen therapy for the period beginning with the effective date of this Act, and ending June 30, ~~2023~~2027.

SECTION 37. REPEAL. Section 15-10-74 of the North Dakota Century Code is repealed.

SECTION 38. EXEMPTION - TRANSFER AUTHORITY - LEGISLATIVE MANAGEMENT REPORT. Notwithstanding section 54-16-04, the office of management and budget shall transfer appropriation authority from the operations to the capital assets line items within subdivisions 2 through 14 of section 1 of this Act as requested by the state board of higher education, for the period beginning with the effective date of this Act, and ending June 30, 2027. The board shall report any transfer of funds under this section to the legislative management.

SECTION 39. EXEMPTION - FULL-TIME EQUIVALENT POSITION ADJUSTMENTS. Notwithstanding any other provisions of law, the state board of higher education may adjust full-time equivalent positions as needed, subject to the availability of funds, for institutions and entities under its control during the biennium

beginning July 1, 2025, and ending June 30, 2027. The North Dakota university system shall report any adjustments to the office of management and budget as part of the submission of the 2027-29 biennium budget request.

SECTION 40. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. Any amounts remaining from the \$18,160,000 appropriated from the general fund for capital projects inflation and \$411,724,026 appropriated from other funds, including \$209,976,971 appropriated from the strategic investment and improvements fund, for capital projects at institutions under the control of the state board of higher education in section 1 of chapter 3 of the 2023 Session Laws;
2. Any amounts remaining from the \$8,500,000 appropriated from other funds to Bismarck state college for the multipurpose academic and athletic center in section 2 of chapter 638 of the 2023 Special Session Session Laws;
3. Any amounts remaining from the \$1,500,000 appropriated from Bank of North Dakota profits for dual-credit scholarships in section 1 of chapter 3 of the 2023 Session Laws;
4. Any amounts remaining from the funding appropriated from federal funds derived from the state fiscal recovery fund to the state board of higher education and institutions under the control of the state board of higher education in section 1 of chapter 548 and section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the biennium beginning July 1, 2023, and ending June 30, 2025, in section 42 of chapter 3 of the 2023 Session Laws.

SECTION 41. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. Any amounts remaining from the funding appropriated for the branch research centers capital projects inflation in subdivision 4 of section 1 of chapter 20 of the 2023 Session Laws, including related revenues.
2. Any amounts remaining from the funding appropriated for the northern crops institute feed production center facility upgrade and pellet mill in subdivision 2 of section 1 of chapter 20 of the 2023 Session Laws, including related revenues.
3. Any amounts remaining from the funding appropriated for the main research center Waldron hall replacement project in subdivision 4 of section 1 of chapter 20 of the 2023 Session Laws, including related revenues.

SECTION 42. EXEMPTION - SALE OF PROPERTY AUTHORIZED - USE OF PROCEEDS. The state of North Dakota, by and through the state board of higher education, may sell and convey certain real property located at the intersection of sixth avenue north and forty-second street north, in the southeast corner, unplatted parts including the north half of the northwest quarter of the southwest quarter of section 5, township 151 north, range 50, estimated to include 20 acres, in the records of the city of Grand Forks. If any real property authorized to be conveyed under this section is conveyed, the terms of conveyance must be determined jointly by the state

board of higher education or a designee of the board and the commissioner of university and school lands. Sections 54-01-05.2 and 54-01-05.5 do not apply to the transfers authorized by this section. Any proceeds from the sale of land pursuant to this section may be used only for deferred maintenance and extraordinary repairs.

SECTION 43. EXEMPTION - SALE OF PROPERTY AUTHORIZED - USE OF PROCEEDS. The state of North Dakota, by and through the state board of higher education, may sell and convey certain real property located at the intersection of Demers avenue and forty-second street north, in the northwest corner, known as 4201 James Ray drive, the south east corner of lot 1, block 1, estimated to be 2.74 acres, in the records of the city of Grand Forks. If any real property authorized to be conveyed under this section is conveyed, the terms of conveyance must be determined jointly by the state board of higher education or a designee of the board and the commissioner of university and school lands. Sections 54-01-05.2 and 54-01-05.5 do not apply to the transfers authorized by this section. Any proceeds from the sale of land pursuant to this section may be used only for deferred maintenance and extraordinary repairs.

SECTION 44. UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES - UNIVERSITY OF NORTH DAKOTA PHYSICIAN ASSISTANT PROGRAM - STUDENT RESIDENCY - REPORT. The university of North Dakota shall develop and implement student recruitment and acceptance strategies to increase the number of resident medical students enrolled in the school of medicine and health sciences and to increase the number of resident students enrolled in the physician assistant program, with a goal for eighty-five percent of medical students enrolled at the school of medicine and health sciences and in the physician assistant program to be residents of the state by the fall 2030 semester. The university of North Dakota shall provide an annual report to the legislative management regarding strategies under consideration and implemented to increase resident medical student enrollment in the school of medicine and health sciences and in the physician assistant program, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 45. HIGHER EDUCATION FUNDING REVIEW COMMITTEE - REPORT TO THE LEGISLATIVE MANAGEMENT.

1. During the 2025-26 interim, the higher education funding review committee is created and composed of thirteen members as follows:
 - a. Two members of the house of representatives appointed by the majority leader of the house of representatives and one member appointed by the minority leader of the house of representatives;
 - b. Two members of the senate appointed by the majority leader of the senate and one member appointed by the minority leader of the senate;
 - c. One member of the legislative assembly appointed by the legislative management to serve as the committee chairman;
 - d. Six nonvoting members, including:
 - (1) The university of North Dakota vice president for finance and operations, or a designee of the vice president for finance and operations;

- (2) The North Dakota state university vice president for finance and administration, or a designee of the vice president for finance and administration;
 - (3) Two representatives from regional four-year universities, including dual-mission institutions, appointed by the state board of higher education; and
 - (4) Two representatives from two-year colleges, including polytechnic institutions, appointed by the state board of higher education.
2. The committee shall review funding methods for higher education in the state, including the higher education funding formula, the university system capital building fund, permanent funds distributions, property tax allocations, oil and gas gross production and oil extraction tax revenue allocations, other statutory funds for higher education and research, and other funding appropriated to institutions and entities under the control of the state board of higher education.
 3. The committee must receive and consider input from representatives of all higher education institutions under the control of the state board of higher education.
 4. The committee shall report its findings and recommendations to the legislative management by September 1, 2026.

SECTION 46. LEGISLATIVE MANAGEMENT STUDY - DUAL-CREDIT. During the 2025-26 interim, the legislative management shall study dual-credit in the state, including which institutions may offer dual-credit courses, where dual-credit courses may be provided by the institutions, and state funding provided for dual-credit. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 47. PRAXIS CORE TESTING PERFORMANCE - LEGISLATIVE MANAGEMENT REPORT. The legislative management shall request a report during the 2025-26 interim from the association of colleges for teacher education regarding a study of the praxis core testing performance of student teachers who used grades and exams to demonstrate reading, writing, and mathematics competencies.

SECTION 48. STATE BOARD OF HIGHER EDUCATION STUDY AND REPORT - COMMISSIONER OF HIGHER EDUCATION - LEGISLATIVE INTENT - REPORT.

1. The state board of higher education shall study the costs and benefits of a system of higher education led by a chancellor compared to a commissioner during the 2025-26 interim. The state board of higher education shall report its findings and recommendations, including any legislation required to implement the recommendations, to the legislative management by May 31, 2026.
2. It is the intent of the sixty-ninth legislative assembly that:
 - a. The state board of higher education appoint a state commissioner of higher education in compliance with chapter 15-10 of the North Dakota Century Code and subsection 7 of section 6 of article VIII of the Constitution of North Dakota.

- b. The state commissioner of higher education be recognized as a position important to the efficient and effective functioning of the North Dakota university system.
 - c. The state board of higher education recognize the importance of hiring an individual for the position of state commissioner of higher education in an efficient and timely manner.
3. The state board of higher education shall provide a report to the legislative management by October 15, 2025, regarding the hiring process for the state commissioner of higher education position, including detail regarding the cause or reasoning behind any delays in the hiring process.

SECTION 49. LEGISLATIVE INTENT - WEIGHTED CREDIT-HOURS - INSTRUCTIONAL PROGRAM CLASSIFICATION FACTORS. It is the intent of the sixty-ninth legislative assembly that wind energy technology and law enforcement courses be transferred to the career and technical education instructional program classification within the higher education funding formula.

SECTION 50. LEGISLATIVE INTENT - UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES - ALLIED HEALTH FACILITY. It is the intent of the sixty-ninth legislative assembly that an allied health facility expansion be completed at the university of North Dakota school of medicine and health sciences.

SECTION 51. LEGISLATIVE INTENT - SEPARATION AGREEMENTS. It is the intent of the sixty-ninth legislative assembly that the state board of higher education not enter into any separation or early retirement agreements, other than approved agreements consistent with the individual's personnel contract and state law, with a cost to the state or the institutions under the control of the state board of higher education during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 52. EMERGENCY. The workforce education innovation grants and capital assets line items in section 1 and sections 4, 5, 6, 10, 11, 13, 14, 21, 38, 42, and 43 of this Act are declared to be an emergency measure.

Approved May 12, 2025

Filed May 12, 2025

CHAPTER 37
SENATE BILL NO. 2004
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the ethics commission; to create and enact a new section to chapter 54-03 and two new sections to chapter 54-66 of the North Dakota Century Code, relating to immunity and a defense for individuals voting on legislation, closure of a matter of the ethics commission, rules for complaint management time standards, and an ethics commission annual report; to amend and reenact sections 12.1-13-02, 54-66-01, 54-66-04, 54-66-05, 54-66-06, and 54-66-07, subsection 2 of section 54-66-08, and sections 54-66-09, 54-66-10, 54-66-12, and 54-66-18 of the North Dakota Century Code, relating to immunity from criminal prosecution, definitions, ethics commission meetings, complaints, an informal resolution process, law enforcement referrals, findings, appeals, confidential information related to a complaint, and conflicts of interest; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the ethics commission for the purpose of defraying the expenses of the ethics commission, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Ethics commission	\$1,041,374	\$316,707	\$1,358,081
New and vacant FTE pool	0	9,935	9,935
Total general fund	\$1,041,374	\$326,642	\$1,368,016
Full-time equivalent positions	3.00	0.00	3.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>
Case management system	\$50,000
Office furniture	2,348
Total	\$52,348

SECTION 3. NEW AND VACANT FULL-TIME EQUIVALENT POOL - LIMITATION - TRANSFER REQUEST. The ethics commission may not spend funds appropriated in the new and vacant full-time equivalent pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant full-time equivalent pool line item to the ethics commission line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. AMENDMENT. Section 12.1-13-02 of the North Dakota Century Code is amended and reenacted as follows:

12.1-13-02. Speculating or wagering on official action or information.

1. ~~A person~~An individual is guilty of a class A misdemeanor if during employment as a public servant, or within one year thereafter, in contemplation of official action by ~~himself~~the individual as a public servant or by a government agency with which ~~he~~the individual is or has been associated as a public servant, or in reliance on information to which ~~he~~the individual has or had access only in ~~his~~the individual's capacity as a public servant, ~~he~~the individual:
 - a. Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by ~~such~~the information or official action;
 - b. Speculates or wagers on the basis of ~~such~~the information or official action; or
 - c. Aids another individual to do any of the foregoing.
2. ~~A person~~An individual is guilty of a class A misdemeanor if as a public servant ~~he~~the individual takes official action which is likely to benefit ~~him~~the individual as a result of an acquisition of a pecuniary interest in any property, transaction, or enterprise, or of a speculation or wager, which ~~he~~the individual made, or caused or aided another to make, in contemplation of ~~such~~the official action.
3. An individual is immune from prosecution under this section if:
 - a. The individual was a member of the legislative assembly at the time the official action was taken;
 - b. The official action was a vote on a measure in the senate or house of representatives or a legislative committee; and
 - c. The individual adhered to legislative conflict of interest rules requiring an individual to disclose a personal or private interest to the member's respective chamber of the legislative assembly, a legislative committee, the president of the senate, or the speaker of the house.

***SECTION 5.** A new section to chapter 54-03 of the North Dakota Century Code is created and enacted as follows:

Voting on legislation - Immunity - Affirmative defense.

If an individual who is a member of the legislative assembly adheres to:

1. Legislative rules requiring an individual to disclose a personal or private interest to the member's respective chamber of the legislative assembly, a legislative committee, the president of the senate, or the speaker of the house, the individual and an organization for which the individual is an agent, as defined in section 12.1-03-04, is immune from criminal prosecution under the laws of this state for an offense arising from the individual voting on a measure in a legislative committee, the senate, or the house of representatives.

2. Informal advice from a staff member of the ethics commission, reliance on the advice is an affirmative defense in a prosecution for an offense arising from the individual voting on a measure in a legislative committee, the senate, or the house of representatives.

SECTION 6. AMENDMENT. Section 54-66-01 of the North Dakota Century Code is amended and reenacted as follows:

54-66-01. Definitions.

As used in this chapter, unless the context otherwise requires:

- ~~1.~~ ~~"Accused individual" means a lobbyist, public official, candidate for public office, political committee, or contributor who is alleged to have violated article XIV of the Constitution of North Dakota, this chapter, or another law or rule regarding transparency, corruption, elections, or lobbying.~~
- ~~2.~~ "Complainant" means an individual who, in writing or verbally, submits a complaint to the commission and is:
 - a. A North Dakota resident;
 - b. Subject to licensing by a state agency or other public official subject to the jurisdiction of the ethics commission; or
 - c. A party to a quasi-judicial proceeding before a state agency or other public official subject to the jurisdiction of the ethics commission.
- ~~3-2.~~ "Complaint" means a verbal or written allegation to the commission that a lobbyist, public official, candidate for public office, political committee, or contributor has violated article XIV of the Constitution of North Dakota, this chapter, or another law or rule regarding transparency, corruption, elections, or lobbying.
- ~~4-3.~~ "Ethics commission" or "commission" means the North Dakota ethics commission established by article XIV of the Constitution of North Dakota.
- ~~5-4.~~ "Gift" means any item, service, or thing of value not given in exchange for fair market consideration including travel and recreation, except:
 - a. Purely informational material;
 - b. A campaign contribution; and
 - c. An item, service, or thing of value given under conditions that do not raise ethical concerns, as set forth in rules adopted by the ethics commission, to advance opportunities for state residents to meet with public officials in educational and social settings in the state.
- ~~6-5.~~ "Influence state government action" means promoting or opposing the adoption of a rule by an administrative agency or the commission under chapter 28-32.
- ~~7-6.~~ "Lobby" means an activity listed in subsection 1 of section 54-05.1-02.
- ~~8-7.~~ "Lobbyist" means an individual required to register under section 54-05.1-03.

- 9-8. "Public official" means an elected or appointed official of the state's executive or legislative branch, members of the commission, members of the governor's cabinet, and employees of the legislative branch.
- 10-9. "Receives the complaint" means one or more members of the commission learn of the complaint.
10. "Respondent" means a lobbyist, public official, candidate for public office, political committee, or contributor who is alleged to have violated article XIV of the Constitution of North Dakota, this chapter, or another law or rule regarding transparency, corruption, elections, or lobbying.
11. "Ultimate and true source" means the person that knowingly contributed over two hundred dollars solely to lobby or influence state government action.

SECTION 7. AMENDMENT. Section 54-66-04 of the North Dakota Century Code is amended and reenacted as follows:

54-66-04. Ethics commission member terms - Meetings - Code of ethics - Compensation - Office.

1. The terms of the initial members of the ethics commission must be staggered to ensure no more than two members' terms expire in one year. The terms of the initial members may be less than four years to accommodate the required staggering of terms.
2. Unless the complaint at issue has resulted in the imposition of a penalty or referral for enforcement under section 54-66-09, any portion of a meeting during which commission members discuss complaints, informal resolutions, attempts to informally resolve complaints, investigations, or referrals under this chapter, the identity of ~~an accused individual~~ a respondent or complainant, or any other matter arising from a complaint are closed meetings.
3. The commission shall abide by a code of ethics adopted in a public meeting. The code of ethics must specify when a commission member is disqualified from participating in matters before the commission.
4. Ethics commission members are entitled to:
 - a. Compensation for each day necessarily spent conducting commission business in the amount provided for members of the legislative management under section 54-35-10; and
 - b. Payment for mileage and travel expenses necessarily incurred in the conduct of commission business as provided under sections 44-08-04 and 54-06-09.
5. The director of the office of management and budget shall allocate office space in the state capitol for the ethics commission, or, if office space in the capitol is unavailable, shall negotiate for, contract for, and obtain office space for the ethics commission in the city of Bismarck or in the Bismarck area. The ethics commission's office space may not be located in the office space of any other government agency, board, commission, or other governmental entity, and must provide sufficient privacy and security for the ethics commission to conduct its business. The director shall charge the ethics commission an amount equal to the fair value of the office space and related services the office of management and budget renders to the ethics commission.

SECTION 8. AMENDMENT. Section 54-66-05 of the North Dakota Century Code is amended and reenacted as follows:

54-66-05. Making a complaint - Summary dismissal of complaint.

1. A complaint may be made to the commission orally or in writing. If a complainant does not provide the complainant's name, address, and telephone number with the complaint, the ethics commission may not investigate or take other action regarding the complaint. The commission shall summarize each oral complaint in writing unless the complaint must be disregarded under this section.
2. Upon receipt of a complaint or information regarding a violation, the commission may summarily dismiss the complaint or decline to proceed with a complaint if the alleged violation does not fall within the commission's jurisdiction, is insufficient to identify a possible violation, or fails to comply with rules adopted by the commission. In lieu of summary dismissal, the commission may refer the matter under section 54-66-08.
3. If a complainant would like the complainant's identity to remain confidential, the commission may not release the complainant's name and address to the ~~accused individual~~respondent without the authorization of the complainant. If the complainant does not authorize release of the complainant's name and address to the ~~accused individual~~respondent, the statement of the complainant may not be used as evidence of a violation.
4. If the commission receives an anonymous complaint that contains documentary or real evidence of possible criminal conduct, the commission may refer the matter to the appropriate law enforcement agency as provided under section 54-66-08, and may not otherwise divulge the documentary or real evidence.

SECTION 9. AMENDMENT. Section 54-66-06 of the North Dakota Century Code is amended and reenacted as follows:

54-66-06. Informing the ~~accused individual~~respondent - Written response permitted - Petition to dismiss complaint.

1. Within thirty calendar days, the commission shall inform an ~~accused individual~~respondent of the complaint. Subject to the confidentiality requirements set forth in section 54-66-05, the ~~accused individual~~respondent will be provided with the written complaint or written summary of the oral complaint, witness statements, and other documentary evidence included with the complaint. The ~~accused individual~~respondent may provide a written response to the complaint within thirty calendar days, or after the commission requests a written response to the complaint or summary of the complaint, a period as set by the commission. This subsection does not preclude the ~~accused individual~~respondent from providing a written response to the complaint before receiving a request for written response from the commission.
2. If the commission has summarily dismissed the complaint under subsection 2 of section 54-66-05, before notifying the ~~accused individual~~respondent as required by this section, the notification to the ~~accused individual~~respondent must include notice of the summary dismissal.

SECTION 10. AMENDMENT. Section 54-66-07 of the North Dakota Century Code is amended and reenacted as follows:

54-66-07. Informal resolution.

The commission shall attempt to negotiate or mediate an informal resolution between the ~~accused individual respondent~~ and the complainant unless the commission summarily dismissed the complaint under section 54-66-05. The ~~accused individual respondent~~ may be accompanied by legal counsel in a negotiation or mediation. If the informal resolution process between the respondent and the complainant is unsuccessful, the commission may work with the respondent to settle and close the matter.

SECTION 11. AMENDMENT. Subsection 2 of section 54-66-08 of the North Dakota Century Code is amended and reenacted as follows:

2. If the commission believes a complaint contains allegations of criminal conduct, the matter ~~must~~ may be coordinated with the appropriate law enforcement agency with jurisdiction over the offense. If the law enforcement agency agrees to accept a referral for ~~possible~~ criminal prosecution, the commission may not take further action on the complaint until the law enforcement agency informs the commission law enforcement proceedings regarding the complaint are complete. If the law enforcement agency declines a referral for prosecution, the commission may investigate the complaint under the rules adopted by the commission. If the law enforcement agency takes no action on the referral for prosecution within sixty days, the commission may resume its review of the complaint. Unless the agency accepting the referral objects, the commission shall inform the complainant and respondent as soon as reasonably possible of a referral and the nature of the referred allegations.

SECTION 12. AMENDMENT. Section 54-66-09 of the North Dakota Century Code is amended and reenacted as follows:

54-66-09. Investigation findings - Ethics commission determinations.

1. An investigator, other than a law enforcement agency, of a complaint shall provide written findings of the investigation to the ethics commission within a reasonable amount of time. The ethics commission shall provide copies of the written findings and evidence considered to the ~~accused individual respondent~~, who may respond to the commission in person or in writing within a reasonable time. If the ~~accused individual respondent~~ responds in person, no fewer than three members of the commission shall meet in a closed meeting with the ~~accused individual respondent~~. ~~An accused individual~~ A respondent may be accompanied by legal counsel when responding to the commission in person. Upon completion of an investigation, the executive director shall prepare a report and recommendation to the commission to close the matter or issue an alleged violation. The commission may issue an alleged violation, require additional investigation, or close the matter.
2. After providing a reasonable time for ~~an accused individual~~ a respondent to respond to the investigation findings and considering any response to the findings, the ethics commission shall determine whether a violation of article XIV of the Constitution of North Dakota, this chapter, or another law or rule regarding transparency, corruption, elections, or lobbying occurred, and inform the ~~accused individual respondent~~ of the determination. If the commission determined a violation occurred, the commission may impose a penalty authorized by law for the violation or refer the matter to the agency with enforcement authority over the violation.

3. The commission may not terminate the employment of a public official or otherwise remove a public official from the public official's public office.
4. The ethics commission may not reconsider, invalidate, or overturn a decision, ruling, recommended finding of fact, recommended conclusion of law, finding of fact, conclusion of law, or order by a hearing officer under chapter 28-32 on the grounds the hearing officer failed to grant a request for disqualification under section 28-32-27 or failed to comply with subsection 5 of section 2 of article XIV of the Constitution of North Dakota.
5. The respondent may petition the commission at any time to dismiss the complaint in the manner prescribed by the commission.

SECTION 13. AMENDMENT. Section 54-66-10 of the North Dakota Century Code is amended and reenacted as follows:

54-66-10. Appeals.

~~An accused individual~~A respondent may appeal a finding of the ethics commission to the district court of the county where the ~~accused individual~~respondent resides.

SECTION 14. AMENDMENT. Section 54-66-12 of the North Dakota Century Code is amended and reenacted as follows:

54-66-12. Confidential information.

1. The following information is a confidential record as defined in section 44-04-17.1, unless the commission has determined the ~~accused individual~~respondent violated article XIV of the Constitution of North Dakota, this chapter, or another law or rule regarding transparency, corruption, elections, or lobbying, and a court affirmed the determination if appealed, except the information may be disclosed as required by law or as necessary to conduct an investigation arising from a complaint:
 - a. Information revealing the contents of a complaint;
 - b. Information that reasonably may be used to identify ~~an accused individual~~a respondent; and
 - c. Information relating to or created as part of an investigation of a complaint.
2. If a complaint is informally resolved under section 54-66-07, the following information is a confidential record as defined in section 44-04-17.1:
 - a. Information revealing the contents of the complaint;
 - b. Information that reasonably may be used to identify the ~~accused individual~~respondent;
 - c. Information relating to or created as part of the process leading to the informal resolution; and
 - d. Information revealing the informal resolution.
3. Information that reasonably may be used to identify the complainant is confidential unless the complainant waives confidentiality, authorizes its

disclosure, or divulges information that reasonably would identify the complainant. Information, including evidence under consideration by the investigator or commission, deemed confidential under this subsection may be disclosed as required by law or as necessary to conduct an investigation arising from a complaint to include disclosure of evidence being considered to an accused individual a respondent.

4. The information deemed confidential in subsections 1 and 2 may be disclosed by the respondent and the ethics commission if the ~~accused individual~~respondent agrees to the disclosure.

SECTION 15. AMENDMENT. Section 54-66-18 of the North Dakota Century Code is amended and reenacted as follows:

54-66-18. Conflicts of interest - Legislative assembly.

1. Each legislative assembly shall adopt conflict of interest rules. The rules must:
 - a. Require the disclosure by a member of a potential conflict of interest relating to any bill in which the member may have a ~~direct~~, unique, ~~substantial, or~~ and individual interest.
 - b. Ensure a mechanism is in place to record each disclosure and make it readily available to the public.
2. If the legislative assembly adopts rules under subsection 1 which are at least as restrictive as the conflict of interest rules adopted by the ethics commission, the disclosure process portion of the conflict of interest rules adopted by the ethics commission may not apply to members of the legislative assembly.

SECTION 16. A new section to chapter 54-66 of the North Dakota Century Code is created and enacted as follows:

Complaint management time standards.

The commission shall adopt rules for the efficient and timely disposition of complaints from receipt to resolution.

SECTION 17. A new section to chapter 54-66 of the North Dakota Century Code is created and enacted as follows:

Ethics commission annual report.

1. The ethics commission shall prepare an annual report each fiscal year. The ethics commission shall make the annual report available on its public website within sixty days of the end of each fiscal year.
2. The annual report must include:
 - a. The number of complaints received by the commission, the status of those complaints, the commission's actions to resolve the complaints, and the timing related to those actions;
 - b. The number of advisory opinions requested and issued, as well as information regarding general conflict disclosures and quasi-judicial disclosures received; and

- c. Information regarding education and outreach and the status of the commission's budget.
- 3. The annual report may include recommendations for new or revised laws, rules, or policies that could improve the confidence that North Dakota citizens have in their government.

SECTION 18. EMERGENCY. Sections 4, 5, 10, 11, 14, and 15 of this Act are declared to be an emergency measure.

Approved May 19, 2025

Filed May 19, 2025

* Section 5 of Senate Bill No. 2004 was vetoed, see chapter 605.

CHAPTER 38

SENATE BILL NO. 2005

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the Indian affairs commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the Indian affairs commission for the purpose of defraying the expenses of the Indian affairs commission, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$948,903	\$49,040	\$997,943
New and vacant FTE pool	0	10,462	10,462
Operating expenses	<u>267,718</u>	<u>12,228</u>	<u>279,946</u>
Total general fund	\$1,216,621	\$71,730	\$1,288,351
Full-time equivalent positions	4.00	0.00	4.00

SECTION 2. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The Indian affairs commission may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 39

SENATE BILL NO. 2006

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the North Dakota aeronautics commission; to provide an exemption; and to provide a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the North Dakota aeronautics commission for the purpose of defraying the expenses of the North Dakota aeronautics commission, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$1,789,878	\$132,794	\$1,922,672
New and vacant FTE pool	0	20,495	20,495
Operating expenses	3,285,000	(119)	3,284,881
Grants	<u>27,100,000</u>	<u>93,775,000</u>	<u>120,875,000</u>
Total all funds	\$32,174,878	\$93,928,170	\$126,103,048
Less other funds	<u>31,699,878</u>	<u>93,928,170</u>	<u>125,628,048</u>
Total general fund	\$475,000	\$0	\$475,000
Full-time equivalent positions	7.00	0.00	7.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>Other Funds</u>
Generational airport projects	<u>\$90,000,000</u>
Total	\$90,000,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The North Dakota aeronautics commission may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. OTHER FUNDS - AIRPORT INFRASTRUCTURE FUND - AIRPORT GRANTS - EXEMPTION. The other funds appropriation in section 1 of this Act includes \$20,000,000 from the airport infrastructure fund for the aeronautics commission to provide grants to airports during the biennium beginning July 1, 2025,

and ending June 30, 2027. Section 54-44.1-11 does not apply to this funding, and any funds not spent by June 30, 2027, must be continued into the biennium beginning July 1, 2027, and ending June 30, 2029, and may be expended only for providing grants to airports.

SECTION 5. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - GENERATIONAL AIRPORT PROJECTS - EXEMPTION - LEGISLATIVE INTENT.

1. The other funds appropriation in section 1 of this Act includes \$90,000,000 from the strategic investment and improvements fund for generational airport projects during the biennium beginning July 1, 2025, and ending June 30, 2027.
2. Section 54-44.1-11 does not apply to the funding identified in this section and appropriated in section 1 of this Act, and any funds not spent by June 30, 2027, must be continued into the biennium beginning July 1, 2027, and ending June 30, 2029, and may be expended only for generational airport projects.
3. It is the intent of the sixty-ninth legislative assembly that state funds not be used to replace any federal grant funds applied for but not received for a generational airport project. It is further the intent of the sixty-ninth legislative assembly that, of the funding identified in this section, \$45,000,000 is for the Fargo commercial terminal expansion project, \$20,000,000 is for the Grand Forks primary runway reconstruction project, and \$25,000,000 is for the Dickinson terminal construction project.

SECTION 6. DICKINSON AIRPORT PROJECT DEBT REPAYMENTS. During the 2025-27 biennium, the city of Dickinson shall use funding allocated to it from the hub city debt relief funding pool under section 57-51-15 for debt repayments related to debt incurred for a project at the Dickinson airport.

SECTION 7. EXEMPTION - INTERNATIONAL PEACE GARDEN AIRPORT REHABILITATION PROJECT. The sum of \$3,750,000 appropriated from federal funds and special funds for the International Peace Garden airport pavement rehabilitation project in section 1 of chapter 6 of the 2023 Session Laws is not subject to the provisions of section 54-44.1-11 and any unexpended funds from these appropriations are available and may be expended during the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved May 16, 2025

Filed May 19, 2025

CHAPTER 40

SENATE BILL NO. 2007

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the veterans' home; to create and enact a new section to chapter 37-15 of the North Dakota Century Code, relating to meals provided to employees of the veterans' home; to provide an exemption; to provide for a legislative management study; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the veterans' home for the purpose of defraying the expenses of the veterans' home, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$20,582,989	\$1,815,877	\$22,398,866
New and vacant FTE pool	0	852,924	852,924
Operating expenses	6,061,325	1,207,368	7,268,693
Capital assets	<u>407,252</u>	<u>725,055</u>	<u>1,132,307</u>
Total all funds	\$27,051,566	\$4,601,224	\$31,652,790
Less other funds	<u>20,833,167</u>	<u>4,106,515</u>	<u>24,939,682</u>
Total general fund	\$6,218,399	\$494,709	\$6,713,108
Full-time equivalent positions	114.79	0.00	114.79

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>Other Funds</u>
Building maintenance	\$390,000
Resident garages and storage units	175,000
Equipment	<u>22,050</u>
Total	\$587,050

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The veterans' home may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. A new section to chapter 37-15 of the North Dakota Century Code is created and enacted as follows:

Meals provided to employees of the veterans' home.

In the event of a disruption of operations, the veterans' home may provide meals at a fair value or without a charge to employees of the veterans' home as required by the job assignments of the employees.

SECTION 5. EXEMPTION - LINE ITEM TRANSFERS - REPORT. Notwithstanding section 54-16-04, the director of the office of management and budget may transfer up to \$600,000 from special funds from the salaries and wages line item to the operating expenses line item in section 1 of chapter 7 of the 2023 Session Laws, during the period beginning with the effective date of this Act, and ending June 30, 2025, as requested by the veterans' home. The veterans' home shall notify the legislative council of any transfers made pursuant to this section.

SECTION 6. LEGISLATIVE MANAGEMENT STUDY - VETERANS' HOME FACILITIES. During the 2025-26 interim, the legislative management shall consider studying the usage of the veterans' home facilities. The study must consider any organizational changes necessary to increase resident census at the veterans' home, potential uses for unoccupied space, and federal requirements. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 7. EMERGENCY. Section 5 of this Act and the sum of \$175,000 appropriated from the Melvin Norgard memorial fund for resident garages and storage units in the other funds line item in section 1 of this Act are declared to be an emergency measure.

Approved April 30, 2025

Filed May 1, 2025

CHAPTER 41

SENATE BILL NO. 2009

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the state fair association; to repeal section 4.1-45-22.1 of the North Dakota Century Code, relating to state fair facility operations and maintenance costs; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the state fair association for the purpose of defraying the expenses of the state fair association, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Premiums	\$642,833	\$0	\$642,833
Campground rest facility	0	750,000	750,000
Safety and security infrastructure	0	800,000	800,000
Total all funds	\$642,833	\$1,550,000	\$2,192,833
Less other funds	0	1,550,000	1,550,000
Total general fund	\$642,833	\$0	\$642,833

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Campground rest facility	\$0	\$750,000	\$750,000
Safety and security infrastructure	0	800,000	800,000
Total	\$0	\$1,550,000	\$1,550,000

SECTION 3. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The other funds line item in section 1 of this Act includes the sum of \$1,550,000 from the strategic investment and improvements fund for a campground rest facility and for safety and security infrastructure.

SECTION 4. CAMPGROUND REST FACILITY FUNDING - DISTRIBUTION. Funding provided for the campground rest facility in section 1 of this Act is to provide a cost-share, not to exceed \$750,000. The cost-share provides \$2 of state funding for each \$1 of state fair funds.

SECTION 5. REPEAL. Section 4.1-45-22.1 of the North Dakota Century Code is repealed.

SECTION 6. EMERGENCY. The sum of \$1,550,000 provided for the campground rest facility and the safety and security infrastructure in section 1 of this Act is declared to be an emergency measure.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 42

SENATE BILL NO. 2010

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the council on the arts; to provide for a transfer; to provide for a report; and to provide an exemption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the council on the arts for the purpose of defraying the expenses of the council on the arts, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$1,222,195	\$412,927	\$1,635,122
New and vacant FTE pool	0	16,519	16,519
Operating expenses	674,093	5,000	679,093
Grants	<u>2,355,342</u>	<u>(18,541)</u>	<u>2,336,801</u>
Total all funds	\$4,251,630	\$415,905	\$4,667,535
Less other funds	<u>1,880,000</u>	<u>150,000</u>	<u>2,030,000</u>
Total general fund	\$2,371,630	\$265,905	\$2,637,535
Full-time equivalent positions	6.00	0.00	6.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General fund</u>
Arts across the prairie education	<u>\$5,000</u>
Total	<u>\$5,000</u>

SECTION 3. APPROPRIATION - CULTURAL ENDOWMENT FUND. All income from the cultural endowment fund is appropriated to the council on the arts for the furthering of the cultural arts in the state, for the biennium beginning July 1, 2025, and ending June 30, 2027. The council on the arts may spend accrued interest in the fund, including on the portion of the fund designated for maintenance of art projects constructed as part of the creative placemaking program, for the fabrication, site preparation, and installation of creative placemaking program art projects. The accrued interest is not subject to any spending limitations associated with maintenance of the art projects established by the sixty-seventh legislative assembly.

SECTION 4. APPROPRIATION - GIFTS, GRANTS, AND BEQUESTS. All gifts, grants, devises, bequests, donations, and assignments received by the council on the arts are appropriated to the council on the arts for the purposes provided in section 54-54-06, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 5. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The council on the arts may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 6. STATE TROUBADOUR - POET LAUREATE. The grants line item in section 1 of this Act includes \$10,000 for the state troubadour and \$10,000 for the poet laureate.

SECTION 7. EXEMPTION - LINE ITEM TRANSFERS - REPORT. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer funds between line items, excluding the new and vacant FTE pool line item, in section 1 of this Act as requested by the council on the arts. The council on the arts shall notify the legislative council of any transfer made pursuant to this section. The council on the arts shall report to the budget section after June 30, 2026, any transfer made in excess of \$50,000 and to the appropriations committees of the seventieth legislative assembly regarding any transfers made pursuant to this section.

SECTION 8. EXEMPTION - UNEXPENDED APPROPRIATION. The amount of \$25,000 appropriated from the general fund for the purpose of accrued leave payouts in section 1 of chapter 10 of the 2023 Session Laws is not subject to section 54-44.1-11 and any unexpended funds may be continued and are available to the council on the arts for costs relating to accrued leave payouts during the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 43

SENATE BILL NO. 2011

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the highway patrol; to provide for a transfer; and to provide an exemption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the highway patrol for the purpose of defraying the expenses of the highway patrol, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Highway patrol	\$68,085,546	\$14,653,962	\$82,739,508
New and vacant FTE pool	<u>0</u>	<u>2,445,122</u>	<u>2,445,122</u>
Total all funds	\$68,085,546	\$17,099,084	\$85,184,630
Less other funds	<u>20,428,226</u>	<u>6,251,313</u>	<u>26,679,539</u>
Total general fund	\$47,657,320	\$10,847,771	\$58,505,091
Full-time equivalent positions	205.00	0.00	205.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Motor pool costs	\$3,705,000	\$278,000	\$3,983,000
Conductive electronic weapon replacement	0	870,000	870,000
Emergency operations course resurface	0	260,000	260,000
Preliminary breath test devices	0	50,000	50,000
Gun replacement	0	200,000	200,000
Federal grant authority	0	480,000	480,000
Crash assistance position	<u>0</u>	<u>194,000</u>	<u>194,000</u>
Total	\$3,705,000	\$2,332,000	\$6,037,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The highway patrol may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the highway patrol line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. OTHER FUNDS - TRANSFER - HIGHWAY TAX DISTRIBUTION

FUND. The other funds line item in section 1 of this Act includes the sum of \$12,836,056, or so much of the sum as may be necessary, from the state highway tax distribution fund which may be transferred at the direction of the superintendent of the highway patrol for defraying the expenses of the highway patrol during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 5. OTHER FUNDS - MOTOR CARRIER ELECTRONIC PERMIT

FUND. The other funds line item in section 1 of this Act includes \$3,419,828 from the motor carrier electronic permit transaction fund for defraying various expenses associated with the issuance of permits and other nonenforcement motor carrier and administrative activities during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. PAYMENTS TO HIGHWAY PATROL OFFICERS.

Each patrol officer of the state highway patrol is entitled to receive from funds appropriated in section 1 of this Act an amount not to exceed \$200 per month, for the biennium beginning July 1, 2025, and ending June 30, 2027. The payments are in lieu of reimbursement for meals and other expenses, except lodging, while in travel status within the state of North Dakota or while at the patrol officers' respective home stations. The amounts must be paid at the time and in the same manner as salaries are paid to members of the highway patrol and may be paid without the presentation of receipts or other memorandums.

SECTION 7. EXEMPTION - UNEXPENDED APPROPRIATIONS.

The sum of \$45,000 appropriated from the motor carrier electronic permit transaction fund for technology enhancements in section 1 of chapter 11 of the 2023 Session Laws is not subject to the provisions of section 54-44.1-11 and any unexpended funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 30, 2025

Filed May 1, 2025

CHAPTER 44

SENATE BILL NO. 2012

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of transportation; to create and enact a new section to chapter 24-02 and a new section to chapter 54-27 of the North Dakota Century Code, relating to rail passenger authority agreements and a legacy earnings fund; to amend and reenact section 6-09.4-10.1, subsection 1 of section 21-10-06, and sections 24-02-37.3, 54-27-19, and 57-40.3-10, section 57-51.1-07.5 as amended by Senate Bill No. 2323 as approved by the sixty-ninth legislative assembly, and sections 57-51.1-07.7 and 57-51.1-07.8 of the North Dakota Century Code, relating to funds invested by the state investment board, the flexible transportation fund, the highway tax distribution fund, motor vehicle excise tax collections, the state share of oil and gas taxes, the municipal infrastructure fund, and the county and township infrastructure fund; to repeal sections 21-10-12, 21-10-13, 54-27-19.3, and 54-27-19.4 of the North Dakota Century Code, relating to legacy fund definitions, a legacy earnings fund, the legacy earnings highway distribution fund, and legacy earnings township highway aid fund; to provide for a legislative management report; to provide for application; to provide an effective date; and to provide an exemption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from other funds derived from special funds and federal funds, to the department of transportation for the purpose of defraying the expenses of the department of transportation, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$219,279,648	\$16,710,943	\$235,990,591
New and vacant FTE pool	0	13,576,477	13,576,477
Operating expenses	316,256,474	71,088,648	387,345,122
Capital assets	1,101,395,065	867,394,552	1,968,789,617
Grants	<u>112,821,458</u>	<u>3,569,000</u>	<u>116,390,458</u>
Total other funds	\$1,749,752,645	\$972,339,620	\$2,722,092,265
Full-time equivalent positions	1,001.00	4.00	1,005.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>Other Funds</u>
Facility improvements	\$5,970,000
Appointment system upgrade	3,000,000
Inventory tracking system	350,000

Highway projects	287,100,000
Passenger rail authority grant	150,000
Increased roadway maintenance costs	9,842,212
Walking trail grant	100,000
Equipment	5,872,000
Total	\$312,384,212

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The department of transportation may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - FLEXIBLE TRANSPORTATION FUND. The office of management and budget shall transfer the sum of \$142,500,000 from the strategic investment and improvements fund to the flexible transportation fund during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 5. EXEMPTION - LINE ITEM TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority among the salaries and wages, operating expenses, capital assets, and grants line items in section 1 of this Act as requested by the director of the department of transportation when it is cost-effective for construction and maintenance of highways. The department of transportation shall notify the legislative council of any transfers made pursuant to this section.

SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The other funds line item in section 1 of this Act includes the sum of \$287,100,000 from the strategic investment and improvements fund for highway projects and \$150,000 from the strategic investment and improvements fund for a rail passenger authority grant.

SECTION 7. OTHER FUNDS - MUNICIPAL INFRASTRUCTURE FUND - COUNTY AND TOWNSHIP INFRASTRUCTURE FUND. The other funds line item in section 1 of this Act includes the sum of \$40,000,000, or so much of the sum as may be necessary, from the municipal infrastructure fund and the sum of \$40,000,000, or so much of the sum as may be necessary, from the county and township infrastructure fund.

⁹ **SECTION 8. AMENDMENT.** Section 6-09.4-10.1 of the North Dakota Century Code is amended and reenacted as follows:

6-09.4-10.1. Legacy sinking and interest fund - Debt service requirements - Public finance authority.

There is created in the state treasury the legacy sinking and interest fund. The fund consists of all moneys deposited in the fund under section ~~24-10-1313~~ 24-10-1313 of this Act. Moneys in the fund may be spent by the public finance authority pursuant to legislative appropriations to meet the debt service requirements for evidences of indebtedness issued by the authority for transfer to the Bank of North Dakota for allocations to infrastructure projects and programs.

⁹ Section 6-09.4-10.1 was also amended by section 1 of House Bill No. 1176, chapter 555.

¹⁰ **SECTION 9. AMENDMENT.** Subsection 1 of section 21-10-06 of the North Dakota Century Code is amended and reenacted as follows:

1. Subject to the provisions of section 21-10-02, the board shall invest the following funds:
 - a. State bonding fund.
 - b. Teachers' fund for retirement.
 - c. State fire and tornado fund.
 - d. Workforce safety and insurance fund.
 - e. Public employees retirement system.
 - f. Insurance regulatory trust fund.
 - g. State risk management fund.
 - h. Budget stabilization fund.
 - i. Water projects stabilization fund.
 - j. Health care trust fund.
 - k. Cultural endowment fund.
 - l. Petroleum tank release compensation fund.
 - m. Legacy fund.
 - n. ~~Legacy earnings fund.~~
 - o. Opioid settlement fund.
 - p. ~~o.~~ A fund under contract with the board pursuant to subsection 3.

SECTION 10. A new section to chapter 24-02 of the North Dakota Century Code is created and enacted as follows:

Big sky north coast corridor identification and development program.

The director may enter an agreement with the big sky passenger rail authority regarding the creation of a service development plan.

SECTION 11. AMENDMENT. Section 24-02-37.3 of the North Dakota Century Code is amended and reenacted as follows:

24-02-37.3. Flexible transportation fund - Budget section approval - State treasurer distributions to political subdivisions - Report. (Retroactive application - See note)

¹⁰ Section 21-10-06 was also amended by section 2 of House Bill No. 1176, chapter 555.

There is created in the state treasury the flexible transportation fund. The fund consists of eligible federal or state funding and any contributed private funds.

1. The flexible transportation fund must be administered and expended by the director and may be used for the following:
 - a. Providing a match for federal funding obtained by the department of transportation.
 - b. State-funded road and bridge construction and maintenance, and transportation support costs including staffing, facilities, and operational expenditures on the state highway system.
 - c. State-funded road and, bridge, and other infrastructure construction and maintenance activities within the state but off of the state highway system. The director shall establish the terms and provisions of the program.
2. All money derived from the investment of the flexible transportation fund or any portion of the fund, must be credited to the flexible transportation fund. The director shall monthly transmit all moneys collected and received under this chapter to the state treasurer to be transferred and credited to the flexible transportation fund.
3. The director must receive budget section approval for any project that utilizes more than ten million dollars from the fund except for projects that match federal or private funds and the amount utilized from the fund is fifty percent or less of total project costs. Any request considered by the budget section must comply with section 54-35-02.9.
4. ~~The director shall allocate at least twenty five percent of motor vehicle excise tax collections deposited in the flexible transportation fund pursuant to section 57-40.3-10 for non-oil producing county and township road and bridge projects as follows:~~
 - ~~a. The funds must be allocated by the department to counties for projects or grants for the benefit of counties and organized and unorganized townships;~~
 - ~~b. The department shall establish criteria to distribute the funds;~~
 - ~~c. The funds must be used for the maintenance and improvement of county and township paved and unpaved roads and bridges;~~
 - ~~d. Priority must be given to projects that match federal funds and to projects that improve roadways that serve as local corridors;~~
 - ~~e. An organized township is not eligible to receive funding if the township does not maintain any roadways or does not levy at least eighteen mills for general purposes; and~~
 - ~~f. For purposes of this subsection, "non oil producing county" means a county that received no allocation of funding or a total allocation of less than five million dollars under subsection 2 of section 57-51-15 in the most recently completed even numbered fiscal year before the start of each biennium. The director shall allocate a portion of funds deposited in the flexible transportation fund for the benefit of road and bridge maintenance and projects in counties, cities, and townships as follows:~~

- a. The following percentage of state funds deposited in the fund must be allocated by the director for grants to counties, cities, and townships in non-oil-producing counties for road and bridge repair and replacement projects:
 - (1) Nineteen and one-half percent for county and city projects.
 - (2) Thirteen and one-half percent for township projects.
 - b. Seventeen and one-half percent of state funds deposited in the fund must be allocated by the director for grants to eligible counties for bridge repair and replacement projects.
 - c. The director shall establish criteria to distribute the funds under this subsection. Priority must be given to projects that match federal or private funds and to projects that improve roadways that serve as local corridors. Priority for organized township road projects must be given to projects located in townships that levy at least eighteen mills for general purposes and have a general fund balance of less than one hundred thousand dollars as of December thirty-first of the prior year. Priority for unorganized township road projects must be given to unorganized township projects located in counties that levy at least eighteen mills for unorganized township road and bridge purposes. For purposes of determining the mills levied by a township or county, the director shall use the most recent mill rate data published by the tax commissioner.
 - d. The amount allocated to organized townships under this subsection must be paid by the county treasurer to each organized township and the amount allocated for unorganized townships under this subsection must be credited by the county treasurer to a special fund for unorganized township roads.
 - e. Any funds allocated under this subsection not committed by October first of each even-numbered year may be reallocated by the director for any other projects eligible for funding under this section.
5. The state treasurer shall allocate a portion of funds deposited in the flexible transportation fund for the benefit of road, bridge, and other infrastructure maintenance and projects in counties, cities, and townships, as follows:
- a. Nine percent of state funds deposited in the fund must be distributed to non-oil-producing counties for the benefit of organized and unorganized township road needs using the distribution method in section 54-27-19.1. To receive an allocation under this subdivision, an organized township must levy at least eighteen mills for general purposes and have a general fund balance of less than one hundred thousand dollars as of December thirty-first of the prior year. To receive an allocation under this subdivision for unorganized townships, a county must levy at least eighteen mills for unorganized township road and bridge purposes. For purposes of determining the mills levied by a township or county, the state treasurer shall use the most recent mill rate data published by the tax commissioner.
 - b. Nineteen and one-half percent of state funds deposited in the fund must be distributed to non-oil-producing counties and cities for road, bridge, and other infrastructure projects using the formula established in subsection 4 of section 54-27-19.

6. Twenty-one percent of state funds deposited in the fund must be used by the director for any projects eligible for funding under this section.
7. For purposes of this section, "non-oil-producing county" means a county that had average annual oil production of fewer than ten million barrels based on the average annual oil production in the three-year period ending with the most recently completed even-numbered fiscal year before the start of each biennium. For purposes of determining the average annual oil production under this section, the state treasurer shall use the most recently available data compiled by the industrial commission in a report on the historical barrels of oil produced by county.
- 5-8. The director shall provide periodic reports to the budget section regarding the status of the fund and projects receiving allocations from the fund.

SECTION 12. 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~~Sixty percent must be transferred monthly to the state department of transportation and placed in a state highway fund.
2. ~~Two and seven-tenths~~Three and four-tenths percent must be transferred monthly to the township highway aid fund.
3. ~~One and five-tenths~~One and sixth-tenths percent must be transferred monthly to the public transportation fund.
4. ~~Thirty-four and five-tenths~~Thirty-five 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 formulas in this subsection 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, twenty-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 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.

¹¹ **SECTION 13.** A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

¹¹ Section 54-27-32 was also created by section 5 of House Bill No. 1176, chapter 555.

Legacy earnings fund - State treasurer - Legacy fund distribution - Allocations.

1. There is created in the state treasury the legacy earnings fund. The fund consists of all moneys distributed by the state treasurer from the legacy fund pursuant to section 26 of article X of the Constitution of North Dakota. The distribution from the legacy fund on July first of each odd-numbered year must be equal to eight percent of the five-year average value of the legacy fund balance as reported by the state investment board. The average value of the legacy fund balance must be calculated using the fund balance at the end of each fiscal year for the five-year period ending with the most recently completed even-numbered fiscal year.
2. From the amount distributed to the legacy earnings fund under subsection 1, the state treasurer shall allocate the funding in July of each odd-numbered year in the following order:
 - a. The first one hundred two million six hundred twenty-four thousand dollars or an amount equal to the amount appropriated from the legacy sinking and interest fund for debt service payments for a biennium, whichever is less, to the legacy sinking and interest fund under section 6-09.4-10.1.
 - b. The remaining amount as follows:
 - (1) Thirty percent to the highway fund.
 - (2) The remainder to the legacy property tax relief fund.

SECTION 14. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-10. Transfer of revenue.

After the deposits under sections 57-39.2-26.1, 57-39.2-26.2, and 57-39.2-26.3, moneys collected and received under this chapter must be deposited monthly in the state treasury and allocated as follows:

1. Fifty percent to the general fund; ~~and~~
2. ~~The remaining fifty percent to the flexible transportation fund~~Twenty five percent to the highway tax distribution fund; and
3. Twenty-five percent to the flexible transportation fund.

¹² **SECTION 15. AMENDMENT.** Section 57-51.1-07.5, as amended in Section 2 of Senate Bill No. 2323, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

57-51.1-07.5. State share of oil and gas taxes - Deposits.

From the revenues designated for deposit in the state general fund under chapters 57-51 and 57-51.1, the state treasurer shall deposit the revenues received each biennium in the following order:

¹² Section 57-51.1-07.5 was also amended by section 2 of Senate Bill No. 2323, chapter 569.

1. The first two hundred fifty million dollars into the state general fund;
2. The next two hundred fifty million dollars into the social service fund;
3. The next seventy-five million dollars into the budget stabilization fund, but not in an amount that would bring the balance in the fund to more than the limit in section 54-27.2-01;
4. The next two hundred fifty million dollars into the state general fund;
5. The next ten million dollars into the lignite research fund;
6. The next twenty million dollars into the state disaster relief fund, but not in an amount that would bring the unobligated balance in the fund to more than twenty million dollars;
7. ~~The next three hundred sixty million dollars into the strategic investment and improvements fund;~~
8. ~~The next sixty-five million dollars to the public employees retirement fund for the main system plan;~~
9. The next fifty-nine million seven hundred fifty thousand dollars, or the amount necessary to provide for twice the amount of the distributions under subsection 23 of section 57-51.1-07.7, into the funds designated for infrastructure development in non-oil-producing counties under sections 57-51.1-07.7 and 57-51.1-07.8 with fifty percent deposited into the municipal infrastructure fund and fifty percent deposited into the county and township infrastructure fund;
- ~~40-8.~~ The next one hundred seventy million two hundred fifty thousand one hundred million two hundred fifty thousand dollars or the amount necessary to provide a total of ~~two hundred thirty million~~ one hundred sixty million dollars into the funds designated for infrastructure development in non-oil-producing counties under sections 57-51.1-07.7 and 57-51.1-07.8 with fifty percent deposited into the municipal infrastructure fund and fifty percent deposited into the county and township infrastructure fund;
- ~~44-9.~~ The next sixty-five million dollars to the public employees retirement fund for the main system plan;
10. The next twenty million dollars into the airport infrastructure fund; and
- ~~42-11.~~ Any additional revenues into the strategic investment and improvements fund.

¹³ **SECTION 16. AMENDMENT.** Section 57-51.1-07.7 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07.7. Municipal infrastructure fund - Continuing appropriation - State treasurer - Department of transportation - Reports.

¹³ Section 57-51.1-07.7 was also amended by section 1 of Senate Bill No. 2074, chapter 571.

1. There is created in the state treasury the municipal infrastructure fund. The fund consists of all moneys deposited in the fund under section 57-51.1-07.5. **All moneys**
 - a. The first forty million dollars deposited in the fund are each biennium is appropriated to the state treasurer on a continuing basis for the purpose of providing grants to cities located in non-oil-producing counties pursuant to subsections 2 through 5. The grant funding may be distributed only to cities located in non-oil-producing counties, excluding hub cities, and may be used only for essential infrastructure projects.
 - b. The remaining moneys deposited in the fund are available to the department of transportation, within the limits of legislative appropriation, for the purpose of providing grants to cities located in non-oil-producing counties pursuant to subsection 6.
- 4-2. By November thirtieth of each even-numbered year, ~~starting in 2022~~, a city that receives a grant from the fund under subsection 3 or 4 shall provide a report to the state treasurer on the use of the funding. The state treasurer shall notify cities of the reporting requirement by November first of each even-numbered year, ~~starting in 2022~~. Upon request, the state treasurer may provide an extension of up to fifteen days for a city to submit the report. The state treasurer shall determine the format of the report. The report must include the amount of grant funding received and spent by the city and a description of the infrastructure projects completed in part or in whole with the grant funding. The state treasurer shall make the reports available to the public on the state treasurer's website. A city that does not provide the report in a timely manner or in the correct format is not eligible to receive a grant from the fund under subsection 3 or 4 for a period of two years starting from the date the report was due. If a city uses the funding in a manner inconsistent with the requirements of this section as identified in any financial audits conducted by the state auditor or an independent accounting firm, the state treasurer shall reduce any future grants to that city under subsection 3 or 4 by the amount spent that was inconsistent with the requirements.
- 2-3. Within forty days after the fund ~~balance is~~ receives total deposits under subdivision a of subsection 1 that are greater than or equal to the amount needed for the grants under this subsection or by September thirtieth of each odd-numbered year, whichever is earlier, the state treasurer shall distribute moneys in the fund as grants to cities for essential infrastructure projects. The state treasurer shall distribute the grants only if the fund ~~balance is~~ receives total deposits that are at least ten percent of the amount needed for distributions under this subsection based on the following:
 - a. Two million five hundred thousand dollars to each city with a population of at least five thousand;
 - b. Five hundred thousand dollars to each city with a population of at least two thousand but less than five thousand; and
 - c. One hundred twenty-five thousand dollars to each city with a population of at least one thousand but less than two thousand.

- d. If, at the time of the distributions, the moneys in the fund are less than the amount needed for the grants under this subsection, the state treasurer shall distribute the grants under this subsection on a pro rata basis.
- e. For the purposes of determining the city's population under this subsection, the state treasurer shall use the most recent actual or estimated census data published by the United States census bureau.

~~3-4.~~ Within sixty days after the fund receives ~~its statutory limit of oil and gas tax allocations under section 57-51.1-07.5~~ total deposits equal to the amount identified under subdivision a of subsection 1 or by September thirtieth of each odd-numbered year, whichever is earlier, the state treasurer shall distribute the moneys in the fund as grants to cities for essential infrastructure projects. The state treasurer shall distribute the grants only if the fund ~~balance~~ receives total deposits equal to the amount needed under subsection 2 plus at least ten percent of the amount needed for distributions under this subsection identified under subdivision a of subsection 1, based on the following:

- a. One hundred fifty dollars per person of the city's population.
- b. In addition to the amounts in subdivision a, for a city with a positive average of the annual percentage increase in population from three years prior, a dollar amount equal to the product of the following:
 - (1) The amount calculated in subdivision a; and
 - (2) The average of the annual percentage increase in population from three years prior, multiplied by ten.
- c. In addition to the amounts in subdivisions a and b, for a city with a positive average of the annual percentage increase in taxable property values from three years prior, a dollar amount equal to the average of the annual property valuation percentage increase for the three most recent years, multiplied by twenty-five thousandths.
- d. Grants may be distributed under this subdivision only if the grant distributions under subsection ~~23~~ are completed. ~~If the moneys in the fund~~ total deposits equal to the amount identified under subdivision a of subsection 1 are insufficient to provide for the grants, the state treasurer shall distribute the grants under this subsection on a pro rata basis. ~~If any moneys remain in the fund from the total deposits equal to the amount identified under subdivision a of subsection 1 after the distribution of grants under this subsection, the state treasurer shall distribute any remaining moneys in the fund in proportion to the combined total distributed to each city under this section~~ subsections 3 and 4 relative to the combined total distributed to all the cities under this section ~~subsections 3 and 4.~~
- e. For the purposes of determining the city's population under this subsection, the state treasurer shall use the most recent actual or estimated census data published by the United States census bureau.

- f. For the purposes of determining taxable property values, the state treasurer shall use the most recent data published by the tax commissioner in the tax levy report.

4.5. For purposes of ~~this section~~ subsections 2 through 4:

- a. "Essential infrastructure projects" means capital construction projects to construct new infrastructure or to replace existing infrastructure, which provide the fixed installations necessary for the function of a city. Capital construction projects exclude debt repayments and routine maintenance and repair projects, but include the following:
 - (1) Water treatment plants;
 - (2) Wastewater treatment plants;
 - (3) Sewer lines and water lines, including lift stations and pumping systems;
 - (4) Water storage systems, including dams, water tanks, and water towers;
 - (5) Storm water infrastructure, including curb and gutter construction;
 - (6) Road and bridge infrastructure, including paved and unpaved roads and bridges;
 - (7) Airport infrastructure;
 - (8) Electricity transmission infrastructure;
 - (9) Natural gas transmission infrastructure; and
 - (10) Communications infrastructure, excluding fiber optic infrastructure.
- b. "Fiscal year" means the period beginning September first and ending August thirty-first of the following calendar year.
- c. "Non-oil-producing county" means a county that received no allocation of funding or a total allocation of less than five million dollars under subsection 2 of section 57-51-15 in the most recently completed even-numbered fiscal year before the start of each biennium.

- 6.** From the funding identified under subdivision b of subsection 1, the director of the department of transportation shall distribute grants to cities located in non-oil-producing counties from the fund in accordance with the provisions of the flexible transportation fund under section 24-02-37.3.

¹⁴ **SECTION 17. AMENDMENT.** Section 57-51.1-07.8 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07.8. County and township infrastructure fund - Continuing appropriation - State treasurer - Department of transportation - Reports.

¹⁴ Section 57-51.1-07.8 was also amended by section 1 of House Bill No. 1065, chapter 572.

1. There is created in the state treasury the county and township infrastructure fund. The fund consists of all moneys deposited in the fund under section 57-51.1-07.5. ~~All moneys~~
 - a. The first forty million dollars deposited in the fund are each biennium is appropriated to the state treasurer on a continuing basis for the purpose of providing grants to non-oil-producing counties and townships located in non-oil-producing counties pursuant to subsections 2 through 7. The grant funding may be distributed only to non-oil-producing counties and townships located in non-oil-producing counties and may be used only for road and bridge infrastructure projects.
 - b. The remaining moneys deposited in the fund are available to the department of transportation, within the limits of legislative appropriation, for the purpose of providing grants to non-oil-producing counties and townships located in non-oil-producing counties pursuant to subsection 8.
- 4-2. ~~By November thirtieth of each even-numbered year, starting in 2022, a county that receives a grant from the fund under subsection 5 shall provide a report to the state treasurer on the use of the funding. The state treasurer shall notify counties of the reporting requirement by November first of each even-numbered year, starting in 2022. Upon request, the state treasurer may provide an extension of up to fifteen days for a county to submit the report. The state treasurer shall determine the format of the report. The report must include the amount of grant funding received and spent by the county and a description of the road and bridge infrastructure projects completed in part or in whole with the grant funding. The state treasurer shall make the reports available to the public on the state treasurer's website. A county that does not provide the report in a timely manner or in the correct format is not eligible to receive a grant from the fund under subsection 5 for a period of two years starting from the date the report was due. If a county uses the funding in a manner inconsistent with the requirements of this section as identified in any financial audits conducted by the state auditor or an independent accounting firm, the state treasurer shall reduce any future grants to that county under subsection 5 by the amount spent that was inconsistent with the requirements.~~
- 2-3. ~~Within sixty days after the fund receives its statutory limit of oil and gas tax allocations under section 57-51.1-07.5 total deposits equal to the amount identified under subdivision a of subsection 1 or by September thirtieth of each odd-numbered year, whichever is earlier, the state treasurer shall distribute moneys in the fund as grants to counties for road and bridge infrastructure projects. The state treasurer shall distribute the grants only if the fund balance receives total deposits that are at least ten percent of the amount needed for distributions under this section identified under subdivision a of subsection 1.~~
- 3-4. ~~The state treasurer shall distribute the lesser of thirteen percent of the balance of the fund or sixteen million one hundred thousand dollars total deposits under subdivision a of subsection 1 to non-oil-producing counties for the benefit of the organized and unorganized townships within each non-oil-producing county. The distribution to each non-oil-producing county must provide for an equal allocation to each organized and unorganized township which is proportional to the number of township road miles in each organized and unorganized township relative to the combined total township road miles in all organized and unorganized townships in all non-oil-producing counties. For purposes of this subsection, township road miles must be based on~~

certifications provided to the state treasurer under section 54-27-19.1. The amount allocated to organized townships under this section must be paid by the county treasurer to each organized township. The amount allocated to unorganized townships under this section must be credited by the county treasurer to a special fund for unorganized township roads. A township is not eligible for an allocation of funds under this section if the township does not maintain any township roads.

- a. To be eligible for an allocation of funds under this subsection, an organized township must levy at least eighteen mills for general purposes and have a general fund balance of less than one hundred thousand dollars as of December thirty-first of the prior year.
- b. To be eligible for an allocation of funds under this subsection for unorganized townships, a county must levy at least eighteen mills for unorganized township road and bridge purposes.
- c. For purposes of determining the mills levied by a township or county, the state treasurer shall use the most recent mill rate data published by the tax commissioner.

4-5. After the distributions in subsection ~~34~~, the state treasurer shall distribute the remaining ~~money in the fund~~eighty-seven percent of the total deposits under subdivision a of subsection 1 to non-oil-producing counties based on the most recent data compiled by the upper great plains transportation institute regarding North Dakota's county, township, and tribal road and bridge infrastructure needs. The distribution to each non-oil-producing county must be proportional to each non-oil-producing county's total estimated road and bridge investment needs relative to the combined total estimated road and bridge investment needs of all the non-oil-producing counties. The total estimated road and bridge investment needs for each county is the twenty-year estimate for unpaved and paved road and bridge needs as identified by the upper great plains transportation institute. If the data compiled by the upper great plains transportation institute includes more than one twenty-year estimate for the total needs of each county, the state treasurer shall use an average of the twenty-year estimates for each county.

5-6. If the ~~moneys in the fund~~total deposits under subdivision a of subsection 1 are insufficient to provide for the grants under ~~this section~~subsections 4 and 5, the state treasurer shall distribute the grants on a pro rata basis.

6-7. For purposes of ~~this section~~subsections 2 through 6:

- a. "Fiscal year" means the period beginning September first and ending August thirty-first of the following calendar year.
- b. "Non-oil-producing county" means a county that received no allocation of funding or a total allocation of less than five million dollars under subsection 2 of section 57-51-15 in the most recently completed even-numbered fiscal year before the start of each biennium.
- c. "Road and bridge infrastructure projects" means the projects associated with the construction of new unpaved and paved road and bridge infrastructure or associated with the maintenance, repair, or replacement of existing unpaved and paved road and bridge infrastructure.

8. From the funding identified under subdivision b of subsection 1, the director of the department of transportation shall distribute grants to non-oil-producing counties and townships located in non-oil-producing counties from the fund in accordance with the provisions of the flexible transportation fund under section 24-02-37.3.

¹⁵ **SECTION 18. REPEAL.** Sections 21-10-12, 21-10-13, 54-27-19.3, and 54-27-19.4 of the North Dakota Century Code are repealed.

SECTION 19. DEPARTMENT OF TRANSPORTATION - UNITED STATES HIGHWAY 85 PROJECT - REPORT. When the request for bids for construction on the last segment of the United States highway 85 project between interstate highway 94 and North Dakota highway 200 commences, the department of transportation shall prepare and complete an environmental impact statement to construct a four-lane highway for the remaining sections of the Theodore Roosevelt expressway as described in section 24-01-54 which do not have four lanes from the South Dakota border to interstate highway 94 and from Williston to the Montana border. The department shall provide reports to the legislative management regarding the costs and status of the impact statement process.

SECTION 20. REST AREA COOPERATIVE AGREEMENT. During the biennium beginning July 1, 2025, and ending June 30, 2027, the director of the department of transportation shall review options to enter a cooperative agreement pursuant to section 24-02-02.5 to jointly administer a rest area at the Theodore Roosevelt national park painted canyon visitor center. The director may expend moneys from the state highway fund within the limits of legislative appropriations for operational support of the facility and for facility improvements to support year-round operations of the facility.

SECTION 21. MISCELLANEOUS EXPENSES FOR DEPARTMENT OF TRANSPORTATION FACILITIES. The department of transportation may expend funds for workplace appliances limited to coffee makers, microwaves, and refrigerators, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 22. UNITED STATES HIGHWAY 85 FOUR-LANE PROJECT. During the biennium beginning July 1, 2025, and ending June 30, 2027, the director of the department of transportation shall construct and complete the remaining portions of the United States highway 85 four-lane project between highway 200 and the long x bridge.

SECTION 23. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The sum of \$100,000,000 appropriated from special funds for the purpose of road and bridge construction projects in subsection 2 of section 13 of chapter 15 of the 2021 Session Laws;
2. The sum of \$317,000,000 appropriated from federal funds for state, county, and township road and bridge projects in section 7 of chapter 548 of the 2021 Session Laws;

¹⁵ Section 21-10-12 was also repealed by section 25 of House Bill No. 1176, chapter 555; section 21-10-13 was also repealed by section 25 of House Bill No. 1176, chapter 555; section 54-27-19.3 was amended by section 4 of House Bill No. 1176, chapter 555.

3. The sum of \$61,700,060 appropriated from federal funds for surface transportation grants in subdivision 10 of section 1 of chapter 27 of the 2021 Session Laws;
4. The sum of \$13,660,000 appropriated from special funds for information technology projects in section 1 of chapter 40 of the 2021 Session Laws;
5. The sum of \$9,125,000 appropriated from the general fund in the operating expenses line item relating to information technology projects in section 1 of chapter 12 of the 2023 Session Laws;
6. The sum of \$2,500,000 appropriated from special funds to match funding from the state of Minnesota and other sources for studies, preliminary engineering, and environmental studies to address northern Red River valley infrastructure affected by flooding in section 2 of chapter 12 of the 2023 Session Laws;
7. The sum of \$5,000,000 appropriated from special funds for an environmental study of a portion of United States highway 52, in section 1 of chapter 12 of the 2023 Session Laws;
8. The sum of \$757,000 included in the deferred maintenance funding pool line item and transferred to the department of transportation pursuant to section 9 of chapter 640 of the 2023 Special Session Session Laws; and
9. The sum of \$161,000,000 appropriated from special funds for flexible transportation fund projects in section 1 of chapter 12 of the 2023 Session Laws.

SECTION 24. APPLICATION. Distributions by the state treasurer for organized and unorganized township road and bridge needs under subsection 5 of section 24-02-37.3 and subsection 4 of section 57-51.1-07.8 may not commence until January 1, 2026.

SECTION 25. EFFECTIVE DATE. Section 14 of this Act is effective for motor vehicle excise tax collections transmitted to the state treasurer after July 31, 2025.

Approved May 12, 2025

Filed May 13, 2025

CHAPTER 45

SENATE BILL NO. 2013

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for distributions from permanent funds; and to provide for a report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys from special funds, to the commissioner of university and school lands for the purpose of defraying the expenses of the commissioner of university and school lands, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$8,005,331	\$1,835,598	\$9,840,929
New and vacant FTE pool	0	419,754	419,754
Operating expenses	1,763,694	(164,362)	1,599,332
Contingencies	<u>100,000</u>	<u>0</u>	<u>100,000</u>
Total special funds	\$9,869,025	\$2,090,990	\$11,960,015
Full-time equivalent positions	33.00	1.00	34.00

SECTION 2. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The commissioner of university and school lands may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 3. DISTRIBUTIONS TO STATE INSTITUTIONS. Pursuant to article IX of the Constitution of North Dakota, the board of university and school lands shall distribute during the biennium beginning July 1, 2025, and ending June 30, 2027, the following amounts, from the permanent funds managed for the benefit of the following entities:

Common schools	\$584,677,350
North Dakota state university	8,770,000
University of North Dakota	6,948,000
Youth correctional center	3,136,000
School for the deaf	2,388,000
North Dakota state college of science	2,570,284
State hospital	1,976,284
Veterans' home	994,284
Valley City state university	1,566,000
North Dakota vision services - school for the blind	1,936,284
Mayville state university	1,102,000
Dakota college at Bottineau	406,284

Dickinson state university	406,284
Minot state university	<u>406,284</u>
Total	\$617,283,338

SECTION 4. REVENUE DIVERSIFICATION AND DEVELOPMENT OPPORTUNITIES - DEPARTMENT OF COMMERCE - REPORT. During the biennium beginning July 1, 2025, and ending June 30, 2027, the commissioner of university and school lands and the commissioner of commerce shall collaborate to identify revenue diversification and development opportunities on trust lands. The commissioner of university and school lands shall report to the appropriations committees of the seventieth legislative assembly on the results of the collaboration to identify revenue diversification and development opportunities.

Approved April 30, 2025

Filed May 1, 2025

CHAPTER 46

SENATE BILL NO. 2014

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the industrial commission and the agencies under its control; to create and enact a new section to chapter 6-09 and a new subdivision to subsection 2 of section 38-08-04.5 of the North Dakota Century Code, relating to a rail revolving loan fund and uses of the abandoned oil and gas well plugging and site reclamation fund; to amend and reenact subsection 7 of section 6-08.1-02 and sections 6-09-35, 6-09-46.2, 6-09.7-05, 6-09.14-04, and 49-17.1-02.1, subsection 1 of section 54-17-40, and subdivision a of subsection 4 of section 54-17.7-04 of the North Dakota Century Code, and section 15 of chapter 14 of the 2023 Session Laws, relating to confidential and exempt records of the Bank of North Dakota, the rebuilders loan program, loan guarantees through the strategic investment and improvements fund, interest rate buydown limits for the partnership in assisting community expansion fund, department of transportation review and approval of rail projects, uses of the housing incentive fund, North Dakota pipeline borrowing authority, and a salt cavern underground energy storage research project; to repeal section 3 of Senate Bill No. 2188, as approved by the sixty-ninth legislative assembly, relating to a transfer from the strategic investment and improvements fund to the clean sustainable energy fund; to provide a deficiency appropriation; to provide for a transfer; to provide an exemption; to provide for a legislative management study; to provide for a legislative management report; to provide for a report; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the industrial commission and agencies under its control for the purpose of defraying the expenses of the industrial commission and the agencies under its control, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

Subdivision 1.

INDUSTRIAL COMMISSION

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$1,884,918	\$701,583	\$2,586,501
New and vacant FTE pool	0	20,376	20,376
Operating expenses	472,271	3,821,991	4,294,262
Grants	0	13,668,089	13,668,089
Grants - bond payments	<u>119,879,913</u>	<u>(2,761,713)</u>	<u>117,118,200</u>
Total all funds	\$122,237,102	\$15,450,326	\$137,687,428
Less other funds	<u>122,237,102</u>	<u>15,050,326</u>	<u>137,287,428</u>
Total general fund	\$0	\$400,000	\$400,000
Full-time equivalent positions	9.75	0.00	9.75

Subdivision 2.

BANK OF NORTH DAKOTA

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Bank of North Dakota operations	\$70,899,761	\$5,461,643	\$76,361,404
New and vacant FTE pool	0	2,122,074	2,122,074
Capital assets	<u>705,722</u>	<u>3,437,577</u>	<u>4,143,299</u>
Total other funds	\$71,605,483	\$11,021,294	\$82,626,777
Full-time equivalent positions	187.00	0.00	187.00

Subdivision 3.

HOUSING FINANCE AGENCY

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,413,354	\$1,655,543	\$13,068,897
New and vacant FTE pool	0	1,422,760	1,422,760
Operating expenses	10,903,883	(1,433,707)	9,470,176
Capital assets	20,000	0	20,000
Grants	48,805,110	(2,700,000)	46,105,110
Housing finance agency contingencies	<u>100,000</u>	<u>0</u>	<u>100,000</u>
Total all funds	\$71,242,347	(\$1,055,404)	\$70,186,943
Less other funds	<u>68,742,347</u>	<u>1,444,596</u>	<u>70,186,943</u>
Total general fund	\$2,500,000	(\$2,500,000)	\$0
Full-time equivalent positions	54.00	5.00	59.00

Subdivision 4.

DEPARTMENT OF MINERAL RESOURCES

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$23,261,532	\$3,026,192	\$26,287,724
New and vacant FTE pool	0	2,121,618	2,121,618
Operating expenses	5,120,253	6,778,008	11,898,261
Capital assets	<u>0</u>	<u>45,000</u>	<u>45,000</u>
Total all funds	\$28,381,785	\$11,970,818	\$40,352,603
Less other funds	<u>268,000</u>	<u>5,754,837</u>	<u>6,022,837</u>
Total general fund	\$28,113,785	\$6,215,981	\$34,329,766
Full-time equivalent positions	108.00	5.00	113.00

Subdivision 5.

MILL AND ELEVATOR ASSOCIATION

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$54,019,267	\$6,345,741	\$60,365,008
New and vacant FTE pool	0	1,973,530	1,973,530
Operating expenses	42,391,653	2,710,224	45,101,877
Contingencies	500,000	0	500,000
Agriculture promotion	<u>500,000</u>	<u>0</u>	<u>500,000</u>
Total special funds	\$97,410,920	\$11,029,495	\$108,440,415
Full-time equivalent positions	170.00	2.00	172.00

Subdivision 6.

TOTAL SECTION 1

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total all funds	\$390,877,637	\$48,416,529	\$439,294,166
Less grand total other funds	<u>360,263,852</u>	<u>44,300,548</u>	<u>404,564,400</u>
Grand total general fund	\$30,613,785	\$4,115,981	\$34,729,766

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Industrial commission			
Electricity grid resiliency federal grant	\$0	\$13,668,089	\$13,668,089
Lignite litigation	<u>0</u>	<u>3,000,000</u>	<u>3,000,000</u>
Subtotal industrial commission	\$0	\$16,668,089	\$16,668,089
Bank of North Dakota			
Capital improvement projects	\$0	\$2,633,299	\$2,633,299
Economic development study	<u>0</u>	<u>250,000</u>	<u>250,000</u>
Subtotal Bank of North Dakota	\$0	\$2,883,299	\$2,883,299
Department of mineral resources			
Federal abandoned well program	\$0	\$1,444,377	\$1,444,377
FTE position operating expenses	24,435	51,495	75,930
Mineral analyses	100,000	0	100,000
Rare earth elements study	0	400,000	400,000
Paleontology excavation project	0	150,000	150,000
Oil and gas litigation	0	3,000,000	3,000,000
Portable mineral detection equipment	<u>45,000</u>	<u>0</u>	<u>45,000</u>
Subtotal department of mineral resources	<u>\$169,435</u>	<u>\$5,045,872</u>	<u>\$5,215,307</u>
Grand total	\$169,435	\$24,597,260	\$24,766,695

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The industrial commission and agencies under its control may not spend funds appropriated in the new and vacant FTE pool line items in section 1 of this Act, but may request the office of management and budget to transfer funds, within each respective subdivision, from the new and vacant FTE pool line item to the salaries and wages line items or Bank of North Dakota operations line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. BOND PAYMENTS. The amount of \$117,118,200 included in subdivision 1 of section 1 of this Act in the grants - bond payments line item must be paid from the following funding sources, during the biennium beginning July 1, 2025, and ending June 30, 2027:

Infrastructure project and program bonds -	\$102,622,743
legacy sinking and interest fund	
North Dakota university system	14,083,250
Veterans' home	<u>412,207</u>
Total	\$117,118,200

SECTION 5. APPROPRIATION - 2023-25 BIENNIUM - INDUSTRIAL COMMISSION - HYDROGEN ENERGY RESEARCH PROJECT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$627,587, or so much of the sum as may be necessary, to the industrial commission for the purpose of paying an outstanding invoice related to a hydrogen energy research project, for the period beginning with the effective date of this section and ending June 30, 2025.

SECTION 6. APPROPRIATION - HOUSING FINANCE AGENCY - ADDITIONAL INCOME. In addition to the amount appropriated to the housing finance agency in subdivision 3 of section 1 of this Act, there is appropriated any additional income or unanticipated income from federal or special funds which may become available to the agency, for the biennium beginning July 1, 2025, and ending June 30, 2027. The housing finance agency shall notify the office of management and budget and the legislative council of any additional income or unanticipated income that becomes available to the agency resulting in an increase in appropriation authority.

***SECTION 7. APPROPRIATION - TRANSFER GENERAL FUND TO HOUSING INCENTIVE FUND - TRANSFER STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO HOUSING INCENTIVE FUND - HOMELESS PROGRAMS - HOUSING PROGRAMS - EXEMPTION - ONE-TIME FUNDING.**

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$10,000,000, which the office of management and budget shall transfer to the housing incentive fund for homeless programs, during the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation under this subsection is considered a one-time funding item. Notwithstanding any other requirements under section 54-17-40 and pursuant to the continuing appropriation under section 54-17-40, the housing finance agency shall distribute a passthrough grant of \$150,000 from the housing incentive fund to a Native American-focused organization with a presence in multiple communities for a Native American homelessness liaison, from the \$10,000,000 transferred to the housing incentive fund under this subsection.
2. The office of management and budget shall transfer the sum of \$25,000,000 from the strategic investment and improvements fund to the housing incentive fund for housing projects and programs during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 8. TRANSFER - ENTITIES AND FUNDS UNDER THE CONTROL OF THE INDUSTRIAL COMMISSION TO INDUSTRIAL COMMISSION FUND - ADMINISTRATION - EXEMPTION.

1. The sum of \$2,260,660, or so much of the sum as may be necessary, included in the appropriation in subdivision 1 of section 1 of this Act, may be transferred from the entities and funds within the control of the industrial commission or entities directed to make payments to the industrial commission fund for administrative services rendered by the commission. Transfers must be made during the biennium beginning July 1, 2025, and ending June 30, 2027, upon order of the commission. Transfers from the student loan trust fund must be made to the extent permitted by sections 54-17-24 and 54-17-25.

2. The amount of \$1,818,114 appropriated to the industrial commission in subdivision 1 of section 1 of chapter 14 of the 2023 Session Laws and transferred pursuant to section 8 of chapter 14 of the 2023 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the industrial commission for administrative services rendered by the commission during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 9. TRANSFER - BANK OF NORTH DAKOTA PROFITS TO GENERAL FUND. The Bank of North Dakota shall transfer \$140,000,000 from the Bank's current earnings and undivided profits to the general fund during the biennium beginning July 1, 2025, and ending June 30, 2027. The moneys must be transferred in the amount and at the times requested by the director of the office of management and budget after consultation with the Bank president. For legislative council budget status reporting purposes, the transfer under this section is considered an ongoing revenue source.

SECTION 10. TRANSFER - BANK OF NORTH DAKOTA PROFITS TO ECONOMIC DEVELOPMENT PROGRAMS - SMALL BUSINESS DEVELOPMENT CENTER - LINE OF CREDIT INTEREST RATE BUYDOWN. During the biennium beginning July 1, 2025, and ending June 30, 2027, the Bank of North Dakota shall transfer the following amounts from the Bank's current earnings and undivided profits:

1. \$60,000,000 to economic development programs administered by the Bank, including the partnership in assisting community expansion fund, the agriculture partnership in assisting community expansion fund, the biofuels partnership in assisting community expansion fund, and the beginning farmer revolving loan fund;
2. \$1,900,000 to the university of North Dakota for the North Dakota small business development center for the purpose of matching federal grants; and
3. Up to \$5,000,000 to the parks and recreation department for an interest rate buydown on the line of credit for the Theodore Roosevelt presidential library project. The interest rate buydown may not exceed the amount needed to buydown the interest rate on the outstanding balance of the line of credit from the prevailing interest rate charged to North Dakota governmental entities to two percent.

SECTION 11. TRANSFER - RAIL FUND TO RAIL REVOLVING LOAN FUND. The department of transportation shall transfer any outstanding loans and remaining balance from the rail fund to the rail revolving loan fund on July 1, 2025.

SECTION 12. TRANSFER STATE ENERGY RESEARCH CENTER FUND TO OIL AND GAS RESEARCH FUND - TRANSFER STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO OIL AND GAS RESEARCH FUND - ENHANCED OIL RECOVERY GRANT PROGRAM.

1. From the \$6,000,000 transferred to the state energy research center fund pursuant to section 15 of chapter 14 of the 2023 Session Laws, the office of management and budget shall transfer the sum of \$4,000,000 to the oil and gas research fund during the biennium beginning July 1, 2025, and ending June 30, 2027.
2. The office of management and budget shall transfer the sum of \$21,000,000 from the strategic investment and improvements fund to the oil and gas research fund during the biennium beginning July 1, 2025, and ending June 30, 2027.

3. Pursuant to the continuing appropriation under section 57-51.1-07.3 and the powers of the industrial commission under chapter 54-17.6, the commission shall use \$25,000,000 from the oil and gas research fund, transferred under this section, for an enhanced oil recovery grant program. The commission shall develop guidelines for the grant program, including eligibility criteria, requirements for matching funds, and reporting requirements.

SECTION 13. LIGNITE RESEARCH, DEVELOPMENT, AND MARKETING PROGRAM - LIGNITE MARKETING FEASIBILITY STUDY - REPORT TO THE SEVENTIETH LEGISLATIVE ASSEMBLY.

1. Pursuant to the continuing appropriation under section 57-61-01.6, up to \$4,500,000 from the lignite research fund may be used for the purpose of contracting for an independent, nonmatching lignite marketing feasibility study or studies that determine those focused priority areas where near-term, market-driven projects, activities, or processes will generate matching private industry investment and have the most potential of preserving existing lignite production and industry jobs or that will lead to increased development of lignite and its products and create new lignite industry jobs and economic growth for the general welfare of this state. Moneys designated under this section also may be used for the purpose of contracting for nonmatching studies and activities in support of advanced energy technology and other technology development programs; for litigation that may be necessary to protect and promote the continued development of lignite resources; for nonmatching externality studies and activities in externality proceedings; or other marketing, environmental, or transmission activities that assist with marketing of lignite-based electricity and lignite-based byproducts. Moneys needed for the purposes stated in this section are available to the industrial commission for funding projects, processes, or activities under the lignite research, development, and marketing program.
2. The industrial commission shall report to the appropriations committees of the seventieth legislative assembly on the amounts spent pursuant to this section.

SECTION 14. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - GRANT, LITIGATION, STUDY, AND PROJECT FUNDING. The grand total other funds line item in section 1 of this Act includes the sum of \$8,332,794 from the strategic investment and improvements fund as follows:

1. \$4,782,794 in the other funds line item in subdivision 1 of section 1 of this Act and identified as one-time funding in section 2 of this Act, including \$1,782,794 for matching federal funds for an electricity grid resiliency grant and \$3,000,000 for lignite litigation.
2. \$3,550,000 in the other funds line item in subdivision 4 of section 1 of this Act and identified as one-time funding in section 2 of this Act, including \$400,000 for a rare earth elements study, \$150,000 for a paleontology excavation project, and \$3,000,000 for oil and gas litigation.

SECTION 15. OTHER FUNDS - ABANDONED OIL AND GAS WELL PLUGGING AND SITE RECLAMATION FUND - ADMINISTRATIVE EXPENSES.

The other funds line item in subdivision 4 of section 1 of this Act includes the sum of \$799,926 from the abandoned oil and gas well plugging and site reclamation fund for administrative expenses, including funding for reclamation specialist positions and related operating expenses.

SECTION 16. OTHER FUNDS - HOUSING INCENTIVE FUND - ADMINISTRATIVE EXPENSES. The other funds line item in subdivision 3 of section 1 of this Act includes the sum of \$213,880, transferred from the housing incentive fund to the agency's operating fund for administrative expenses, including funding for a homelessness program position and related operating expenses.

SECTION 17. AMENDMENT. Subsection 7 of section 6-08.1-02 of the North Dakota Century Code is amended and reenacted as follows:

7. The release by the industrial commission, in its capacity as the managing body of the Bank of North Dakota, of the following:
 - a. The name of any person who has obtained approval for direct ~~or indirect~~ financing or security, including a loan guarantee or a letter of credit, through the Bank of North Dakota primarily for purposes other than personal, family, or household purposes.
 - b. The amount of any financing or security referenced in subdivision a.
 - c. The amount of any net writeoff or loan forgiveness ~~associated with the financing or security referenced in subdivision a which~~ that the industrial commission determines is uncollectible.
 - d. The program under which any financing or security referenced in subdivision a was made.

SECTION 18. AMENDMENT. Section 6-09-35 of the North Dakota Century Code is amended and reenacted as follows:

6-09-35. Confidentiality of Bank records - Exempt records.

1. The following records of the Bank of North Dakota are confidential:
 - ~~4.~~ a. Commercial or financial information of a customer, whether obtained directly or indirectly, except for routine credit inquiries or unless required by due legal process. As used in this subsection, "customer" means any person who has transacted or is transacting business with, or has used or is using the services of, the Bank of North Dakota, or for whom the Bank of North Dakota has acted as a fiduciary with respect to trust property.
 - ~~2.~~ b. Internal or interagency memorandums or letters which would not be available by law to a party other than in litigation with the Bank.
 - ~~3.~~ c. Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a state or federal agency responsible for the regulation or supervision of any Bank activity.
 - ~~4.~~ d. Information obtained from the state department of financial institutions which would not be available from that agency under section 6-01-07.1.
 - ~~5.~~ e. The report by a Bank officer or member of the Bank's advisory board of directors concerning personal financial statements.
2. The following records of the Bank of North Dakota are exempt:
 - a. Bond insurance coverage, including excess bond insurance coverage.

b. Cyber liability coverage, including excess cyber liability coverage.

SECTION 19. AMENDMENT. Section 6-09-46.2 of the North Dakota Century Code is amended and reenacted as follows:

6-09-46.2. Rebuilders loan program - Rebuilders permanent loan fund - Continuing appropriation.

1. The Bank of North Dakota shall develop a rebuilders loan program to make or participate in loans to North Dakota residents ~~affected by extraordinary losses~~ as a result of a:
 - a. A presidentially declared disaster ~~or in the state~~;
 - b. A governor-declared disaster ~~or in the state~~;
 - c. An emergency in the state;
 - d. A weather-related incident in the state as determined by the governor; or
 - e. An economic hardship as determined by the governor.
- ~~2.~~ Under the rebuilders loan program, the Bank shall develop and implement specific loan programs to respond to the specific needs resulting from a disaster ~~or~~ emergency, incident, or hardship. The Bank may fund the loan from any available funding in the rebuilders permanent loan fund and may accept private sector donations and funds from the federal government.
- ~~2-3.~~ Upon request of the Bank of North Dakota, the governor shall furnish the Bank with information relating to the nature and amount of state and local resources that have been or will be committed to alleviating the results of the disaster or emergency, an estimate of the amount and severity of the damage and the impact on the private and public sectors, and an estimate of the type and amount of assistance needed.
- ~~3-4.~~ To apply for a loan under the program, a person shall apply to the originating financial institution. Upon Bank of North Dakota approval of an application, the Bank shall make a loan in accordance with the loan program established under this section. The Bank shall establish a loan application period, which may not exceed a period of eighteen months from the date of the declaration of the disaster or emergency.
- ~~4-5.~~ Excluding the rebuilders and rebuilders home loans transferred to the fund, the Bank of North Dakota shall deposit in the fund all principal and interest paid on the loans made from the fund. The Bank may deduct from interest payments received on a loan under the program a service fee for administering the fund for the Bank and the originating financial institution. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit and any other actual costs incurred by the Bank on behalf of the fund, must be paid by the fund.
- ~~5-6.~~ There is created in the state treasury the rebuilders permanent loan fund administered by the Bank of North Dakota. The fund consists of all moneys transferred to the fund by the legislative assembly, interest on moneys in the fund, and payments to the fund of principal and interest on loans made from the fund. All moneys in the fund are appropriated to the Bank on a continuing basis for the rebuilders loan program.

~~6-7.~~ If approved by the industrial commission, the fund may borrow from the Bank of North Dakota to provide funding for loans under this section. A loan made to the fund by the Bank must be repaid with principal and interest payment received by the rebuilders permanent loan fund or with moneys appropriated by the legislative assembly.

~~7-8.~~ The Bank of North Dakota shall adopt policies to implement this section.

SECTION 20. A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

Rail revolving loan fund - Continuing appropriation.

1. The rail revolving loan fund is a special fund in the state treasury from which the Bank of North Dakota shall provide loans to counties, cities, railroads, and other freight railroad users to construct or upgrade rail infrastructure to improve rail service.
2. The Bank shall administer the fund in accordance with the provisions of this section and may adopt policies and establish guidelines for the loans, including policies for eligibility and allowing participation by local financial institutions. Class I railroads are not eligible.
3. The Bank shall consider the applicant's ability to repay the loan when processing the application and shall issue loans only to applicants that provide reasonable assurance of sufficient future income to repay the loan.
4. The department of transportation shall review and approve the project before the Bank may issue a loan based on policies developed by the department.
5. The Bank shall deposit in the fund all payments of principal and interest paid on loans made from the fund. The Bank may use a portion of the interest paid on the outstanding loans as a servicing fee to pay administrative costs which may not exceed one-half of one percent of the amount of the outstanding loans.
6. All moneys transferred to the fund, interest upon moneys in the fund, and payments to the fund of principal and interest are appropriated to the Bank on a continuing basis for administrative costs and for loan disbursements according to this section.
7. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit must be paid from the fund.

SECTION 21. AMENDMENT. Section 6-09.7-05 of the North Dakota Century Code is amended and reenacted as follows:

~~**6-09.7-05. Establishment and maintenance of adequate guarantee funds-- Use of strategic investment and improvements fund. (Effective through June 30, 2025)**~~

~~The Bank of North Dakota shall establish and at all times maintain an adequate guarantee reserve fund in a special account in the Bank. The Bank may request the director of the office of management and budget to transfer funds from the strategic investment and improvements fund created by section 15-08.1-08 to maintain one hundred percent of the guarantee reserve fund balance. Transfers from the~~

~~strategic investment and improvements fund may not exceed a total of eighty million dollars. Moneys in the guarantee reserve fund are available to reimburse lenders for guaranteed loans in default. The securities in which the moneys in the reserve fund may be invested must meet the same requirements as those authorized for investment under the state investment board. The income from such investments must be made available for the costs of administering the state guarantee loan program and income in excess of that required to pay the cost of administering the program must be deposited in the reserve fund. The amount of reserves for all guaranteed loans must be determined by a formula that will assure, as determined by the Bank, an adequate amount of reserve.~~

Establishment and maintenance of adequate guarantee funds - Use of strategic investment and improvements fund. (~~Effective after June 30, 2025~~) The Bank of North Dakota shall establish and at all times maintain an adequate guarantee reserve fund in a special account in the Bank. The Bank may request the director of the office of management and budget to transfer funds from the strategic investment and improvements fund created by section 15-08.1-08 to maintain one hundred percent of the guarantee reserve fund balance. Transfers from the strategic investment and improvements fund may not exceed a total of ~~one hundred forty million~~ one hundred sixty million dollars. Moneys in the guarantee reserve fund are available to reimburse lenders, including the Bank, for guaranteed loans in default. The securities in which the moneys in the reserve fund may be invested must meet the same requirements as those authorized for investment under the state investment board. The income from such investments must be made available for the costs of administering the state guarantee loan program and income in excess of that required to pay the cost of administering the program must be deposited in the reserve fund. The amount of reserves for all guaranteed loans must be determined by a formula that will assure, as determined by the Bank, an adequate amount of reserve.

SECTION 22. AMENDMENT. Section 6-09.14-04 of the North Dakota Century Code is amended and reenacted as follows:

6-09.14-04. Fund moneys - Eligible uses.

1. The fund moneys may be used to participate in an interest rate buydown on a loan to a new or expanding business for the following eligible uses:
 - a. Purchase of real property and equipment.
 - b. Expansion of facilities.
 - c. Working capital.
 - d. Inventory.
2. The loan funds cannot be used to refinance any existing debt or for the relocation of the business within North Dakota.
- ~~2-3.~~ The community shall determine the amount of the interest rate buydown and apply to the Bank of North Dakota for participation from the partnership in assisting community expansion fund. The funds for the community's portion of the buydown may come from a local development corporation, contributions, community funds, future dedicated tax programs, or any other community source.

- ~~3-4.~~ The fund participation portion in the buydown must be determined by the Bank of North Dakota based on economic conditions in the city or county in which the business is located.
- 4-5. a. The maximum amount from the fund in the interest rate buydown may not exceed five hundred thousand dollars per loan.
- b. If the Bank determines the project has a substantial economic impact and qualifies as a primary sector business, the maximum amount from the fund in the interest rate buydown may be increased by up to one million dollars, in addition to the amount under subdivision a, without a required community match.
6. The fund participation must be limited to the amount required to buy down the interest to five hundred basis points below the national prime interest rate.
- ~~5-7.~~ The Bank of North Dakota shall adopt rules to implement this chapter.

SECTION 23. A new subdivision to subsection 2 of section 38-08-04.5 of the North Dakota Century Code is created and enacted as follows:

Administrative expenses, including salaries and wages and operating expenses, subject to legislative appropriation.

SECTION 24. AMENDMENT. Section 49-17.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

49-17.1-02.1. ~~Department may authorize local~~Review and approval of rail projects.

~~For the purpose of promoting the public interest and local economic development, the department may utilize revenue generated under this chapter for the construction or improvement of railway freight transportation projects not otherwise eligible for assistance under the Railroad Revitalization and Regulatory Reform Act of 1976 [Pub. L. 94-210; 90 Stat. 149; 49 U.S.C. 1651 et seq.] and which meet standards and specifications developed by the department.~~The department shall coordinate with the Bank of North Dakota to approve and review rail projects financed under the rail revolving loan fund under section 19 of this Act.

SECTION 25. AMENDMENT. Subsection 1 of section 54-17-40 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~The housing incentive fund is created as a special revolving fund at the Bank of North Dakota. The housing finance agency may direct disbursements from the fund and a continuing appropriation from the fund is provided for that purpose.~~a special fund in the state treasury administered by the housing finance agency. Moneys in the fund are appropriated to the housing finance agency on a continuing basis for assistance under subsection 3. Moneys in the fund may be transferred to the housing finance agency's operating fund for administrative expenses, which are subject to legislative appropriation.

SECTION 26. AMENDMENT. Subdivision a of subsection 4 of section 54-17.7-04 of the North Dakota Century Code is amended and reenacted as follows:

- a. (1) The authority may borrow up to sixty million dollars through a line of credit from the Bank.

(2) In addition to the borrowing under paragraph 1, the authority may borrow up to forty million dollars through a line of credit from the Bank to provide total borrowing of up to one hundred million dollars under this subdivision. The borrowing under this paragraph is available only if the authority enters a capacity purchase agreement by December 31, 2026, related to a pipeline project to transport natural gas from the western area of the state to the eastern area of the state.

(3) The interest rate on the line of credit must be the prevailing interest rate charged to North Dakota governmental entities.

SECTION 27. AMENDMENT. Section 15 of chapter 14 of the 2023 Session Laws is amended and reenacted as follows:

SECTION 15. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO STATE ENERGY RESEARCH CENTER FUND - FEDERAL STATE FISCAL RECOVERY FUND - UNDERGROUND ENERGY STORAGE RESEARCH PROJECT - REPORT TO LEGISLATIVE MANAGEMENT.

1. The office of management and budget shall transfer the sum of \$6,000,000 from the strategic investment and improvements fund to the state energy research center fund.
2. Pursuant to the continuing appropriation authority under section 57-51.1-07.9 and pursuant to subsection 36 of section 1 of chapter 550 of the 2021 Special Session Session Laws, as amended in section 24 of this Act and exempted in section 26 of this Act, the industrial commission shall distribute up to ~~\$6,000,000~~ \$2,000,000 from the state energy research center fund and up to \$5,300,000 of federal funds from the state fiscal recovery fund to the state energy research center for a salt cavern underground energy storage research project.
3. The research project must include a business case analysis for the construction of up to two salt caverns in geological formations in North Dakota for the development of underground storage of energy resources, including natural gas, liquified natural gas, natural gas liquids, and hydrogen. The state energy research center may collaborate with other entities as needed on the research project. Prior to distributing the funding, the industrial commission must receive, from at least one nonstate entity, assurance of financial or other types of support that demonstrate a commitment to the research project.
4. During the 2023-24 ~~interim~~ and 2025-26 ~~interims~~, the state energy research center shall provide quarterly reports to the industrial commission and at least one report each interim to the legislative management regarding the status and results of the research project.

SECTION 28. REPEAL. Section 3 of Senate Bill No. 2188, as approved by the sixty-ninth legislative assembly, is repealed.

SECTION 29. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The sum of \$1,250,000 appropriated from special funds for grant management software in subdivision 1 of section 1 of chapter 14 of the 2023 Session Laws, identified as one-time funding in section 2 of chapter 14 of the 2023 Session Laws, and transferred in section 9 of chapter 14 of the 2023 Session Laws.
2. The sum of \$75,000 appropriated from special funds for a records digitization project in subdivision 1 of section 1 of chapter 14 of the 2023 Session Laws and identified as one-time funding in section 2 of chapter 14 of the 2023 Session Laws.
3. The sum of \$1,124,856 appropriated from the general fund and \$7,499,037 appropriated from federal funds for an electricity grid resilience federal grant in subdivision 1 of section 1 of chapter 14 of the 2023 Session Laws and identified as one-time funding in section 2 of chapter 14 of the 2023 Session Laws.
4. The sum of \$3,200,000 appropriated from the federal state fiscal recovery fund for an abandoned oil well conversion to water supply grant program in subdivision 2 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in subsection 1 of section 27 of chapter 14 of the 2023 Session Laws.
5. The sum of \$800,000 appropriated from the strategic investment and improvements fund to the department of mineral resources for a survey review in section 2 of chapter 426 of the 2017 Session Laws and continued into the 2019-21 biennium pursuant to section 27 of chapter 14 of the 2019 Session Laws, into the 2021-23 biennium pursuant to section 33 of chapter 42 of the 2021 Session Laws, and into the 2023-25 biennium pursuant to section 27 of chapter 14 of the 2023 Session Laws.
6. Up to \$225,500 of the \$2,300,000 appropriated from federal funds to the department of mineral resources for administrative expenses related to an abandoned well reclamation program in subdivision 2 of section 1 of chapter 14 of the 2023 Session Laws and identified as one-time funding in section 2 of chapter 14 of the 2023 Session Laws.

SECTION 30. LEGISLATIVE MANAGEMENT STUDY - HOMELESSNESS.

During the 2025-26 interim, the legislative management shall consider studying homelessness in the state. The study must include a review of data and funding available to address homelessness, an analysis of the use of available funds to identify gaps and potential solutions, and input from homeless program service providers. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

***SECTION 31. ECONOMIC DEVELOPMENT STUDY - BANK OF NORTH DAKOTA - REPORT.** During the 2025-27 biennium, the Bank of North Dakota shall use up to \$250,000 included in the Bank's appropriation in section 1 of this Act and identified as one-time funding in section 2 of this Act to conduct a study of economic development opportunities to sustain the economies of communities in western North Dakota as oil and gas development activities decrease. The Bank shall coordinate with the department of commerce and representatives from oil-producing counties to develop a long-term strategic plan for economic development opportunities in western North Dakota. The Bank shall provide at least one report to the legislative management during the 2025-26 interim and shall provide a report to the appropriations committees of the seventieth legislative assembly regarding the results of the study.

SECTION 32. REPORT TO BUDGET SECTION - NORTH DAKOTA PIPELINE AUTHORITY - PIPELINE CAPACITY AGREEMENT. By December 31, 2026, the North Dakota pipeline authority shall provide at least one report to the budget section regarding the status of any pipeline capacity agreements, including commitments from other private sector entities, the commitment by the authority, anticipated borrowing by the authority under subsection 4 of section 54-17.7-04, and other information requested by the budget section.

SECTION 33. EFFECTIVE DATE. Section 21 of this Act becomes effective July 1, 2027.

SECTION 34. EMERGENCY. Section 5 of this Act is declared to be an emergency measure.

Approved May 19, 2025

Filed May 19, 2025

* Sections 7 and 31 of Senate Bill No. 2014 were vetoed, see chapter 606.

CHAPTER 47

SENATE BILL NO. 2015

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to authorize a line of credit; to provide a statement of legislative intent; to provide for a report; to provide for a legislative management study; and to provide an exemption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the department of corrections and rehabilitation for the purpose of defraying the expenses of the department of corrections and rehabilitation, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Adult services	\$265,998,440	\$174,577,338	\$440,575,778
Youth services	26,853,221	9,349,903	36,203,124
New and vacant FTE pool	0	15,248,196	15,248,196
Total all funds	\$292,851,661	\$199,175,437	\$492,027,098
Less other funds	45,744,746	101,911,978	147,656,724
Total general fund	\$247,106,915	\$97,263,459	\$344,370,374
Full-time equivalent positions	929.79	34.50	964.29

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Heart River correctional center	\$36,742	\$35,635,000	\$35,671,742
Missouri River correctional center temporary housing unit	121,136	8,032,757	8,153,893
Payments to county and regional jails	28,430,210	0	28,430,210
Deferred maintenance and extraordinary repairs	0	13,006,609	13,006,609
New FTE costs	40,000	0	40,000
James River correctional center study	0	750,000	750,000
Missouri River correctional center planning and design	0	20,000,000	20,000,000
Software systems and technology upgrades	0	9,750,000	9,750,000

Equipment	0	2,079,700	2,079,700
Victims of crime grants	0	7,000,000	7,000,000
Mental health assessments and services	0	550,000	550,000
Rough rider industries equipment and supplies	0	13,722,181	13,722,181
Workforce training and education	0	1,027,500	1,027,500
James River correctional center maintenance building demolition	<u>0</u>	<u>570,000</u>	<u>570,000</u>
Total	\$28,628,088	\$112,123,747	\$140,751,835

SECTION 3. NEW AND VACANT FULL-TIME EQUIVALENT POOL - LIMITATION - TRANSFER REQUEST. The department of corrections and rehabilitation may not spend funds appropriated in the new and vacant full-time equivalent pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant full-time equivalent pool line item to the adult services and youth services line items in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The other funds line item in section 1 of this Act includes the sum of \$95,834,175 from the strategic investment and improvements fund for one-time projects and programs as follows:

Heart River correctional center project	\$35,635,000
Missouri River correctional center temporary housing	8,032,757
Missouri River correctional center planning and design	20,000,000
James River correctional center facilities study	750,000
James River correctional center maintenance building demolition	570,000
Deferred maintenance and extraordinary repairs	13,006,609
Software and technology upgrades	9,750,000
Equipment	1,089,809
Victims of crime grants	<u>7,000,000</u>
Total	\$95,834,175

SECTION 5. OTHER FUNDS - FEDERAL FUNDS - CONTINGENT BANK OF NORTH DAKOTA LINE OF CREDIT - DEPARTMENT OF CORRECTIONS AND REHABILITATION. The other funds line item in section 1 of this Act includes \$989,891 from federal funds or proceeds from a line of credit for purchasing tasers, body cameras, and ballistic vests. If the department of corrections and rehabilitation is unsuccessful in obtaining a federal grant of \$989,891 for this purpose and notifies the office of management and budget that it will not receive federal funds for this purpose during the biennium beginning July 1, 2025, and ending June 30, 2027, the department of corrections and rehabilitation may borrow up to \$989,891 through a line of credit from the Bank of North Dakota for the purchase of tasers, body cameras, and ballistic vests during the biennium beginning July 1, 2025, and ending June 30, 2027. The interest rate on the line of credit may not exceed the prevailing interest rate charged to North Dakota governmental entities. If the department of corrections and rehabilitation accesses the line of credit, the department of corrections and rehabilitation shall request a deficiency appropriation from the seventieth legislative assembly to repay the line of credit.

SECTION 6. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING FUND REVENUES. Any moneys received by the department of corrections and rehabilitation from correctional supervision, electronic monitoring, and

detention; reimbursements from other agencies; profits received from department of corrections and rehabilitation commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and from the youth correctional center permanent fund, may be deposited in the department of corrections and rehabilitation operating fund and expended pursuant to legislative appropriation, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 7. MISSOURI RIVER CORRECTIONAL CENTER PLANNING AND DESIGN - STEERING COMMITTEE - LEGISLATIVE INTENT - REPORT. The appropriation in the adult services line item in section 1 of this Act includes \$20,000,000 from the strategic investment and improvements fund for planning and design for a new minimum security male correctional facility for the Missouri River correctional center. The department of corrections and rehabilitation shall establish a Missouri River correctional center steering committee to oversee the design and construction of the new Missouri River correctional center facility, including other options, for the biennium beginning July 1, 2025, and ending June 30, 2027. The committee must include one member of the senate appointed by the senate majority leader, one member of the house appointed by the house majority leader, and one member of the minority party from either the senate or the house appointed by the minority leaders of the senate and the house. It is the intent of the sixty-ninth legislative assembly that the seventieth legislative assembly consider supporting the completion of a new minimum security facility for the Missouri River correctional center during the biennium beginning July 1, 2027, and ending June 30, 2029. The department of corrections and rehabilitation shall provide a quarterly report to the legislative management regarding the planning and design of a new minimum security facility.

SECTION 8. LEGISLATIVE MANAGEMENT STUDY - DIVERSION AND DEFLECTION CENTERS. During the 2025-26 interim, the legislative management shall consider studying the need for diversion and deflection centers in the state. The study must include the appropriate involvement of the state in the planning and establishment of diversion and deflection centers. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 9. LEGISLATIVE MANAGEMENT STUDY - SENTENCING, CORRECTIONS, AND PAROLE OVERSIGHT. During the 2025-26 interim, the legislative management shall study the sentencing, correctional, and parole systems within the state, with a focus on improving transparency, consistency, and outcomes in the administration of justice. The study must include a comprehensive review of:

1. Sentencing requirements and incarceration impacts, including an evaluation of the potential impacts of requiring offenders sentenced to the custody of the department of corrections and rehabilitation to serve eighty-five percent of their terms in secured facilities. The study must include:
 - a. Cost analyses;
 - b. Consideration of data and trends relating to criminal offenses and sentencing;
 - c. Consideration of recidivism trends;
 - d. Consideration of rehabilitation and re-entry opportunities;
 - e. Definitions of terms related to sentencing and incarceration; and

- f. Safety and accountability measures for minimum security facilities and transitional facilities.
2. The structure and function of the parole board, including provisions of chapter 12-59 and any rules adopted by the parole board. The study must include:
 - a. Membership structure, appointment process, terms, quorum, and meeting transparency;
 - b. Parole eligibility requirements and determinations;
 - c. Victim rights and notification systems; and
 - d. The role and input of the department of corrections and rehabilitation in parole-related matters.

The study may include input from:

1. The judicial branch, including district court judges regarding sentencing decisions;
2. State's attorney and defense attorneys regarding charging practices, plea negotiations, and trial resources;
3. The department of corrections and rehabilitation regarding inmate classification, housing, placement authority, and transitional services, including work or educational release;
4. The parole board regarding parole eligibility and release decisions;
5. Law enforcement representatives, including the chiefs of police association, sheriff's association, and attorney general's office, regarding impacts to public safety and local and regional jails;
6. The league of cities and association of counties regarding impacts to public safety and local and regional jails;
7. Justice-involved individuals regarding the impact of current and potential sentencing and parole practices; and
8. Crime victims regarding the impact of sentencing.

The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 10. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. Any amounts remaining from funds transferred to the department of corrections and rehabilitation for deferred maintenance and extraordinary repairs from funding appropriated from the strategic investment and improvements fund to the office of management and budget in section 1 of chapter 640 of the 2023 Special Session Session Laws.

2. Any amounts remaining from funds transferred to the department of corrections and rehabilitation for deferred maintenance and extraordinary repairs from funding appropriated from federal funds derived from the state fiscal recovery fund to the office of management and budget in subsection 10 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued pursuant to section 9 of chapter 15 of the 2023 Session Laws.
3. The sum of \$131,200,000 appropriated from the strategic investment and improvements fund for the construction of a new Heart River correctional center in section 1 of chapter 15 of the 2023 Session Laws.
4. The sum of \$307,000 appropriated from the strategic investment and improvements fund for DOCSTARS maintenance in section 1 of chapter 15 of the 2023 Session Laws.
5. The sum of \$2,000,000 appropriated from the strategic investment and improvements fund for information technology needs in section 1 of chapter 15 of the 2023 Session Laws.

Approved May 12, 2025

Filed May 12, 2025

CHAPTER 48

SENATE BILL NO. 2016

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of job service North Dakota; and to provide an exemption.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to job service North Dakota for the purpose of defraying the expenses of job service North Dakota, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$34,722,502	\$2,765,451	\$37,487,953
New and vacant FTE pool	0	1,614,189	1,614,189
Operating expenses	22,290,155	(1,261,892)	21,028,263
Capital assets	20,000	0	20,000
Grants	8,054,512	0	8,054,512
Reed Act - unemployment insurance	<u>10,915,000</u>	<u>0</u>	<u>10,915,000</u>
computer modernization			
Total all funds	\$76,002,169	\$3,117,748	\$79,119,917
Less other funds	<u>69,268,250</u>	<u>(798,726)</u>	<u>68,469,524</u>
Total general fund	\$6,733,919	\$3,916,474	\$10,650,393
Full-time equivalent positions	158.61	1.00	159.61

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salaries funding source change	\$2,100,000	(\$2,100,000)	\$0
Total	\$2,100,000	(\$2,100,000)	\$0

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. Job service North Dakota may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. ADDITIONAL INCOME - APPROPRIATION. All federal funds received by job service North Dakota in excess of those funds appropriated in section 1 of this Act are appropriated to job service North Dakota for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 5. OTHER FUNDS - REED ACT FUNDS - UNEMPLOYMENT INSURANCE COMPUTER MODERNIZATION. The other funds appropriation in section 1 of this Act includes the sum of \$10,915,000 from federal Reed Act funds made available to the state by the federal Reed Act distributions made in federal fiscal years 1957, 1958, 1999, and 2002, pursuant to section 903 of the federal Social Security Act. This sum, or so much of the sum as may be necessary, is for the purpose of developing a modernization unemployment insurance computer system.

SECTION 6. EXEMPTION - UNEMPLOYMENT INSURANCE MODERNIZATION PROJECT - FEDERAL STATE FISCAL RECOVERY FUND. The amount of \$45,000,000 from federal funds derived from the state fiscal recovery fund for the unemployment insurance modernization project in section 1 of chapter 16 of the 2023 Session Laws is not subject to section 54-44.1-11, and any unexpended funds from this appropriation may be continued and used during the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 49

SENATE BILL NO. 2017

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the office of administrative hearings; and to authorize a line of credit.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from special funds, to the office of administrative hearings for the purpose of defraying the expenses of the office of administrative hearings, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$1,446,690	\$113,239	\$1,559,929
New and vacant FTE pool	0	16,570	16,570
Operating expenses	<u>1,582,392</u>	<u>(3,141)</u>	<u>1,579,251</u>
Total special funds	\$3,029,082	\$126,668	\$3,155,750
Full-time equivalent positions	5.00	0.00	5.00

SECTION 2. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The office of administrative hearings may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 3. BANK OF NORTH DAKOTA LINE OF CREDIT - AGENCY CASHFLOW NEEDS. The office of administrative hearings may borrow up to \$150,000 from the Bank of North Dakota through a line of credit to manage agency cashflow needs during the biennium beginning July 1, 2025, and ending June 30, 2027. The interest rate on the line of credit may not exceed the prevailing interest rate charged to North Dakota governmental entities. The office of administrative hearings shall repay the line of credit with available funding from the administrative hearings fund.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 50

SENATE BILL NO. 2018

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of commerce; to provide an appropriation to the attorney general; to provide an appropriation to the department of career and technical education; to provide an appropriation to the state fair association; to provide a contingent appropriation; to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to department of commerce grant reporting requirements; to amend and reenact subsection 1 of section 10-30.5-02, sections 54-60-09, 54-60-19, 54-60-28, 54-60-29, 54-60-29.1, and 54-60-31 of the North Dakota Century Code, relating to the purpose of the North Dakota development fund, duties and talent strategy of the division of workforce development, the uncrewed aircraft systems program, the uncrewed aircraft systems program fund, the beyond visual line of sight uncrewed aircraft system program, and changing the name of the office of legal immigration to the global talent office; to authorize a Bank of North Dakota line of credit; to provide for a transfer; to provide an application; to provide an exemption; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the department of commerce for the purpose of defraying the expenses of the department of commerce, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$15,785,306	\$1,912,342	\$17,697,648
New and vacant FTE pool	0	582,600	582,600
Operating expenses	19,462,643	7,220,023	26,682,666
Grants	47,636,118	53,921,197	101,557,315
Discretionary funds	2,150,000	0	2,150,000
Workforce programs	0	7,000,000	7,000,000
Partner programs	907,920	0	907,920
Entrepreneurship grants and vouchers	<u>948,467</u>	<u>759,044</u>	<u>1,707,511</u>
Total all funds	\$86,890,454	\$71,395,206	\$158,285,660
Less other funds	<u>53,344,371</u>	<u>62,645,336</u>	<u>115,989,707</u>
Total general fund	\$33,546,083	\$8,749,870	\$42,295,953
Full-time equivalent positions	62.80	3.00	65.80

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Temporary salaries	\$50,000	\$103,590	\$153,590
Tourism marketing awareness	0	5,000,000	5,000,000
Operation intern	2,000,000	0	2,000,000
Global talent office	1,000,000	0	1,000,000
Tourism destination development grants	0	15,000,000	15,000,000
Uncrewed aerial vehicle replacement grant program	0	9,000,000	9,000,000
Beyond visual line of sight uncrewed aircraft system program	0	15,000,000	15,000,000
Enhanced use lease grant	0	2,500,000	2,500,000
Autonomous agriculture grants	0	7,500,000	7,500,000
Base enhancement grants	0	1,000,000	1,000,000
Tribally controlled community college grants	750,000	0	750,000
Native American small business grant	0	600,000	600,000
Historic theater restoration grant	0	500,000	500,000
Historic opera house restoration grant	0	250,000	250,000
Historic theater improvement grant	0	250,000	250,000
Medora transportation improvement grant	0	1,000,000	1,000,000
Community hall grant	0	175,000	175,000
Regional planning council grants	1,400,000	0	1,400,000
Entrepreneurship grants and vouchers	759,044	0	759,044
Regional workforce impact program grants	0	5,000,000	5,000,000
Technical skills training grants	<u>1,000,000</u>	<u>0</u>	<u>1,000,000</u>
Total	\$6,959,044	\$62,878,590	\$69,837,634

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The department of commerce may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. CONTINGENT APPROPRIATION - DEPARTMENT OF COMMERCE - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - CHILDREN'S EDUCATION SCIENCE CENTER GRANTS - ONE-TIME FUNDING. There is appropriated out of any moneys in the strategic investment and improvements fund, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing grants of up to \$1,000,000 to support the construction of children's education science centers in cities in the state with a population of at least 50,000 residents, for the biennium beginning July 1, 2025, and ending June 30, 2027. The funding appropriated in this section is available only if the state treasurer certifies to the office of management and budget that oil and gas tax revenue allocations to the strategic investment and improvements fund under section 57-51.1-07.5 have exceeded \$402,000,000 during the 2025-27 biennium. The appropriation in this section is considered a one-time funding item.

SECTION 5. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - ATTORNEY GENERAL - AUTONOMOUS TECHNOLOGY GRANTS - MATCHING FUNDS REQUIREMENT - ONE-TIME FUNDING - LEGISLATIVE MANAGEMENT REPORT.

1. There is appropriated out of any moneys in the strategic investment and improvements fund, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the attorney general for the purpose of providing autonomous technology grants to individuals or entities that aid the bureau of criminal investigation in conducting missing person searches, crime scene reconstruction, and law enforcement first response operations, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation in this section is considered a one-time funding item.
2. For purposes of this section, autonomous technology includes uncrewed aircraft systems; autonomous vehicles; or other autonomous systems, processes, or technologies.
3. The attorney general shall develop an application process and guidelines for the grants, including eligibility criteria, matching requirements, eligible uses of grant funding, and maximum grant awards. To be eligible for a grant, an individual or entity shall certify to the attorney general that the operation of the autonomous technology is related to conducting missing person searches, crime scene reconstruction, and law enforcement first response operations. The attorney general may require an individual or entity to provide one dollar of matching funds for every four dollars awarded by the state. An individual or entity may use grant funding for autonomous technology operations, contracting for services related to autonomous technology, or other eligible uses as determined by the attorney general.
4. During the 2025-26 interim, the attorney general shall provide at least one report to the legislative management regarding the grants, including a list of grant recipients, the amounts awarded, and a description of the use of the grant funding.

SECTION 6. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - DEPARTMENT OF CAREER AND TECHNICAL EDUCATION - AUTONOMOUS TECHNOLOGY GRANTS - MATCHING FUNDS REQUIREMENT - ONE-TIME FUNDING - LEGISLATIVE MANAGEMENT REPORT.

1. There is appropriated out of any moneys in the strategic investment and improvements fund, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the department of career and technical education for the purpose of providing autonomous technology grants to a workforce training center serving the northwest area of the state for providing workforce training to address workforce shortages in the state, including shortages in the oil and gas industry, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation in this section is considered a one-time funding item.
2. For purposes of this section, autonomous technology includes uncrewed aircraft systems; autonomous vehicles; or other autonomous systems, processes, or technologies.
3. The department of career and technical education shall develop an application process and guidelines for the grants, including eligibility criteria, matching requirements, eligible uses of grant funding, and maximum grant awards. To be eligible for a grant, a workforce training center shall certify to the department of career and technical education that the operation of the autonomous technology is related to workforce training to address workforce shortages in the state, including shortages in the oil and gas industry. The

department of career and technical education may require a workforce training center to provide one dollar of matching funds for every four dollars awarded by the state. A workforce training center may use grant funding for education or training curriculum expenses related to autonomous technology, autonomous technology operations, contracting for services related to autonomous technology, or other eligible uses as determined by the department of career and technical education.

4. During the 2025-26 interim, the department of career and technical education shall provide at least one report to the legislative management regarding the grants, including a list of grant recipients, the amounts awarded, and a description of the use of the grant funding.

***SECTION 7. APPROPRIATION - STATE FAIR ASSOCIATION - SANITATION RESTORATION PROJECT - ONE-TIME FUNDING.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$350,000, or so much of the sum as may be necessary, to the state fair association for the purpose of a sanitation restoration project, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation in this section is considered a one-time funding item.

SECTION 8. TRANSFER - INTERNSHIP FUND. The office of management and budget shall transfer \$3,000,000 of the amount appropriated in the operating expenses line item in section 1 of this Act to the internship fund for the purpose of administering the operation intern program, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 9. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO LEGACY INVESTMENT FOR TECHNOLOGY FUND. The office of management and budget shall transfer the sum of \$10,000,000 from the strategic investment and improvements fund to the legacy investment for technology fund for the purpose of providing legacy investment technology loans, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 10. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO NORTH DAKOTA DEVELOPMENT FUND - EXEMPTION. The office of management and budget shall transfer the sum of \$25,000,000 from the strategic investment and improvements fund to the North Dakota development fund for programs under chapter 10-30.5, for the biennium beginning July 1, 2025, and ending June 30, 2027. Notwithstanding section 10-30.5-02, the North Dakota development fund may use up to \$10,000,000 of the funds provided in this section for nonprimary sector business activities.

SECTION 11. BANK OF NORTH DAKOTA LINE OF CREDIT - TRANSFER TO NORTH DAKOTA DEVELOPMENT FUND. The department of commerce may borrow up to \$25,000,000 through a line of credit from the Bank of North Dakota during the biennium beginning July 1, 2025, and ending June 30, 2027, the proceeds of which must be transferred to the North Dakota development fund for programs under chapter 10-30.5. The interest rate associated with the line of credit may not exceed the prevailing interest rate charged to North Dakota governmental entities. The department of commerce shall repay the line of credit from moneys available in the North Dakota development fund. If the moneys available in the North Dakota development fund are not sufficient to repay the line of credit, the department of commerce shall request a deficiency appropriation from the seventieth legislative assembly to repay the line of credit.

SECTION 12. RURAL HEALTH CARE GRANT PROGRAM - MATCHING FUNDS REQUIREMENT. The grants line item in section 1 of this Act includes \$444,000 from the general fund for providing matching funds to an organization assisting in the recruitment, distribution, and supply, and enhancing the quality and efficiency of personnel providing health services in rural areas of the state. The department of commerce may spend the funds appropriated in this section only to the extent the organization has secured matching funds from nonstate sources on a dollar-for-dollar basis.

SECTION 13. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - MATCHING FUNDS REQUIREMENT - APPLICATION. The other funds line item in section 1 of this Act includes the sum of \$62,775,000 from the strategic investment and improvements fund, of which:

1. \$5,000,000 is for tourism marketing awareness, including \$250,000 for supporting the continuation of the North Dakota state magazine with the current publisher of the magazine;
2. \$15,000,000 is for tourism destination development grants;
3. \$9,000,000 is for an uncrewed aerial vehicle replacement program;
4. \$15,000,000 is for the beyond visual line of sight uncrewed aircraft system program;
5. \$2,500,000 is for the enhanced use lease grant program;
6. \$7,500,000 is for autonomous agriculture grants;
7. \$1,000,000 is for providing base enhancement grants to communities with an air force base or air national guard facilities, including \$600,000 to eligible organizations in Minot, \$250,000 to eligible organizations in Grand Forks, and \$150,000 to eligible organizations in Fargo;
8. \$600,000 is for a Native American small business grant;
9. \$500,000 is for a historic theater restoration grant, which the department of commerce may spend only to the extent an organization has secured one dollar of matching funds from nonstate sources for every one dollar provided by the department of commerce;
10. \$250,000 is for a historic opera house restoration grant;
11. \$250,000 is for a historic theater improvement grant;
12. \$1,000,000 is for a Medora transportation improvement grant;
13. \$175,000 is for a community hall grant; and
14. \$5,000,000 is for regional workforce impact program grants.

The requirements of chapter 54-44.4 do not apply to the selection of a grant recipient, the grant award, or payments made under this section.

SECTION 14. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - UNCREWED AERIAL VEHICLE REPLACEMENT PROGRAM - LEGISLATIVE MANAGEMENT REPORT. The other funds line item in section 1 of this Act includes the sum of \$9,000,000 which the department of commerce shall use for the purpose of administering an uncrewed aerial vehicle replacement program, for the period beginning with the effective date of this Act, and ending June 30, 2027.

1. The department of commerce shall collaborate with the uncrewed aircraft systems test site established in section 54-60-28 and state agencies, including institutions under the control of the state board of higher education, to replace uncrewed aerial vehicles owned by the state which do not comply with requirements of the federal National Defense Authorization Act and the American Security Drone Act of 2023. The information technology department, in consultation with the department of commerce and the uncrewed aircraft systems test site, may implement an enterprise uncrewed aerial vehicle data management solution. An enterprise uncrewed aerial vehicle data management solution implemented under this section must ensure all data collected, transmitted, stored, and consumed by an uncrewed aerial vehicle remain under the control of the state. As used in this section "enterprise uncrewed aerial vehicle data management solution" means a system for secure, end-to-end data collection, transportation, storage, processing, and consumption through enterprise software. A state agency owning an uncrewed aerial vehicle before January 1, 2025, is eligible to receive a new uncrewed aerial vehicle that is in compliance with federal requirements and is of equivalent capability to the agency's existing uncrewed aerial vehicle. The department of commerce shall purchase each uncrewed aerial vehicle based on the needs of the agency and a recommendation from the uncrewed aircraft systems test site and provide the uncrewed aerial vehicle to the agency. The department of commerce shall use a portion of the funding provided in this section to pay for training needed for agency staff to operate the new uncrewed aerial vehicle. The department of commerce and uncrewed aircraft systems test site shall give priority to state agencies willing to share uncrewed aerial vehicles rather than purchasing multiple uncrewed aerial vehicles.
2. Any uncrewed aerial vehicle replaced under this section must be remitted to the uncrewed aircraft systems test site for proper decommissioning and disposal pursuant to federal and state regulations, which may include the sale of uncrewed aerial vehicles to the United States department of homeland security at market rates for use in the counter unmanned aircraft system program. The department of commerce shall remit any funding received under this section to the state treasurer for deposit in the general fund.
3. The department of commerce shall maintain an inventory of uncrewed aerial vehicles purchased for state agencies under this section and encourage state agencies to use the state beyond visual line of sight program. The uncrewed aircraft systems test site shall provide guidance to state agencies regarding the integration of uncrewed aerial vehicles into the beyond visual line of sight system and proper maintenance schedules for uncrewed aerial vehicles. The uncrewed aircraft systems test site shall establish a centralized system for state agencies to register uncrewed aerial vehicles and authorized operators for accessing the beyond visual line of sight system and shall provide operational support when state agencies use uncrewed aircraft systems test site integrated platforms.

4. During the 2025-26 interim, the department of commerce shall compile information from state agencies and provide a report to the legislative management by June 30, 2026, regarding the status of the program, funding spent on uncrewed aerial vehicle replacements and training costs, the number of uncrewed aerial vehicles replaced in each state agency, the number of uncrewed aerial vehicles sold or disposed, and any future needs for each state agency to be compliant with the federal National Defense Authorization Act and the American Security Drone Act of 2023.

SECTION 15. TRIBALLY CONTROLLED COMMUNITY COLLEGE GRANTS - LEGISLATIVE MANAGEMENT REPORT. The grants line item in section 1 of this Act includes \$750,000 from the general fund for the purpose of providing workforce development grants to a tribally controlled community college. To be eligible for a grant under this section, a tribally controlled community college shall partner with at least one high school in the state for programs under section 54-60.2-02. During the 2025-26 interim, a tribally controlled community college receiving funding under this program shall report to the department of commerce by August 1, 2026, regarding the use of grant funds and the department of commerce shall provide a report to the legislative management by October 1, 2026, regarding the use of grant funds.

SECTION 16. DISCRETIONARY FUNDS - REGIONAL PLANNING COUNCIL GRANTS. The discretionary funds line item in section 1 of this Act includes \$2,150,000 from the general fund, of which \$600,000 is designated for grants to support regional planning councils under chapter 54-40.1.

¹⁶ **SECTION 17. AMENDMENT.** Subsection 1 of section 10-30.5-02 of the North Dakota Century Code is amended and reenacted as follows:

1. It is the purpose of this chapter to create a statewide nonprofit development corporation that will have the authority to take equity positions in, to provide loans to, or to form a management and operations entity, and to use other innovative financing mechanisms to provide capital for new or expanding businesses in this state, or relocating businesses to this state. The corporation's principal mission is the development and expansion of primary sector business in this state. The corporation may form additional corporations, limited liability companies, partnerships, joint ventures, or other forms of business associations in order to further its mission of primary sector economic development.

SECTION 18. A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

Reporting requirements - Budget section - Grant programs.

The department shall compile a report regarding grant programs administered by the department, excluding federally funded programs, to be provided semiannually to the budget section. The report must include the following for each grant program:

1. The purpose of the grant program;
2. Funding history;
3. The number of days the grant application was open to applicants;

¹⁶ Section 10-30.5-02 was also amended by section 20 of House Bill No. 1015, chapter 14.

4. The name of each grant recipient and the amount of each grant award; and
5. The distribution date of grant funds or the anticipated distribution date of grant funds.

SECTION 19. AMENDMENT. Section 54-60-09 of the North Dakota Century Code is amended and reenacted as follows:

54-60-09. Division of workforce development - Duties - Report.

The division of workforce development shall:

1. Actively monitor local, regional, and national private and public workforce development initiatives.
2. Develop and implement the state's talent strategy.
3. ~~Develop and implement a statewide intelligence coordination strategy~~continually refine the state workforce mission, vision, and strategies.
4. Conduct regular employer talent and skills supply and demand studies, the results of which must be reported to a standing committee of each house of the legislative assembly as determined by the legislative management during each regular legislative session.

SECTION 20. AMENDMENT. Section 54-60-19 of the North Dakota Century Code is amended and reenacted as follows:

54-60-19. Division of workforce development - Talent strategy - Performance and accountability - Report.

1. The division of workforce development, in developing and implementing the state's talent strategy, shall:
 - a. ~~Consult with partners in the state's system for workforce development, workforce training, and talent attraction~~Collect data on all workforce programs administered by state agencies, including job service North Dakota, the department of career and technical education, the superintendent of public instruction, the state board of higher education, the department of health and human services, and other divisions of the department of commerce, to determine standard measurements of success and to compile and analyze the program data in a report to be provided to a standing committee of each house of the legislative assembly as determined by the legislative management during each regular legislative session.
 - b. Develop a comprehensive, consolidated biennial statewide strategic plan for the state's system for workforce development, workforce training, and talent attraction.
 - c. Continuously review, identify how to improve, and implement improvements to the state's system for workforce development, workforce training, and talent attraction.
 - d. ~~Develop linkages between partners of the state's system for workforce development, workforce training, and talent attraction, to assure~~

~~coordination and nonduplication of programs and services provided in the state. Review all workforce development programs administered by state agencies for the coordination and prevention of duplication of workforce development services.~~

2. The division of workforce development shall develop and implement a system of performance and accountability measures for the state's system for workforce development, workforce training, and talent attraction. Each partner of the state's system for workforce development, workforce training, and talent attraction shall cooperate in providing the division the data necessary to implement these measures.

SECTION 21. AMENDMENT. Section 54-60-28 of the North Dakota Century Code is amended and reenacted as follows:

54-60-28. Uncrewed aircraft systems program - Report to legislative management.

1. The department may operate and administer an uncrewed aircraft systems test site, contingent upon receiving official designation by the federal aviation administration. The department may cooperate and contract with the university of North Dakota, the North Dakota aeronautics commission, the adjutant general, and other public or private entities as determined by the commissioner in the operation and administration of the test site. The department may charge fees sufficient to operate the test site. The department shall, to the extent possible, use competitive bidding in the operation and administration of the test site. The commissioner may charter a public corporation to operate the test site. The corporation must possess all of the powers of a business corporation consistent with this chapter. The department shall report to the legislative management semiannually on the status of the program.
2. In administering the uncrewed aircraft systems program, the uncrewed aircraft systems test site established in subsection 1 may:
 - a. Enter contracts and agreements with public, private, and nonprofit organizations for projects, activities, and research topics, and for the operation and management of a public-private partnership under chapter 48-02.1;
 - b. Enter partnerships, limited liability companies, joint ventures, or other contractual arrangements with private businesses for the purpose of business or industrial development; and
 - c. Adopt policies governing ownership or transfer of ownership rights and distribution of income that may be derived from an invention or discovery resulting from research or employment in the uncrewed aircraft systems test site.

SECTION 22. AMENDMENT. Section 54-60-29 of the North Dakota Century Code is amended and reenacted as follows:

54-60-29. Uncrewed aircraft systems program fund - Continuing appropriation.

1. There is created in the state treasury a special fund known as the uncrewed aircraft systems fund, which may be used to defray the expenses of the:
 - a. Operations of an uncrewed aircraft systems test site officially designated by the federal aviation administration;
 - b. Beyond visual line of sight uncrewed aircraft system program; and
 - c. Enhanced use lease grant program.
2. The fund consists of fees, royalties, gifts, grants, devises, bequests, donations, assignments, and other revenue collected for the administration of the test site and federal and other funds appropriated by the legislative assembly. All moneys in the fund are appropriated to the department of commerce on a continuing basis for the purpose of defraying the expenses of the programs identified in subsection 1. Interest earned on moneys in the fund must be credited to the fund.

SECTION 23. AMENDMENT. Section 54-60-29.1 of the North Dakota Century Code is amended and reenacted as follows:

54-60-29.1. Beyond visual line of sight uncrewed aircraft system program - Requirements - Report to legislative management.

The department may establish and administer a beyond visual line of sight uncrewed aircraft system program for the design, purchase, implementation, and operating costs of a beyond visual line of sight uncrewed aircraft system. The department may enter contracts, agreements, and contractual arrangements and adopt policies related to the beyond visual line of sight uncrewed aircraft system program in the same manner authorized for the uncrewed aircraft system program under section 54-60-28. The department shall require any entity receiving funding for this program which is operating the beyond visual line of sight uncrewed aircraft system to provide quarterly payments to the state treasurer based on a fee structure determined by the commissioner. The state treasurer shall deposit any funds received under this section in the state general fund. The department shall provide semiannual reports to the legislative management regarding the development of the beyond visual line of sight uncrewed aircraft system program and the total amount deposited by the state treasurer in the state general fund.

SECTION 24. AMENDMENT. Section 54-60-31 of the North Dakota Century Code is amended and reenacted as follows:

~~54-60-31. Office of legal immigration~~Global talent office - Duties.

There is created ~~an office of legal immigration~~a global talent office within the department of commerce. Employees of the ~~office of legal immigration~~global talent office report to the commissioner. ~~The office of legal immigration~~global talent office:

1. Shall develop and implement a statewide strategy to support businesses in recruiting and retaining foreign labor, including immigrants already in the United States and integration of immigrants into the state to promote economic opportunities for immigrant communities.
2. Shall advise and make recommendations to the governor, legislative assembly, and state agencies regarding immigrant integration and foreign labor issues.

3. Shall develop a pilot program to support businesses pursuing or employing legal immigrants and to support communities to develop immigration integration plans and activities.
4. May contract with other state agencies to develop and administer programs or services related to immigration integration and access to basic needs that promote entrance and movement throughout the workforce.
5. May contract with an organization with expertise related to the goals of the office of legal immigration/global talent office.

SECTION 25. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and any unexpended funds from these appropriations may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The sum of \$3,000,000 appropriated from federal COVID-19 funds for the community development block grant program in section 1 of chapter 27 of the 2021 Session Laws and continued into the 2023-25 biennium in section 29 of chapter 18 of the 2023 Session Laws.
2. The sum of \$56,234,176 appropriated from federal COVID-19 funds for the state small business credit initiative program in section 2 of chapter 28 of the 2021 Session Laws and continued into the 2023-25 biennium in section 29 of chapter 18 of the 2023 Session Laws.
3. The sum of \$15,000,000 appropriated from the federal state fiscal recovery fund for the workforce development incentive grant program in subsection 38 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 29 of chapter 18 of the 2023 Session Laws.
4. The sum of \$5,000,000 appropriated from the federal state fiscal recovery fund for the technical skills training grant program in subsection 39 of section 1 of chapter 550 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 29 of chapter 18 of the 2023 Session Laws.
5. The sum of \$28,500,000 appropriated from the general fund for workforce programs, of which \$12,000,000 was for workforce talent attraction initiative operating expenses, \$12,500,000 was for workforce investment program grants, \$2,000,000 was for technical skills training grants, and \$2,000,000 was for new Americans workforce development and training grants, in section 1 of chapter 18 of the 2023 Session Laws.
6. The sum of \$25,000,000 appropriated from the strategic investment and improvements fund for the tourism destination development initiative in section 1 of chapter 18 of the 2023 Session Laws.
7. The sum of \$10,000,000 appropriated from the strategic investment and improvements fund for the enhanced use lease grant program in section 1 of chapter 18 of the 2023 Session Laws.
8. The sum of \$120,000,000 appropriated from federal funds for weatherization and energy assistance programs in section 1 of chapter 18 of the 2023 Session Laws.

9. The sum of \$2,150,000 appropriated from the general fund for discretionary funds in section 1 of chapter 18 of the 2023 Session Laws.
10. The sum of \$3,258,084 appropriated from federal funds for heating, furnace, and cooling assistance grants in section 1 of chapter 18 of the 2023 Session Laws.
11. The sum of \$14,081,719 appropriated from federal funds for energy conservation assistance grants in section 1 of chapter 18 of the 2023 Session Laws.
12. The sum of \$1,550,000 appropriated from federal funds for the parks and recreation program in section 1 of chapter 18 of the 2023 Session Laws, which may be used for operating expenses of the program.
13. The sum of \$572,143 appropriated from federal funds for the state small business credit initiative program in section 1 of chapter 18 of the 2023 Session Laws.
14. The sum of \$948,467, of which \$740,956 is from the general fund and \$207,511 is from the economic development fund, for the entrepreneurship grants and vouchers program in section 1 of chapter 18 of the 2023 Session Laws.
15. The sum of \$2,000,000 appropriated from the general fund for the office of legal immigration in section 1 of chapter 639 of the 2023 Special Session Session Laws.

Approved May 19, 2025

Filed May 19, 2025

* Section 7 of Senate Bill No. 2018 was vetoed, see chapter 607.

CHAPTER 51

SENATE BILL NO. 2019

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of career and technical education; to provide an exemption; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the department of career and technical education for the purpose of defraying the expenses of the department of career and technical education, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$5,118,145	\$720,245	\$5,838,390
New and vacant FTE pool	0	126,203	126,203
Operating expenses	3,046,350	1,699,261	4,745,611
Grants	11,507,349	2,500,000	14,007,349
Grants - secondary	41,537,780	10,500,000	52,037,780
Marketplace for kids	300,000	100,000	400,000
Science, technology, engineering, and mathematics initiative	100,000	0	100,000
Adult farm management	1,706,138	(1,706,138)	0
Workforce training	<u>2,500,000</u>	<u>750,000</u>	<u>3,250,000</u>
Total all funds	\$65,815,762	\$14,689,571	\$80,505,333
Less other funds	<u>14,500,485</u>	<u>3,927,524</u>	<u>18,428,009</u>
Total general fund	\$51,315,277	\$10,762,047	\$62,077,324
Full-time equivalent positions	23.50	0.00	23.50

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Virtual reality career exploration	\$0	\$1,000,000	\$1,000,000
Rent, moving, and office equipment expenses	<u>300,000</u>	<u>0</u>	<u>300,000</u>
Total	\$300,000	\$1,000,000	\$1,300,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The department of career and technical education may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but

may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The other funds line item in section 1 of this Act includes the sum of \$1,000,000 from the strategic investment and improvements fund for the purpose of purchasing virtual reality career exploration hardware and software.

SECTION 5. EXEMPTION - STATEWIDE AREA CAREER CENTER INITIATIVE GRANT PROGRAM. The sum of \$74,595,701 appropriated from the federal coronavirus capital projects fund for the statewide area career center initiative grant program, of which \$68,276,228 was appropriated in section 1 of chapter 548 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in section 3 of chapter 27 of the 2023 Session Laws and \$6,319,473 was transferred in section 10 of chapter 21 of the 2023 Session Laws, is not subject to section 54-44.1-11 and any unexpended funds from these appropriations may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. EMERGENCY. The \$300,000 appropriated from the general fund in the operating expenses line item for rent, moving, and office equipment expenses in section 1 of this Act is declared to be an emergency measure.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 52

SENATE BILL NO. 2020

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the North Dakota state university extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm; to provide for a report; to provide an exemption; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the North Dakota state university extension service, the northern crops institute, the upper great plains transportation institute, the main research center, branch research centers, and agronomy seed farm for the purpose of defraying the expenses of the North Dakota state university extension service, the northern crops institute, the upper great plains transportation institute, the main research center, branch research centers, and agronomy seed farm, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

Subdivision 1.

NORTH DAKOTA STATE UNIVERSITY EXTENSION SERVICE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Extension service	\$59,478,945	\$2,342,700	\$61,821,645
Soil conservation committee	1,361,520	0	1,361,520
New and vacant FTE pool	0	3,301,295	3,301,295
Total all funds	\$60,840,465	\$5,643,995	\$66,484,460
Less other funds	<u>29,049,776</u>	<u>2,839,356</u>	<u>31,889,132</u>
Total general fund	\$31,790,689	\$2,804,639	\$34,595,328
Full-time equivalent positions	252.70	3.74	256.44

Subdivision 2.

NORTHERN CROPS INSTITUTE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Northern crops institute	\$5,724,771	\$1,549,397	\$7,274,168
New and vacant FTE pool	0	101,995	101,995
Total all funds	\$5,724,771	\$1,651,392	\$7,376,163
Less other funds	<u>3,541,116</u>	<u>852,928</u>	<u>4,394,044</u>
Total general fund	\$2,183,655	\$798,464	\$2,982,119
Full-time equivalent positions	18.15	0.20	18.35

Subdivision 3.

UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Upper great plains transportation institute	\$24,807,516	\$521,955	\$25,329,471
New and vacant FTE pool	0	266,019	266,019
Total all funds	\$24,807,516	\$787,974	\$25,595,490
Less other funds	19,581,141	507,090	20,088,231
Total general fund	\$5,226,375	\$280,884	\$5,507,259
Full-time equivalent positions	43.88	(1.00)	42.88

Subdivision 4.

MAIN RESEARCH CENTER

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Main research center	\$116,148,130	\$19,566,700	\$135,714,830
New and vacant FTE pool	0	5,060,201	5,060,201
Total all funds	\$116,148,130	\$24,626,901	\$140,775,031
Less other funds	58,022,465	19,051,827	77,074,292
Total general fund	\$58,125,665	\$5,575,074	\$63,700,739
Full-time equivalent positions	358.47	6.08	364.55

Subdivision 5.

BRANCH RESEARCH CENTERS

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Dickinson research center	\$7,379,838	\$435,827	\$7,815,665
Central grasslands research center	3,618,270	168,766	3,787,036
Hettinger research center	5,381,248	240,658	5,621,906
Langdon research center	3,195,869	360,058	3,555,927
North Central research center	5,355,217	202,311	5,557,528
Williston research center	5,527,125	266,785	5,793,910
Carrington research center	10,191,002	408,102	10,599,104
New and vacant FTE pool	0	1,089,674	1,089,674
Total all funds	\$40,648,569	\$3,172,181	\$43,820,750
Less other funds	20,964,971	885,212	21,850,183
Total general fund	\$19,683,598	\$2,286,969	\$21,970,567
Full-time equivalent positions	111.81	(4.65)	107.16

Subdivision 6.

AGRONOMY SEED FARM

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Agronomy seed farm	\$1,632,722	\$39,931	\$1,672,653
New and vacant FTE pool	0	7,343	7,343
Total special funds	\$1,632,722	\$47,274	\$1,679,996
Full-time equivalent positions	3.00	0.00	3.00

Subdivision 7.

SECTION 1 TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total all funds	\$249,802,173	\$35,929,717	\$285,731,890
Less grand total other funds	<u>132,792,191</u>	<u>24,183,687</u>	<u>156,975,878</u>
Grand total general fund	\$117,009,982	\$11,746,030	\$128,756,012
Full-time equivalent positions	788.01	4.37	792.38

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which each entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Northern crops institute			
Protein extraction and air classification system	<u>\$0</u>	<u>\$350,000</u>	<u>\$350,000</u>
Total northern crops institute	\$0	\$350,000	\$350,000
Main research center			
Equipment storage sheds	\$1,567,500	\$0	\$1,567,500
Oakes irrigation research site interior	0	620,000	620,000
Langdon seed conditioning plant	0	2,600,000	2,600,000
Nesson Valley irrigation research site	0	2,300,000	2,300,000
Deferred maintenance	0	500,000	500,000
Williston research center storage shed	0	200,000	200,000
Swine facility renovation	0	6,000,000	6,000,000
Main research center greenhouse addition	<u>0</u>	<u>3,250,000</u>	<u>3,250,000</u>
Total main research center	<u>\$1,567,500</u>	<u>\$15,470,000</u>	<u>\$17,037,500</u>
Grand total	\$1,567,500	\$15,820,000	\$17,387,500

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The North Dakota state university extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the North Dakota state university extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm line items in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. DICKINSON RESEARCH EXTENSION CENTER - MINERAL RIGHTS INCOME. The Dickinson research extension center may spend up to \$755,000 of revenues received during the 2025-27 biennium from mineral royalties, leases, or easements for ongoing operational expenses. Any revenues received in excess of \$755,000 may be spent only for one-time expenditures, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 5. WILLISTON RESEARCH EXTENSION CENTER - MINERAL RIGHTS INCOME - REPORT. The Williston research extension center shall report to the seventieth legislative assembly on amounts received and spent from mineral royalties, leases, or easements in the biennium beginning July 1, 2023, and ending June 30, 2025, and the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. ADDITIONAL INCOME - APPROPRIATION. In addition to the amounts included in the other funds appropriation line items and special funds appropriations line item in section 1 of this Act, any other income, including funds from federal acts, private grants, gifts, and donations, or from other sources received by the North Dakota state university extension service, the northern crops institute, the upper great plains transportation institute, the main research center, branch research centers, and agronomy seed farm, except as otherwise provided by law, is appropriated for the purpose designated in the act, grant, gift, or donation, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 7. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - MAIN RESEARCH CENTER. The other funds line item in subdivision 4 of section 1 of the Act includes the sum of \$2,470,000 from the strategic investment and improvements fund, of which \$950,000 is for the Langdon seed conditioning plant, \$620,000 is for the Oakes irrigation research site, \$500,000 is for deferred maintenance, and \$400,000 is for the Nesson Valley irrigation research site.

SECTION 8. EXEMPTION - TRANSFER AUTHORITY. Notwithstanding section 54-16-04, upon approval of the state board of agricultural research and education and appropriate branch research center directors, the director of the office of management and budget shall transfer appropriation authority, except appropriation authority in the new and vacant FTE pool line items, within subdivisions 1, 2, 4, and 5 of section 1 of this Act.

SECTION 9. EXEMPTION - FULL-TIME EQUIVALENT POSITION ADJUSTMENTS - REPORT. Notwithstanding any other provisions of law, the state board of higher education may adjust or increase full-time equivalent positions as needed for the entities in section 1 of this Act, subject to availability of funds. All full-time or part-time positions must be separate from North Dakota state university. Annually, the board shall report to the office of management and budget and to the budget section any adjustments made pursuant to this section.

SECTION 10. EXEMPTION - UNEXPENDED GENERAL FUND - EXCESS INCOME. Any unexpended general fund appropriation authority available to and any excess income received by entities listed in section 1 of this Act are not subject to the provisions of section 54-44.1-11, and any unexpended funds from these appropriations or revenues are available and may be expended by those entities, during the biennium beginning July 1, 2027, and ending June 30, 2029.

SECTION 11. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The sum of \$475,000 appropriated from the strategic investment and improvements fund for storage sheds in subdivision 4 of section 1 of chapter 20 of the 2023 Session Laws; and
2. The sum of \$1,700,000 appropriated from the general fund for the Nesson Valley irrigation research site project in subdivision 4 of section 1 of chapter 20 of the 2023 Session Laws.

SECTION 12. EXEMPTION - MAIN RESEARCH CENTER - PUBLIC IMPROVEMENT CONSTRUCTION. The main research center, for its use of the \$1,567,500 appropriated from the general fund for branch research center storage sheds is not subject to the provisions of section 48-01.2-02.1, and the main research center may spend this funding without procuring plans, drawings, and specifications from an architect or engineer.

SECTION 13. EMERGENCY. The \$6,000,000 appropriated from other funds for the swine facility renovation in subdivision 4 of section 1 of this Act is declared to be an emergency measure.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 53

SENATE BILL NO. 2021

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the information technology department; to amend and reenact sections 54-35-15.1, 54-59-14, and 54-59-15 of the North Dakota Century Code, relating to membership of the information technology committee and the information technology operating fund; to provide an exemption; to provide for a legislative management study; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the information technology department for the purpose of defraying the expenses of the information technology department, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$112,233,364	\$16,747,954	\$128,981,318
New and vacant FTE pool	0	8,403,424	8,403,424
Operating expenses	119,115,018	(98,975,025)	20,139,993
Capital assets	3,443,909	(3,312,874)	131,035
Statewide longitudinal data system	4,625,661	(504,904)	4,120,757
Edutech	10,348,826	(2,832,440)	7,516,386
K-12 wide area network	5,915,668	786,356	6,702,024
Geographic information system	1,109,786	48,157	1,157,943
Health information technology office	5,822,725	1,928,517	7,751,242
Statewide interoperable radio network	<u>18,449,852</u>	<u>(2,845,242)</u>	<u>15,604,610</u>
Total all funds	\$281,064,809	(\$80,556,077)	\$200,508,732
Less other funds	<u>239,646,504</u>	<u>(87,178,908)</u>	<u>152,467,596</u>
Total general fund	\$41,418,305	\$6,622,831	\$48,041,136
Full-time equivalent positions	507.00	2.00	509.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
State data center migration project	\$0	\$1,719,061	\$1,719,061
Information technology services automation	0	1,793,609	1,793,609
Total	\$0	\$3,512,670	\$3,512,670

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The information technology department may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item and other line items with salaries and wages in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. EXEMPTION - LINE ITEM TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall make transfers of funds between line items in section 1 of this Act, except the new and vacant FTE pool line item, for the information technology department as may be requested by the chief information officer as determined necessary for the development and implementation of information technology projects. The department shall notify the legislative council of any transfers made pursuant to this section.

SECTION 5. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The other funds line item in section 1 of this Act includes the sum of \$3,512,670 from the strategic investment and improvements fund, including \$1,719,061 for a state data center migration project and \$1,793,609 for the cost of automating information technology services and the purchase of software licenses.

SECTION 6. AMENDMENT. Section 54-35-15.1 of the North Dakota Century Code is amended and reenacted as follows:

54-35-15.1. Information technology committee - Appointment.

The legislative management, during each biennium, shall appoint an information technology committee in the same manner as the legislative management appoints other interim committees. The legislative management shall appoint six members of the house of representatives and five members of the senate to the committee. The chief information officer of the state ~~is and~~ an individual with information technology-related experience from the department of health and human services, appointed by the commissioner of the department of health and human services, are ex officio, nonvoting ~~member~~ members of the committee. 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.

SECTION 7. AMENDMENT. Section 54-59-14 of the North Dakota Century Code is amended and reenacted as follows:

54-59-14. Information technology operating ~~account~~fund - Continuing appropriation - Report.

1. The department shall establish a state information technology operating ~~account~~fund in the state treasury to be used, ~~in accordance with legislative appropriation,~~ for procuring and maintaining information technology and network services and for providing information technology, and network services, ~~and central microfilm unit services~~ to state entities and network services to users of the state network.
2. Unless exempted by law, each agency or institution provided with information technology or network services shall pay to the department the charges for services provided as determined by the department. The department shall deposit the amounts received in the information technology operating ~~account~~

or the information technology development account, as appropriate fund, which are appropriated to the department on a continuing basis for purposes provided under this section, except the department may not use continuing appropriation authority to pay salaries and wages-related expenses.

3. The department shall compile a report regarding the status of the information technology operating fund to be provided at each meeting of the budget section. The report must include information regarding expenditures paid from the fund for department administration, operations, and information technology projects by specific object code, the amount and category of services provided to state agencies and institutions and users of the state network from moneys in the fund, and the balance remaining in the fund from the most recently completed quarter. The department shall present the mostly recently completed report to the appropriation committees of the legislative assembly each legislative session.

SECTION 8. AMENDMENT. Section 54-59-15 of the North Dakota Century Code is amended and reenacted as follows:

54-59-15. Acceptance of funds.

The department may accept federal or other funds, which must be deposited in the information technology operating ~~account~~fund or other ~~accounts~~funds specified by the office of management and budget and which may be spent subject to legislative appropriation. The department may apply for any public or private grants available for the improvement of information technology.

SECTION 9. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and any unexpended appropriation authority remaining may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The sum of \$45,000,000 appropriated from the federal coronavirus capital projects fund for broadband infrastructure grants in section 9 of chapter 548 of the 2021 Special Session Session Laws and continued into the 2023-25 biennium in sections 9 and 10 of chapter 21 of the 2023 Session Laws.
2. The sum of \$12,000,000 appropriated from the strategic investment and improvements fund, of which \$7,000,000 was for an enterprise digitization project and \$5,000,000 was for a business gateway enterprise customer relationship management program, in section 1 of chapter 21 of the 2023 Session Laws.
3. The sum of \$4,856,876 appropriated from the information technology operating fund for governance, risk, and compliance costs and the department of public instruction lighthouse project in section 1 of chapter 21 of the 2023 Session Laws.
4. The sum of \$147,762,480 appropriated from federal funds available as a result of the Infrastructure Investment and Jobs Act for the broadband, equity, access, and deployment program, digital equity program, and state and local cybersecurity grant program in section 1 of chapter 21 of the 2023 Session Laws.
5. The sum of \$487,520 appropriated from the general fund as matching funds for the state and local cybersecurity grant program in section 1 of chapter 21 of the 2023 Session Laws.

6. The sum of \$80,000,000 appropriated from the federal state fiscal recovery fund for the statewide interoperable radio network project in section 4 of chapter 554 of the 2023 Session Laws.

SECTION 10. LEGISLATIVE MANAGEMENT STUDY - STATEWIDE INTEROPERABLE RADIO NETWORK FUNDING AND EMERGENCY COMMUNICATIONS FEES. During the 2025-26 interim, the legislative management shall consider studying fees collected for technology services, including emergency communications, behavioral health crisis response, and the statewide interoperable radio network. The study must include an analysis of the adequacy of current fee structures, financial needs of the technology services, current fees and revenue trends for 911 and 988 services, the statewide interoperable radio network project, the estimated project completion date, estimated ongoing funding needs to operate the network, current funding available for the network, future funding options for the network that will not negatively affect existing emergency communication systems, and a comparison of statewide radio network funding models used in other states. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 11. LEGISLATIVE MANAGEMENT STUDY - STATE ENTERPRISE RESOURCE PLANNING SYSTEM. During the 2025-26 interim, the legislative management shall study the enterprise resource planning system for the state of North Dakota, including state agencies and institutions of higher education. The study must include consideration of:

1. The current system and potential systems, including functionality, technological structure, expected life cycle, costs and benefits of cloud-based and on-premises hosted solutions, support and maintenance costs, and potential implementation costs.
2. The desired functionality for state agency use, including financial management, human capital management, and procurement.
3. The desired functionality for institutions of higher education, including financial management, human capital management, grant management, compliance management, procurement, and student data management.
4. The costs and benefits of continuing with one enterprise resource planning system or separate systems for state agencies and institutions of higher education.

The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 12. LEGISLATIVE MANAGEMENT REPORT - STUDENT INFORMATION SYSTEM TRANSITION. During the 2025-26 interim, the information technology department and department of public instruction shall report quarterly to the budget section of the legislative management regarding the status of the student information system transition.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 54
SENATE BILL NO. 2022
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the commission on legal counsel for indigents; to create and enact a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to categories of positions in the state service; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the commission on legal counsel for indigents for the purpose of defraying the expenses of the commission on legal counsel for indigents, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Commission on legal counsel for indigents	\$23,022,372	\$3,576,753	\$26,599,125
New and vacant FTE pool	<u>0</u>	<u>554,757</u>	<u>554,757</u>
Total all funds	\$23,022,372	\$4,131,510	\$27,153,882
Less other funds	<u>2,023,067</u>	<u>26,149</u>	<u>2,049,216</u>
Total general fund	\$20,999,305	\$4,105,361	\$25,104,666
Full-time equivalent positions	41.00	2.00	43.00

SECTION 2. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The commission on legal counsel for indigents may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the commission on legal counsel for indigents line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 3. A new subsection to section 54-44.3-20 of the North Dakota Century Code is created and enacted as follows:

Attorneys employed by the commission on legal counsel for indigents.

SECTION 4. LEGISLATIVE MANAGEMENT STUDY - COMMISSION ON LEGAL COUNSEL FOR INDIGENTS - NORTH DAKOTA PUBLIC DEFENDERS OFFICE. During the 2025-26 interim, the legislative management shall consider studying the potential impacts of establishing the North Dakota public defenders office as an administrative agency under the authority of the commission on legal counsel for indigents. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 21, 2025
Filed April 22, 2025

CHAPTER 55

SENATE BILL NO. 2023

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the North Dakota racing commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds, to the North Dakota racing commission for the purpose of defraying the expenses of the North Dakota racing commission, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Racing commission	\$630,334	\$63,755	\$694,089
New and vacant FTE pool	0	4,953	4,953
Total all funds	\$630,334	\$68,708	\$699,042
Less other funds	172,257	4,967	177,224
Total general fund	\$458,077	\$63,741	\$521,818
Full-time equivalent positions	2.00	0.00	2.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>
Copier replacement	\$13,000
Internships	20,000
Total	\$33,000

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The racing commission may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of the Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the racing commission line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 56

SENATE BILL NO. 2024

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of environmental quality; and to amend and reenact section 23.1-13-16 of the North Dakota Century Code, relating to inspection fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from special funds and federal funds, to the department of environmental quality for the purpose of defraying the expenses of the department of environmental quality, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$38,756,030	\$4,479,208	\$43,235,238
New and vacant FTE pool	0	2,290,870	2,290,870
Operating expenses	15,457,832	6,429,374	21,887,206
Capital assets	1,013,500	3,650,100	4,663,600
Grants	<u>37,198,118</u>	<u>22,740,341</u>	<u>59,938,459</u>
Total all funds	\$92,425,480	\$39,589,893	\$132,015,373
Less other funds	<u>76,074,697</u>	<u>37,064,940</u>	<u>113,139,637</u>
Total general fund	\$16,350,783	\$2,524,953	\$18,875,736
Full-time equivalent positions	173.00	2.00	175.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>Total Other Funds</u>
Move to new chemistry laboratory	\$1,500,000
New chemistry laboratory capital assets	1,375,000
New chemistry laboratory operating expenses	700,186
Emerging contaminants program equipment	943,200
Petroleum tank database	700,000
State fuel inspection program capital assets	215,000
Water and wastewater operator certification program	<u>5,000</u>
Grand total other funds	\$5,438,386

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The department of environmental quality may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the salaries and wages line item in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. OTHER FUNDS - ENVIRONMENT AND RANGELAND PROTECTION FUND. The other funds line item in section 1 of this Act includes the sum of \$250,000 from the environment and rangeland protection fund. This amount includes \$50,000 for a grant to the North Dakota stockmen's association environmental services program.

SECTION 5. OTHER FUNDS - PETROLEUM TANK RELEASE COMPENSATION FUND. The other funds line item in section 1 of this Act includes the sum of \$1,827,025 from the petroleum tank release compensation fund for expenses related to the petroleum tank release program.

SECTION 6. OTHER FUNDS - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The other funds line item in section 1 of this Act includes the sum of \$3,575,186 from the strategic investment and improvements fund for expenses related to moving into the new chemistry laboratory and for chemistry laboratory operating expenses and equipment purchases.

SECTION 7. AMENDMENT. Section 23.1-13-16 of the North Dakota Century Code is amended and reenacted as follows:

23.1-13-16. Inspection fees.

Every person licensed by the tax commissioner as a motor vehicle fuel or special fuels dealer shall pay to the tax commissioner an inspection fee of one-fortieth of one cent per gallon [3.79 liters] for every gallon [3.79 liters] of gasoline, kerosene, tractor fuel, heating oil, or diesel fuel sold or used during a calendar month except those gallons sold out of state or those gallons sold as original package sales as defined in chapters 57-43.1 and 57-43.2. The fee must accompany the monthly report required in the following section and is due no later than the twenty-fifth day of each calendar month for the preceding month. The tax commissioner shall forward all money collected under this section to the state treasurer monthly, and the state treasurer shall ~~place the money in the general fund of the state~~ deposit the funds in the department of environmental quality operating fund. The funds must be used, subject to legislative appropriations, for the state fuel inspection program. The tax commissioner shall make available annually a report by licensed dealer listing the number of gallons [liters] of motor vehicle fuel and special fuels upon which the inspection fee has been paid. The provisions of chapters 57-43.1 and 57-43.2 pertaining to the administration of motor vehicle fuel and special fuels taxes not in conflict with the provisions of this chapter govern the administration of the inspection fee levied by this chapter.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 57
SENATE BILL NO. 2025
(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of veterans' affairs; to amend and reenact sections 37-15-03, 37-15-07, 37-15-16, 37-18-01, and 37-18-07, subsection 1 of section 37-18-12, and section 37-18.1-03 of the North Dakota Century Code, relating to the administrative committee on veterans' affairs; to provide for a transfer; to provide an exemption; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from other funds derived from federal funds, to the department of veterans' affairs for the purpose of defraying the expenses of the department of veterans' affairs, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Veterans' affairs	\$1,897,804	\$832,713	\$2,730,517
State approving agency	323,129	67,207	390,336
New and vacant FTE pool	0	202,907	202,907
Grants - transportation program	1,126,085	193,621	1,319,706
Transport vans	18,800	4,200	23,000
Service dogs	0	50,000	50,000
Veterans' home cemetery	0	291,500	291,500
Total all funds	\$3,365,818	\$1,642,148	\$5,007,966
Less other funds	<u>1,449,214</u>	<u>558,948</u>	<u>2,008,162</u>
Total general fund	\$1,916,604	\$1,083,200	\$2,999,804
Full-time equivalent positions	9.00	1.00	10.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SEVENTIETH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items included in the appropriation in section 1 of this Act which are not included in the entity's base budget for the 2027-29 biennium and which the entity shall report to the appropriations committees of the seventieth legislative assembly regarding the use of this funding:

<u>One-Time Funding Description</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Homeless veterans' services	\$500,000	\$0	\$500,000
Veterans' home cemetery	0	291,500	291,500
Total	\$500,000	\$291,500	\$791,500

SECTION 3. NEW AND VACANT FTE POOL - LIMITATION - TRANSFER REQUEST. The department of veterans' affairs may not spend funds appropriated in the new and vacant FTE pool line item in section 1 of this Act, but may request the office of management and budget to transfer funds from the new and vacant FTE pool line item to the veterans' affairs and state approving agency line items in accordance with the guidelines and reporting provisions included in House Bill No. 1015, as approved by the sixty-ninth legislative assembly.

SECTION 4. APPROPRIATION - TRANSPORTATION GRANT PROGRAM - FEDERAL FUNDS - 2023-25 BIENNIUM. There is appropriated from federal funds, the sum of \$200,000, or so much of the sum as may be necessary, to the department of veterans' affairs for the highly rural transportation grants program, for the period beginning with the effective date of this section and ending June 30, 2025.

SECTION 5. APPROPRIATION - TRANSFER TO VETERANS' POSTWAR TRUST FUND - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, which the office of management and budget shall transfer to the veterans' postwar trust fund, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation in this section is considered a one-time funding item.

SECTION 6. AMENDMENT. Section 37-15-03 of the North Dakota Century Code is amended and reenacted as follows:

37-15-03. Government of veterans' home.

The general supervision and government of the veterans' home is vested in the ~~administrative committee on veterans' affairs~~ governor.

SECTION 7. AMENDMENT. Section 37-15-07 of the North Dakota Century Code is amended and reenacted as follows:

37-15-07. Administrator of veterans' home - Appointment - Qualifications.

The appointment, qualifications, term of office, and salary of the administrator of the veterans' home must be as prescribed in ~~section 37-18-1-03~~ by the governor. The ~~administrative committee on veterans' affairs~~ governor may designate the administrator as commandant of the veterans' home if the administrator is an honorably discharged veteran.

SECTION 8. AMENDMENT. Section 37-15-16 of the North Dakota Century Code is amended and reenacted as follows:

37-15-16. Administrator shall take charge of unclaimed estates of small value.

If a member of the veterans' home dies leaving property of the value of three thousand dollars or less, the administrator immediately shall take charge of the property. If within forty-five days of the date of death a valid claim of any heir or devisee is not made for the property and an application or petition has not been filed for issuance of letters of administration, the administrator shall convert the property into cash without probate or other proceedings and make payment first toward reasonable funeral expenses and second toward reasonable and necessary medical and hospital expenses of the last illness of the decedent. If any cash remains, the administrator shall deposit the cash with the state treasurer who shall credit it to the veterans' home operating fund. The administrator shall make a report of the administrator's action to the administrative committee on veterans' affairs and the governor. The report must be audited by, and included in the records of, the committee.

SECTION 9. AMENDMENT. Section 37-18-01 of the North Dakota Century Code is amended and reenacted as follows:

37-18-01. Department established - Commissioner.

There is hereby established a department of veterans' affairs under the supervision and control of a commissioner known as commissioner of veterans' affairs, hereinafter referred to as the commissioner. The commissioner must be a bona fide resident of the state, and must qualify as a veteran as defined in section 37-01-40. The commissioner shall serve at the pleasure of the governor.

SECTION 10. AMENDMENT. Section 37-18-07 of the North Dakota Century Code is amended and reenacted as follows:

37-18-07. Commissioner - Appointment - Qualifications - Term - Salary.

The appointment, qualifications, term of office, and salary of the commissioner must be as prescribed ~~in section 37-18.1-03 by the governor.~~ The commissioner must be allowed such amounts for travel, clerkhire, and expenses as may be prescribed from time to time by legislative appropriations.

SECTION 11. AMENDMENT. Subsection 1 of section 37-18-12 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as otherwise provided by subsection 2, the department of veterans' affairs may accept and expend funds from any source, including federal or private sources, to be used to assist veterans or qualified veterans' spouses in obtaining assistance and to pay other expenses authorized by law incurred in carrying out programs of benefit and service for resident North Dakota veterans as authorized by the ~~administrative committee on veterans' affairs~~ governor with the approval of the emergency commission.

SECTION 12. AMENDMENT. Section 37-18.1-03 of the North Dakota Century Code is amended and reenacted as follows:

37-18.1-03. Powers and duties of committee - Creation of subcommittee and governing board.

The committee is responsible for advising the governor on the organization, policy, and general administration of all veterans' affairs in the state of North Dakota. It has the following powers ~~and~~ duties, and responsibilities:

1. The chairman and secretary of the committee, acting jointly, shall appoint a seven-member governing board for advising the governor on administration of the veterans' home, from within or outside the committee, subject to ratification of a majority vote of the committee, and shall establish term lengths for service on the governing board. ~~The governing board has all ordinary powers required of a governing board, including the power to establish qualifications for and selection of an administrator and to establish an appropriate salary structure, subject to limitations of legislative appropriation. The administrator serves at the pleasure of the governing board.~~
2. The chairman and secretary of the committee jointly shall appoint a subcommittee to be responsible for advising the governor on the supervision and government of the department of veterans' affairs. Once appointed, a subcommittee member may continue to serve as long as the member remains a voting member of the committee, unless removed from the subcommittee by joint action of the committee chairman and secretary. A member of the subcommittee may not serve on the governing board of the veterans' home. Each nominating organization listed in section 37-18.1-01 must have at least

one voting member nominated by the organization serving on the subcommittee. The subcommittee shall select by majority vote of the members a chairman to preside for the term of one year.

3. ~~The committee shall appoint the commissioner of the department of veterans' affairs. The commissioner must be a bona fide resident of the state, and must qualify as a veteran as defined in section 37-01-40. The commissioner serves at the pleasure of the committee. The committee shall determine the salary paid to the commissioner of the department of veterans' affairs within the limits of legislative appropriation. The commissioner of veterans' affairs shall serve as the executive secretary for the subcommittee. The commissioner has no vote in the affairs of the subcommittee.~~
4. The committee, under recommendation from the board or the subcommittee, shall present any matters needing attention and action to the ~~appropriate board, commission, agency, or department of the state, and the North Dakota veterans' legislative council/governor.~~
5. The committee shall ~~assure~~advise the governor regarding compliance with applicable federal and state laws in the administration of both the department of veterans' affairs and the North Dakota veterans' home and shall exercise its responsibilities in all things necessary to ~~carry out the provisions of this chapter~~advise the governor in regard to organization, policy, and general administration of the agencies served and involved in the conduct of veterans' affairs. ~~The board governing the veterans' home and the subcommittee governing the department of veterans' affairs shall conduct an annual performance evaluation of the administrator and commissioner, respectively, with the evaluation presented to the committee. The board and subcommittee shall create and implement a strategic plan for the veterans' home and the department of veterans' affairs, respectively. The board and the subcommittee annually shall report as to the status of the respective strategic plan to the committee. After receiving a report, the committee shall submit the report to the governor.~~

SECTION 13. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and any unexpended funds may be continued into the biennium beginning July 1, 2025, and ending June 30, 2027:

1. The sum of \$500,000 continued in section 5 of chapter 25 of the 2023 Session Laws appropriated from the federal state fiscal recovery fund for a grant to assist in the construction of the Fisher house at the Fargo veterans' affairs medical center in subsection 32 of section 1 of chapter 550 of the 2021 Session Laws;
2. The sum of \$147,000 continued in section 5 of chapter 25 of the 2023 Session Laws appropriated from the federal state fiscal recovery fund for improving and expanding veterans' medical transportation in subsection 33 of section 1 of chapter 550 of the 2021 Session Laws;
3. The sum of \$19,066 appropriated from the general fund for accrued leave of retiring staff in section 1 of chapter 25 of the 2023 Session Laws;
4. The sum of \$100,836 appropriated from the federal state fiscal recovery fund for a document scanning project in section 1 of chapter 25 of the 2023 Session Laws; and

5. The sum of \$500,000 appropriated from the federal state fiscal recovery fund for a grant to assist in the construction of the Fisher house at the Fargo veterans' affairs medical center in section 1 of chapter 26 of the 2023 Session Laws.

SECTION 14. EMERGENCY. Section 4 of this Act is declared to be an emergency measure.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 58

SENATE BILL NO. 2138

(Senators Weber, Cleary, Klein, Lee)
(Representatives Beltz, Pyle)

AN ACT to provide an appropriation to the department of health and human services for grants to organizations providing care for the elderly.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - GRANT FUNDING FOR ORGANIZATIONS PROVIDING CARE FOR THE ELDERLY. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of providing grant funding to organizations that provide care to the elderly in rural areas of the state, for the biennium beginning July 1, 2025, and ending June 30, 2027. Of the grant funding provided under this section, \$100,000 must be provided to existing organizations providing care to elderly individuals in rural areas of the state and \$100,000 must be provided to organizations to provide services to elderly individuals in one or more rural counties in the state which do not currently have these services for elderly individuals.

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 59

SENATE BILL NO. 2200

(Senators Hogan, Axtman, Lee)
(Representatives Dobervich, Frelich)

AN ACT to provide an appropriation to the department of health and human services for the 988 crisis hotline program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - 988 CRISIS HOTLINE PROGRAM. There is appropriated out of any moneys in the community health trust 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 department of health and human services for the purpose of the 988 crisis hotline program, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 29, 2025

Filed April 30, 2025

CHAPTER 60

SENATE BILL NO. 2218

(Senators Klein, Erbele, Hogue)
(Representatives Brandenburg, Lefor, Pyle)

AN ACT to provide an appropriation to the insurance commissioner for a North Dakota firefighter's association grant; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA

SECTION 1. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - INSURANCE COMMISSIONER - NORTH DAKOTA FIREFIGHTER'S ASSOCIATION GRANT - ONE-TIME FUNDING. There is appropriated out of any moneys in the strategic investment and improvements 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 insurance commissioner for the purpose of providing a grant to the North Dakota firefighter's association, for the period beginning with the effective date of this Act, and ending June 30, 2027. Grant funds must be used only to defray the costs associated with a new firefighter's association building. The funding provided in this section is considered a one-time funding item.

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

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 61

SENATE BILL NO. 2228

(Senators Myrdal, Klein)
(Representatives Hanson, Monson)

AN ACT to provide an appropriation to the department of commerce for a rural grocery store sustainability grant program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - DEPARTMENT OF COMMERCE - RURAL GROCERY STORE SUSTAINABILITY GRANTS - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing grants for the preservation of rural grocery stores and increasing the availability of food access in the state, for the biennium beginning July 1, 2025, and ending June 30, 2027. The department shall prioritize grant funding awarded under this section for supporting existing rural grocery stores before awarding grant funding for feasibility costs related to reopening a grocery store in a community without a grocery store. The funding may not be used for food processing or offsite preparation operations of a rural grocery store. The department of commerce shall establish guidelines for awarding grants under this section. The appropriation in this section is considered a one-time funding item.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 62

SENATE BILL NO. 2254

(Senators Boschee, Cory, Burckhard, Sickler)
(Representatives D. Ruby, M. Ruby)

AN ACT to provide an appropriation to the department of transportation for fixed route city paratransit transportation services grants; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - DEPARTMENT OF TRANSPORTATION - FIXED ROUTE CITY PARATRANSIT TRANSPORTATION GRANTS - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of providing grants to fixed route city transportation providers for associated paratransit services, for the biennium beginning July 1, 2025, and ending June 30, 2027. The funding appropriated in this section is one-time funding item.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - FIXED ROUTE CITY TRANSPORTATION SERVICES FUNDING. During the 2025-26 interim, the legislative management shall study the funding needs of fixed route city transportation networks. The study must include a review of how the fixed route transportation networks can address population growth, economic development, workforce needs, and health care needs. As part of the study, the legislative management shall develop a proposed funding formula within the department of transportation budget for fixed route city transportation systems. The legislative management shall report its recommendations, along with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 63

SENATE BILL NO. 2265

(Senators Meyer, Burckhard, Hogan, Luick, Sorvaag)
(Representative Schauer)

AN ACT to provide an appropriation to the department of veterans' affairs for a veterans' national cemetery grant; to authorize a line of credit; and to provide for a report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LINE OF CREDIT - BANK OF NORTH DAKOTA - APPROPRIATION - DEPARTMENT OF VETERANS' AFFAIRS - DEFICIENCY APPROPRIATION REQUEST - VETERANS' NATIONAL CEMETERY GRANT - ONE-TIME FUNDING - REPORT. Subject to the provisions of this section, the department of veterans' affairs may borrow up to \$3,000,000 through a line of credit from the Bank of North Dakota during the biennium beginning July 1, 2025, and ending June 30, 2027, the proceeds of which are appropriated to the department of veterans' affairs, for the purpose of providing a grant to a nonprofit organization for construction costs associated with the construction of a welcome center, parking lot, and related infrastructure at a veterans' national cemetery in the state, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation in this section is considered a one-time funding item. The interest rate on the line of credit may not exceed the prevailing interest rate charged to North Dakota governmental entities. If the department of veterans' affairs accesses the line of credit, the department of veterans' affairs shall request a deficiency appropriation from the legislative assembly to repay the line of credit. The appropriation in this section is available only upon certification by the department of veterans' affairs to the director of the office of management and budget that the United States department of veterans affairs national cemetery administration will provide final approval of the project plan and authorization to begin construction on the project. The department of veterans' affairs shall require an organization that receives a grant under this section to provide a report to the department of veterans' affairs on the use of the funds received, including copies of all invoices and checks. The department of veterans' affairs shall provide the information received from the organization to the legislative audit and fiscal review committee and report to the committee on the status of the project during the 2025-26 interim.

Approved May 2, 2025

Filed May 2, 2025

GENERAL PROVISIONS

CHAPTER 64

HOUSE BILL NO. 1031

(Legislative Management)
(Judiciary Committee)

AN ACT to amend and reenact section 1-01-49, subdivision g of subsection 1 of section 12.1-32-15, subdivision b of subsection 1 of section 14-07.6-01, section 18-01-36, subdivision j of subsection 4 of section 27-20.3-16, subsection 19 of section 45-13-01, subsection 7 of section 49-02-02, section 52-02-18, subsection 5 of section 54-10-28, section 54-52.6-02.2, subsection 3 of section 57-02-08.8, subsection 2 of section 57-38-30.3, and subsection 1 of section 57-40.5-03 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; to repeal sections 1-01-18, 1-01-20, 1-01-21, 1-01-27, 1-01-29, 1-01-30, 1-01-36, 1-01-40, 1-01-41, 1-01-42, 1-01-45, 1-01-46, 1-01-47, and 1-01-51 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁷ **SECTION 1. AMENDMENT.** Section 1-01-49 of the North Dakota Century Code is amended and reenacted as follows:

1-01-49. Other general definitions.

As used in this code, unless the context otherwise requires or unless otherwise defined:

1. "Children" includes children by birth and by adoption.
2. "Coal" means all kinds of coal and includes what is known as lignite coal.
3. "Compound interest" means interest added to the principal as the interest becomes due and which thereafter bears interest.
4. "Corporate surety" means a corporation or limited liability company duly authorized under the laws of this state to transact a surety business in the state.
5. "Decree" has the same meaning as the word "judgment".
6. "Depose" includes every mode of written statement under oath or affirmation.
- ~~2-7.~~ "Executor" includes administrator and "administrator" includes executor.

¹⁷ Section 1-01-49 was also amended by section 1 of Senate Bill No. 2154, chapter 66.

- ~~3-8.~~ "Female" means a girl, woman, or an individual whose biological reproductive system is developed to produce ova.
- ~~4-9.~~ "Good faith" means an honest intention to abstain from taking any unconscientious advantage of another even through the forms or technicalities of law, together with an absence of all information or belief of facts which would render the transaction unconscientious.
10. "Individual" means a human being.
- ~~5-11.~~ "Male" means a boy, man, or an individual whose biological reproductive system is developed to produce sperm.
- ~~6-12.~~ "Oath" includes "affirmation".
- ~~7-13.~~ "Organization" includes a foreign or domestic association, business trust, corporation, enterprise, estate, joint venture, limited liability company, limited liability partnership, limited partnership, partnership, trust, or any legal or commercial entity.
- ~~8-14.~~ "Paper" means any flexible material upon which it is usual to write.
15. "Partnership" includes a limited liability partnership registered under chapter 45-22.
- ~~9-16.~~ "Penitentiary" includes any affiliated facilities.
- ~~40-17.~~ "Person" means an individual, organization, government, political subdivision, or government agency or instrumentality. The term does not include environmental elements, artificial intelligence, an animal, or an inanimate object.
- ~~44-18.~~ "Personal property" includes money, goods, chattels, things in action, and evidences of debt.
- ~~42-19.~~ "Population" means the number of inhabitants as determined by the last preceding state or federal census.
20. "Preceding" and "following" when used by way of reference to a chapter or other part of a statute means the next preceding or next following chapter or other part.
- ~~43-21.~~ "Primary sector business" means an individual, corporation, limited liability company, partnership, or association certified by the department of commerce division of economic development and finance which through the employment of knowledge or labor adds value to a product, process, or service which results in the creation of new wealth.

For purposes of this subsection, "new wealth" means revenues generated by a business in this state through the sale of products or services to:

- a. Customers outside of this state; or
- b. Customers in this state if the products or services were previously unavailable or difficult to obtain from a business in this state.

- ~~44-22.~~ "Process" means a writ or summons issued in the course of judicial proceedings.
- ~~45-23.~~ "Property" includes property, real and personal.
- ~~46-24.~~ "Qualified elector", as used in this code concerning qualifications for signing petitions to governmental bodies, means a citizen of the United States who is eighteen years of age or older; and is a resident of this state and of the area affected by the petition.
- ~~25.~~ "Real property" shall be coextensive with lands, tenements, and hereditaments.
- ~~47-26.~~ "Rule" includes regulation.
- ~~48-27.~~ "Several" in relation to number means two or more.
- ~~28.~~ "Sex" means the biological state of being male or female, based on the individual's nonambiguous sex organs, chromosomes, or endogenous hormone profiles at birth.
- ~~49-29.~~ "Signature" or "subscription" includes "mark" when the ~~person~~individual cannot write, the ~~person's~~individual's name being written near it and written by ~~a person~~another individual who writes ~~that person's~~the individual's own name as a witness.
- ~~20-30.~~ "State" when applied to the different parts of the United States, includes the District of Columbia and the territories.
- ~~24-31.~~ "Testify" includes every mode of oral statement under oath or affirmation.
- ~~22-32.~~ "Third persons" includes all who are not parties to the obligation or transaction concerning which the phrase is used.
- ~~33.~~ "United States" includes the District of Columbia and the territories.
- ~~23-34.~~ "Value" or "valuable consideration" means something of value parted with, or a new obligation assumed at the time of obtaining something, which serves as substantial compensation for what is received in return.
- ~~35.~~ "Verdict" includes not only the verdict of a jury, but also the finding upon the facts of a judge or of a master appointed to determine the issues in a cause.
- ~~36.~~ "Verified" means sworn to before an officer authorized to administer oaths.
- ~~37.~~ "Will" includes codicils.
- ~~24-38.~~ "Writ" means an order or precept in writing, issued in the name of the state or of a court or judicial officer.

¹⁸ **SECTION 2. AMENDMENT.** Subdivision g of subsection 1 of section 12.1-32-15 of the North Dakota Century Code is amended and reenacted as follows:

¹⁸ Section 12.1-32-15 was also amended by section 8 of Senate Bill No. 2037, chapter 302.

- g. "Sexual offender" means a person who has pled guilty to or been found guilty, including juvenile delinquent adjudications, of a violation of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-06.1, 12.1-20-07 except for subdivision a of subsection 1, 12.1-20-11, 12.1-20-12.1, 12.1-20-12.2, 12.1-20-12.3 except for subdivision a of subsection 1 and subdivision b of subsection 1 if the offense involves only a demand for money, chapter 12.1-27.2, ~~subsection 2 of section 12.1-22-03.1~~, subdivision b of subsection 1 of section 12.1-41-02, section 12.1-41-04, 12.1-41-05, or 12.1-41-06, or an equivalent offense from another court in the United States, a tribal court, or court of another country, or an attempt or conspiracy to commit these offenses.

¹⁹ **SECTION 3. AMENDMENT.** Subdivision b of subsection 1 of section 14-07.6-01 of the North Dakota Century Code is amended and reenacted as follows:

- b. The filing party has been found by a court to have committed an act of domestic violence or disorderly conduct against the opposing party pursuant to a court order entered under chapter 14-07.1, 14-09, or ~~12.1-32.2~~ 12.1-31.2, or an equivalent ordinance from another state, provided the issuing court made a specific finding of domestic violence or disorderly conduct, or the filing party has a prior conviction relating to domestic violence against the opposing party under chapter 12.1-17;

²⁰ **SECTION 4. AMENDMENT.** Section 18-01-36 of the North Dakota Century Code is amended and reenacted as follows:

18-01-36. Petroleum tank release compensation fund fees.

The insurance commissioner shall charge and collect fees for services provided by the state fire marshal program to entities covered by the petroleum tank release compensation fund under chapter ~~23-37~~ 23.1-12. All fees collected under this section must be deposited in the insurance regulatory trust fund.

SECTION 5. AMENDMENT. Subdivision j of subsection 4 of section 27-20.3-16 of the North Dakota Century Code is amended and reenacted as follows:

- j. That permanency hearing must be as set forth in section ~~27-20.3-36~~ 27-20.3-26; and

SECTION 6. AMENDMENT. Subsection 19 of section 45-13-01 of the North Dakota Century Code is amended and reenacted as follows:

19. "Partnership" means an association of two or more persons to carry on as co-owners ~~of~~ a business for profit formed under section 45-14-02, predecessor law, or comparable law of another jurisdiction.

SECTION 7. AMENDMENT. Subsection 7 of section 49-02-02 of the North Dakota Century Code is amended and reenacted as follows:

7. Cooperate with and receive technical and financial assistance from the United States, any state, or any department, agency, or officer thereof for any

¹⁹ Section 14-07.6-01 was also amended by section 10 of House Bill No. 1489, chapter 145.

²⁰ Section 18-01-36 was repealed by section 7 of Senate Bill No. 2090, chapter 208.

purposes relating to federal energy laws that deal with energy conservation, coal conversion, rate reform, and utilities subject to the jurisdiction of the commission. The commission shall also have the authority to file any reports, hold hearings, and promulgate regulations for any such purposes. Information received by the commission which was developed or obtained by a regional transmission organization market monitor, the organization of ~~midwest~~midcontinent independent system operator states, and the southwest power pool regional state committee is exempt from section 44-04-18 and section 6 of article XI of the Constitution of North Dakota.

SECTION 8. AMENDMENT. Section 52-02-18 of the North Dakota Century Code is amended and reenacted as follows:

52-02-18. Independent performance audit.

The state auditor, upon request of the legislative audit and fiscal review committee, shall cause a performance audit of job service North Dakota to be conducted within twelve months after receipt of the request. The state auditor may appoint an independent audit firm, with extensive expertise in job service practices and standards, to complete a performance audit or the state auditor may conduct the performance audit. If the state auditor completes the audit, the state auditor may contract with a consulting firm to aid in the state audit or to complete the audit and shall charge job service North Dakota for the audit, including the services of the consulting firm. The executive director of job service North Dakota and the auditor shall present the audit report and any action taken as a result of the audit to the legislative audit and fiscal review committee and to the house ~~and senate~~ industry, business and labor standing ~~committees~~committee and the senate industry and business standing committee during the next regular session of the legislative assembly following the audit.

SECTION 9. AMENDMENT. Subsection 5 of section 54-10-28 of the North Dakota Century Code is amended and reenacted as follows:

5. Present results of information technology compliance reviews to the information technology committee ~~and the state information technology advisory committee.~~

²¹ **SECTION 10. AMENDMENT.** Section 54-52.6-02.2 of the North Dakota Century Code is amended and reenacted as follows:

54-52.6-02.2. Election after December 31, 2024 - Additional employer contribution. (Effective after December 31, 2024)

1. As used in this section, "eligible employee" means a permanent state employee who on December 31, 2024, is a participating member of the public employees retirement system main system plan under chapter ~~54-4254-52~~, who has been a participating member under chapter 54-52 for no more than five years, and who is at least eighteen years of age.
2. The board shall provide a three-month election period, from January 1, 2025, through March 31, 2025, for an eligible employee to transfer to the defined contribution plan under this chapter pursuant to the rules and policies adopted by the board.

²¹ Section 54-52.6-02.2 was also amended by section 4 of House Bill No. 1146, chapter 538, and section 7 of Senate Bill No. 2121, chapter 535.

- a. An election under this section made by a member of the public employees retirement system under chapter 54-52 to transfer to the defined contribution retirement plan under this chapter is irrevocable.
 - b. For an eligible employee who elects to transfer from the public employees retirement system under chapter 54-52 to the defined contribution retirement plan under this chapter, the board shall transfer a lump sum amount from the public employees retirement system fund to the member's account in the defined contribution retirement plan under this chapter. However, if the eligible employee terminates employment before receiving the lump sum transfer under this section, the election made is ineffective and the eligible employee remains a member of the public employees retirement system under chapter 54-52 and retains all the rights and privileges under that chapter.
 - c. The board shall calculate the lump sum amount to be transferred based on the actuarial present value of the eligible employee's accumulated benefit obligation under the public employees retirement system based on the assumption the eligible employee will retire under the earlier applicable normal retirement age, plus interest from January 1, 2025, to the date of transfer, at the rate of one-half of one percent less than the actuarial interest assumption at the time of the election.
 - d. This section does not affect an eligible individual's right to health benefits under chapter 54-52.1.
3. The state employer of an eligible employee who elects under this section to participate in the defined contribution retirement plan under this chapter shall pay an additional annual contribution of three thousand three hundred and thirty-three dollars for up to three years. Under this subsection, the employer shall pay the additional contribution each year the eligible employee continues permanent employment with the state, beginning January 2026, and extending no further than January 2028.
 4. If the board receives notification from the internal revenue service that this section or any portion of this section will cause the public employees retirement system or the retirement plan established under this chapter to be disqualified for tax purposes under the Internal Revenue Code, that portion that will cause the disqualification does not apply.

Election after the day before the effective date of this Act - Additional employer contribution. (Effective on the date identified if the contingency is satisfied) (Contingent effective date - See note)

1. As used in this section, "eligible employee" means a permanent state employee who on the day before the effective date of this Act, is a participating member of the public employees retirement system main system plan under chapter ~~54-42~~54-52, who has been a participating member under chapter 54-52 for no more than five years, and who is at least eighteen years of age.
2. The board shall provide a three-month election period, beginning on the effective date of this Act, for an eligible employee to transfer to the defined contribution plan under this chapter pursuant to the rules and policies adopted by the board.

- a. An election under this section made by a member of the public employees retirement system under chapter 54-52 to transfer to the defined contribution retirement plan under this chapter is irrevocable.
 - b. For an eligible employee who elects to transfer from the public employees retirement system under chapter 54-52 to the defined contribution retirement plan under this chapter, the board shall transfer a lump sum amount from the public employees retirement system fund to the member's account in the defined contribution retirement plan under this chapter. However, if the eligible employee terminates employment before receiving the lump sum transfer under this section, the election made is ineffective and the eligible employee remains a member of the public employees retirement system under chapter 54-52 and retains all the rights and privileges under that chapter.
 - c. The board shall calculate the lump sum amount to be transferred based on the actuarial present value of the eligible employee's accumulated benefit obligation under the public employees retirement system based on the assumption the eligible employee will retire under the earlier applicable normal retirement age, plus interest from the effective date of this Act, to the date of transfer, at the rate of one-half of one percent less than the actuarial interest assumption at the time of the election.
 - d. This section does not affect an eligible individual's right to health benefits under chapter 54-52.1.
3. The state employer of an eligible employee who elects under this section to participate in the defined contribution retirement plan under this chapter shall pay an additional annual contribution of three thousand three hundred and thirty-three dollars for up to three years. Under this subsection, the employer shall pay the additional contribution each year the eligible employee continues permanent employment with the state, beginning one year after the effective date of this Act, and extending no further than three years following the effective date of this Act.
 4. If the board receives notification from the internal revenue service that this section or any portion of this section will cause the public employees retirement system or the retirement plan established under this chapter to be disqualified for tax purposes under the Internal Revenue Code, that portion that will cause the disqualification does not apply.

²² **SECTION 11. AMENDMENT.** Subsection 3 of section 57-02-08.8 of the North Dakota Century Code is amended and reenacted as follows:

3. A disabled veteran or ~~unmarried~~ surviving spouse claiming a credit under this section for the first time shall file with the county auditor an affidavit showing the facts required under this section, a description of the property, and a certificate from the United States department of veterans' affairs, or its successor, certifying to the amount of the disability. The affidavit and certificate must be open for public inspection. A person shall thereafter furnish to the assessor or other assessment officials, when requested to do so, any information which supports the claim for credit for any subsequent year.

²² Section 57-02-08.8 was also amended by section 9 of House Bill No. 1176, chapter 555, and section 4 of House Bill No. 1180, chapter 344.

²³ **SECTION 12. AMENDMENT.** Subsection 2 of section 57-38-30.3 of the North Dakota Century Code is amended and reenacted as follows:

2. For purposes of this section, "North Dakota taxable income" means the federal taxable income of an individual, estate, or trust as computed under the Internal Revenue Code of 1986, as amended, adjusted as follows:
 - a. Reduced by interest income from obligations of the United States and income exempt from state income tax under federal statute or United States or North Dakota constitutional provisions.
 - b. Reduced by the portion of a distribution from a qualified investment fund described in section 57-38-01 which is attributable to investments by the qualified investment fund in obligations of the United States, obligations of North Dakota or its political subdivisions, and any other obligation the interest from which is exempt from state income tax under federal statute or United States or North Dakota constitutional provisions.
 - c. Reduced by the amount equal to the earnings that are passed through to a taxpayer in connection with an allocation and apportionment to North Dakota under section 57-38-01.35.
 - d. Reduced by forty percent of:
 - (1) The excess of the taxpayer's net long-term capital gain for the taxable year over the net short-term capital loss for that year, as computed for purposes of the Internal Revenue Code of 1986, as amended. The adjustment provided by this subdivision is allowed only to the extent the net long-term capital gain is allocated to this state.
 - (2) Qualified dividends as defined under Internal Revenue Code section 1(h)(11), added by section 302(a) of the Jobs and Growth Tax Relief Reconciliation Act of 2003 [Pub. L. 108-27; 117 Stat. 752; 2 U.S.C. 963 et seq.], but only if taxed at a federal income tax rate that is lower than the regular federal income tax rates applicable to ordinary income. If, for any taxable year, qualified dividends are taxed at the regular federal income tax rates applicable to ordinary income, the reduction allowed under this subdivision is equal to thirty percent of all dividends included in federal taxable income. The adjustment provided by this subdivision is allowed only to the extent the qualified dividend income is allocated to this state.
 - e. Increased by the amount of a lump sum distribution for which income averaging was elected under section 402 of the Internal Revenue Code of 1986 [26 U.S.C. 402], as amended. This adjustment does not apply if the taxpayer received the lump sum distribution while a nonresident of this state and the distribution is exempt from taxation by this state under federal law.
 - f. Increased by an amount equal to the losses that are passed through to a taxpayer in connection with an allocation and apportionment to North Dakota under section 57-38-01.35.

²³ Section 57-38-30.3 was also amended by section 2 of Senate Bill No. 2282, chapter 558.

- g. Reduced by the amount of military pay received by a taxpayer as a member of the armed forces of the United States on federal active duty, member of the national guard or reserve member of the armed forces of the United States, to the extent that military pay is included in North Dakota taxable income of the taxpayer. For purposes of this subdivision, "military pay" includes all federal pay for training, education, mobilization, and bonuses and state pay when called to support an emergency on state active duty.
- h. Reduced by income from a new and expanding business exempt from state income tax under section 40-57.1-04.
- ~~i. Reduced by interest and income from bonds issued under chapter 11-37.~~
- ~~j.~~ Reduced by up to ten thousand dollars of qualified expenses that are related to a donation by a taxpayer or a taxpayer's dependent, while living, of one or more human organs to another human being for human organ transplantation. A taxpayer may claim the reduction in this subdivision only once for each instance of organ donation during the taxable year in which the human organ donation and the human organ transplantation occurs but if qualified expenses are incurred in more than one taxable year, the reduction for those expenses must be claimed in the year in which the expenses are incurred. For purposes of this subdivision:
 - (1) "Human organ transplantation" means the medical procedure by which transfer of a human organ is made from the body of one person to the body of another person.
 - (2) "Organ" means all or part of an individual's liver, pancreas, kidney, intestine, lung, or bone marrow.
 - (3) "Qualified expenses" means lost wages not compensated by sick pay and unreimbursed medical expenses as defined for federal income tax purposes, to the extent not deducted in computing federal taxable income, whether or not the taxpayer itemizes federal income tax deductions.
- ~~k.~~j. Increased by the amount of the contribution upon which the credit under section 57-38-01.21 is computed, but only to the extent that the contribution reduced federal taxable income.
- ~~l.~~k. Reduced by the amount of any payment received by a veteran or beneficiary of a veteran under section 37-28-03 or 37-28-04.
- ~~m.~~l. Reduced by the amount received by a taxpayer that was paid by an employer under paragraph 4 of subdivision a of subsection 2 of section 57-38-01.25 to hire the taxpayer for a hard-to-fill position under section 57-38-01.25, but only to the extent the amount received by the taxpayer is included in federal taxable income. The reduction applies only if the employer is entitled to the credit under section 57-38-01.25. The taxpayer must attach a statement from the employer in which the employer certifies that the employer is entitled to the credit under section 57-38-01.25 and which specifically identified the type of payment and the amount of the exemption under this section.

- n-m. Reduced by the amount up to a maximum of five thousand dollars, or ten thousand dollars if a joint return is filed, for contributions made under a higher education savings plan administered by the Bank of North Dakota, pursuant to section 6-09-38.
- o-n. Reduced by the amount of income of a taxpayer, who resides anywhere within the exterior boundaries of a reservation situated in this state or situated both in this state and in an adjoining state and who is an enrolled member of a federally recognized Indian tribe, from activities or sources anywhere within the exterior boundaries of a reservation situated in this state or both situated in this state and in an adjoining state.
- p-o. For married individuals filing jointly, reduced by an amount equal to the excess of the recomputed itemized deductions or standard deduction over the amount of the itemized deductions or standard deduction deducted in computing federal taxable income. For purposes of this subdivision, "itemized deductions or standard deduction" means the amount under section 63 of the Internal Revenue Code that the married individuals deducted in computing their federal taxable income and "recomputed itemized deductions or standard deduction" means an amount determined by computing the itemized deductions or standard deduction in a manner that replaces the basic standard deduction under section 63(c)(2) of the Internal Revenue Code for married individuals filing jointly with an amount equal to double the amount of the basic standard deduction under section 63(c)(2) of the Internal Revenue Code for a single individual other than a head of household and surviving spouse. If the married individuals elected under section 63(e) of the Internal Revenue Code to deduct itemized deductions in computing their federal taxable income even though the amount of the allowable standard deduction is greater, the reduction under this subdivision is not allowed. Married individuals filing jointly shall compute the available reduction under this subdivision in a manner prescribed by the tax commissioner.
- q-p. Reduced by an amount equal to four thousand one hundred fifty dollars for taxable year 2018, for each birth resulting in stillbirth, as defined in section 23-02.1-01, for which a fetal death certificate has been filed under section 23-02.1-20. For taxable years beginning after December 31, 2018, the deduction amount must be adjusted annually on January first of each year by the cost-of-living adjustment. For purposes of this subdivision, "cost-of-living adjustment" means the percentage increase in the consumer price index for all urban consumers in the midwest region as determined by the United States department of labor, bureau of labor statistics, for the most recent year ending December thirty-first. The exemption may only be claimed in the taxable year in which the stillbirth occurred.
- r-q. Reduced by the amount of expenses incurred by an employee which are directly related to the attainment of higher education or career and technical education which are reimbursed by the employee's employer, but only to the extent the amount of reimbursement is reported as federal taxable income.
- s-r. Reduced by the amount received by a taxpayer as retired military personnel benefits, including retired military personnel benefits paid to the surviving spouse of a deceased retired member of the armed forces of the

United States, a reserve component of the armed forces of the United States, or the national guard, but only to the extent the amount was included in federal taxable income.

~~t.s.~~ Reduced by the amount of social security benefits included in a taxpayer's federal adjusted gross income under section 86 of the Internal Revenue Code.

~~u.t.~~ Reduced by the amount of retired law enforcement personnel benefits received by a taxpayer who has served a combined total of at least twenty years as a peace officer or has medically retired from the taxpayer's duties as a peace officer with a medical certificate due to a permanent mental or physical disability that rendered the taxpayer unable to discharge the taxpayer's duties as a peace officer, but only to the extent the amount was included in federal taxable income. For purposes of this subdivision:

- (1) "Peace officer" means a public servant authorized by law or by a government agency or branch of the United States, a state, or a political subdivision of a state to enforce the law and to conduct or engage in investigations of violations of the law.
- (2) "Retired law enforcement personnel benefits" means retirement income received by a taxpayer eligible to receive retirement income attributable to the taxpayer's employment as a peace officer from a retirement plan maintained by or through the employer from which the taxpayer retired as a peace officer.

SECTION 13. AMENDMENT. Subsection 1 of section 57-40.5-03 of the North Dakota Century Code is amended and reenacted as follows:

1. Aircraft acquired by disabled veterans as defined by the provisions of Public Law No. 79-663 [38 U.S.C. ~~4904-3901~~]. This exemption shall be allowed only with respect to one aircraft owned by any disabled veteran.

SECTION 14. REPEAL. Sections 1-01-18, 1-01-20, 1-01-21, 1-01-27, 1-01-29, 1-01-30, 1-01-36, 1-01-40, 1-01-41, 1-01-42, 1-01-45, 1-01-46, 1-01-47, and 1-01-51 of the North Dakota Century Code are repealed.

SECTION 15. EFFECTIVE DATE. Sections 11 and 12 of this Act are effective for taxable years beginning after December 31, 2024.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 65

HOUSE BILL NO. 1181

(Representatives S. Olson, K. Anderson, Christianson, Henderson, Koppelman,
Morton, Tveit)
(Senators Castaneda, Van Oosting)

AN ACT to amend and reenact section 1-01-34 of the North Dakota Century Code, relating to gender usage in the North Dakota Century Code.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 1-01-34 of the North Dakota Century Code is amended and reenacted as follows:

1-01-34. Gender - Definition.

1. Words of one gender include the other genders.
2. Words used to reference an individual's gender mean the individual's sex.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 66

SENATE BILL NO. 2154

(Senators Cleary, Meyer, Thomas)
(Representatives Bahl, Monson, Nelson)

AN ACT to amend and reenact subsection 13 of section 1-01-49, subsection 4 of section 10-30.5-01, and section 40-57.1-02 of the North Dakota Century Code, relating to the definition of primary sector business.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁴ **SECTION 1. AMENDMENT.** Subsection 13 of section 1-01-49 of the North Dakota Century Code is amended and reenacted as follows:

13. "Primary sector business" means an individual, corporation, limited liability company, partnership, or association certified by the department of commerce division of economic development and finance which through the employment of knowledge or labor adds value to a product, process, or service which results in the creation of new wealth. The term includes tourism operations demonstrating the creation of new wealth by attracting out-of-state visitors.

For purposes of this subsection, "new wealth" means revenues generated by a business or tourism operation in this state through the sale of products or services to:

- a. Customers or visitors from outside of this state; or
- b. Customers in this state if the products or services were previously unavailable or difficult to obtain from a business in this state.

SECTION 2. AMENDMENT. Subsection 4 of section 10-30.5-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Primary sector business" has the meaning provided in section 1-01-49 ~~and includes tourism~~ but does not include production agriculture.

SECTION 3. AMENDMENT. Section 40-57.1-02 of the North Dakota Century Code is amended and reenacted as follows:

40-57.1-02. Definitions.

As used in this chapter, unless a different meaning clearly appears from the context:

1. "Local development organization", as used in section 40-57.1-04.3, means a profit or nonprofit corporation incorporated under the laws of this state or a limited liability company organized under the laws of this state, formed for the purpose of furthering the economic development of its community and

²⁴ Section 1-01-49 was also amended by section 1 of House Bill No. 1031, chapter 64.

environs, with authority to promote and assist the growth and development of business concerns in the areas covered by its operations. The operations of the corporation or limited liability company must be limited to a specified area in this state. The controlling interest in the corporation or limited liability company must be held by at least twenty-five persons residing or doing business in the community or its environs. These persons must control not less than seventy-five percent of the voting control of the corporation or limited liability company. ~~No~~A shareholder or member of the corporation or limited liability company may not own in excess of twenty-five percent of the voting control in the corporation or limited liability company if that shareholder or member has a direct pecuniary interest in any project or business concern ~~which~~that will occupy the property of the corporation or limited liability company. The primary objective of the corporation or limited liability company must be to benefit the community through increased employment, payroll, business volume, and corresponding factors rather than monetary profits to its shareholders or members. Any monetary profits or other benefits going to the shareholders or members must be merely incidental to the primary objective of the corporation or limited liability company.

2. "Municipality" means counties as well as municipalities of the types listed in subsection 4 of section 40-01-01.
3. "Primary sector business" has the meaning provided in section 1-01-49.
4. "Project" means any revenue-producing enterprise, or any combination of two or more of these enterprises. For the purpose of the income tax exemption, "project" means ~~both~~ "primary sector business" ~~and~~ "tourism" as defined by this section and includes the establishment of a new qualifying business or the expansion of a qualifying existing business.
5. ~~"Tourism" means all tourism related businesses and activities, including recreation, historical and cultural events, guide services, and unique lodging and food services which serve as destination attractions.~~

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 67

HOUSE BILL NO. 1148

(Representatives Frelich, K. Anderson, Klemin, J. Olson, Pyle, Tveit)
(Senators Van Oosting, Wobbema)

AN ACT to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to military appreciation month.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Military Appreciation Month.

May of each year is Military Appreciation Month. Each year the governor shall issue a proclamation on May first in honor of the men and women of the United States Armed Forces who have served and are now serving, and the significant contributions and incredible sacrifices they have made and continue to make in the defense of this nation and the preservation of our freedom.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 68

HOUSE BILL NO. 1403

(Representatives Schneider, Brandenburg, Grueneich, D. Johnston, Klemin, Pyle,
Davis, Hager)
(Senators Castaneda, Clemens, Dever, Marcellais)

AN ACT to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to the designation of Prisoner of War and Missing in Action Day as a state holiday.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Prisoner of War and Missing in Action Day.

The third Friday in September of each year is Prisoner of War and Missing in Action Day. To remember and honor the sacrifices of those who were held captive and returned, as well as those who remain missing, the governor shall issue a proclamation each year designating the third Friday in September as Prisoner of War and Missing in Action Day, a state holiday. This section may not be interpreted to make Prisoner of War and Missing in Action Day a day on which schools and other entities are required to close.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 69

HOUSE BILL NO. 1479

(Representatives Karls, Berg, Bosch, Dockter, Hauck, Martinson, Nathe)
(Senators Dever, Gerhardt, Larson)

AN ACT to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to the designation and establishment of North Dakota Constitution Day.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

North Dakota Constitution Day.

To commemorate the adoption of the Constitution of North Dakota on August 17, 1889, by constitutional convention, and the ratification by vote on October 1, 1889, by the people of the territory that would become North Dakota, and to encourage state citizens to seek greater knowledge and understanding of the Constitution of North Dakota, the first of October of each year is designated and established as North Dakota Constitution Day.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 70

HOUSE BILL NO. 1545

(Representatives Finley-DeVile, Brown, Davis, Dobervich, Holle)
(Senators Marcellais, Mathern, Walen)

AN ACT to amend and reenact section 1-03-13 of the North Dakota Century Code, relating to changing the name of First Nations Day to Indigenous Peoples Day.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 1-03-13 of the North Dakota Century Code is amended and reenacted as follows:

1-03-13. ~~First Nations~~Indigenous Peoples Day.

To recognize the indigenous peoples of the State of North Dakota and their contributions to the state and to the United States, the governor shall issue a proclamation each year designating the Friday before the second Monday in October as ~~First Nations~~Indigenous Peoples Day.

Approved April 7, 2025

Filed April 8, 2025

AGRICULTURE

CHAPTER 71

HOUSE BILL NO. 1400

(Representatives Brandenburg, Grueneich, Headland, Kempenich, Pyle, Schreiber-Beck)
(Senators Conley, Erbele, Kessel, Wanzek, Weber)

AN ACT to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to conservation easements and leaseholds; and to amend and reenact sections 4.1-01-21, 4.1-01-21.1, and 49-22-09.2 of the North Dakota Century Code, relating to the federal environmental law impact review fund, the environmental impact mitigation fund, and mitigating environmental impacts; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-01-21 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01-21. Federal environmental law impact review fund - Continuing appropriation - Investments.

1. The federal environmental law impact review fund consists of:
 - a. Any moneys appropriated or transferred for the purposes set forth in section 4.1-01-19; ~~and~~
 - b. Any gifts, grants, and donations forwarded to the commissioner for the purposes set forth in section 4.1-01-19; and
 - c. Any interest or investment earnings upon moneys in the fund.
2. All moneys in the federal environmental law impact review fund are appropriated to the commissioner on a continuing basis for the purposes set forth in section 4.1-01-19. The state treasurer may invest moneys in the fund in accordance with section 21-10-07.

SECTION 2. AMENDMENT. Section 4.1-01-21.1 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01-21.1. Environmental impact mitigation fund - Report to legislative management - Continuing appropriation - Investments.

1. There is created in the state treasury the environmental impact mitigation fund. The fund consists of all moneys deposited in the fund under section 49-22-09.2 and all interest or investment earnings upon moneys in the fund. All moneys in the fund are appropriated to the commissioner on a continuing basis for disbursement by the commissioner in accordance with this section. The state treasurer may invest moneys in the fund in accordance with section 21-10-07.

2. Moneys in the fund may be used only for:
 - a. Consultation with environmental scientists or engineers, industry specialists, or others for relevant services to analyze or implement mitigation required from the impact of development; ~~and~~
 - b. Creation, restoration, or mitigation of similar habitat affected by the construction or operation of an energy conversion or transmission facility. Mitigation of adverse impacts from development under this section shall be conducted in the following order of priority:
 - (1) The area immediately impacted by the development;
 - (2) The county impacted by the development;
 - (3) The region impacted by the development; and
 - (4) Other areas within the state; and
 - c. Purchasing and maintaining easements or leaseholds.
3. The commissioner is not subject to chapter 54-44.4 when contracting for services under this chapter.
4. In consultation with the federal environmental law impact review committee, the commissioner shall adopt rules pursuant to chapter 28-32 to implement the provisions of this section.
5. Easements or leaseholds purchased by a person to mitigate adverse environmental effects of the construction or operation of an energy conversion or transmission facility under chapter 49-22 must be limited to the operational life of the facility as defined under chapter 49-22. Any payment made to mitigate adverse environmental effects of the construction or operation of an energy conversion or transmission facility under ~~chapter 49-22~~section 49-22-09.2 must be made to the commissioner who shall deposit the payment into the environmental impact mitigation fund. Prior to the public service commission issuing a permit or certificate to an applicant under chapter 49-22, the commissioner shall notify the public service commission of mitigation efforts under this section to create, restore, or mitigate similar habitat affected by the construction or operation of an energy conversion or transmission facility.
6. The commissioner shall provide a biennial report of environmental impact mitigation fund disbursements to the legislative management.
7. For purposes of this section, the environmental impact mitigation fund is not subject to subsection 2 of section 4.1-01-18.

SECTION 3. A new section to chapter 4.1-01 of the North Dakota Century Code is created and enacted as follows:

Conservation easement or leasehold.

The commissioner may purchase and hold an easement or leasehold in the name of the state to administer this title. The commissioner shall terminate any easement or leasehold if the easement or leasehold is no longer necessary.

SECTION 4. AMENDMENT. Section 49-22-09.2 of the North Dakota Century Code is amended and reenacted as follows:

49-22-09.2. Mitigating environmental impacts - Energy conversion facilities - Transmission facilities.

1. If an applicant elects to provide a payment to mitigate the environmental impact of the construction or operation of ~~an~~ a wind energy conversion ~~or transmission~~ facility, the payment must be made to the agriculture commissioner who shall deposit the payment into the environmental impact mitigation fund under section 4.1-01-21.1.
2. Excluding a wind energy conversion facility, if an applicant elects to provide a payment to mitigate the environmental impact of the construction or operation of an energy conversion facility, the payment may be made to the agriculture commissioner who shall deposit the payment into the environmental impact mitigation fund under section 4.1-01-21.1.
3. If an applicant elects to provide a payment to mitigate the environmental impact of the construction or operation of a transmission facility, the payment may be made to the agriculture commissioner who shall deposit the payment into the environmental impact mitigation fund under section 4.1-01-21.1.
4. Nothing in this section shall be construed to limit an applicant from conducting mitigation activities.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 72

SENATE BILL NO. 2333

(Senators Wanzek, Kessel, Sorvaag)
(Representatives Beltz, Brandenburg, Hagert)

AN ACT to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to a low-carbon fuels fund; to amend and reenact sections 39-04-39 and 54-44.5-09 of the North Dakota Century Code, relating to the distribution of certain vehicle registration fees and ethanol production incentives; to repeal chapter 17-02 of the North Dakota Century Code, relating to ethanol production incentives; to provide a continuing appropriation; to provide for a transfer; and to provide for a report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4.1-01 of the North Dakota Century Code is created and enacted as follows:

Low-carbon fuels fund - Continuing appropriation.

1. The low-carbon fuels fund is created as a special fund in the state treasury. The fund consists of all moneys transferred to the fund under section 39-04-39. The moneys in the fund are appropriated to the commissioner on a continuing basis to distribute low-carbon fuels incentives and carbon intensity verification under this section.
2. The commissioner shall distribute low-carbon fuels incentives to ethanol production facilities for eligible capital projects that increase the efficiency of a facility and decrease the carbon intensity of the production process. Distributions of low-carbon fuels incentives to an ethanol production facility are limited to fifty percent of the cost of eligible capital projects and may not exceed:
 - a. Three million dollars per biennium;
 - b. Cumulative distributions of ten million dollars per facility; and
 - c. A period of ten years beginning with the first distribution to the facility.
3. For purposes of this section, "eligible capital projects" means construction of new infrastructure or replacement of existing infrastructure for carbon dioxide capture and storage, beneficial use of carbon dioxide, energy efficiency enhancements, or ethanol yield improvements.
4. The commissioner may use up to one million dollars from the fund to contract with an entity to develop a carbon intensity verification process.
5. At least once per biennium, the commissioner shall provide a report to the legislative management regarding the status of the fund, including the revenues deposited in the fund, the low-carbon fuels incentives distributed from the fund, and the balance of the fund.

SECTION 2. AMENDMENT. Section 39-04-39 of the North Dakota Century Code is amended and reenacted as follows:

39-04-39. Distribution of registration fees collected.

1. Any moneys in the registration fund accruing from license fees or from other like sources, in excess of the amount required to pay salaries and other necessary expenses, in accordance with the legislative assembly's appropriation for such purposes, must be promptly deposited in the highway tax distribution fund which must be distributed in the manner as prescribed by law.
2. The state treasurer shall transfer annually from the highway tax distribution fund to the ~~ethanol production incentive~~ low-carbon fuels fund under section 1 of this Act an amount equal to forty percent of all sums collected for the registration of farm vehicles under subsection 5 of section 39-04-19 ~~except that no transfer may be made in an amount that would result in the balance of the ethanol production incentive fund exceeding seven million five hundred thousand dollars until the cumulative total transfers under this subsection equals thirty million dollars.~~

SECTION 3. AMENDMENT. Section 54-44.5-09 of the North Dakota Century Code is amended and reenacted as follows:

54-44.5-09. Office of renewable energy and energy efficiency.

The office of renewable energy and energy efficiency is established within the division of community services. The office shall assist in the development of renewable energy within this state to provide secure, diverse, sustainable, and competitive renewable energy supplies and promote the conservation of energy and the wise use of energy resources in both the public and private sectors. The office shall communicate and disseminate information concerning state and federal energy conservation and renewable energy incentives, including tax credits, financing and grants to business entities seeking to invest in wind-generated power and transmission, ethanol production and distribution, and the development of biodiesel, green diesel, biomass, solar, hydropower, geothermal, and other renewable energy sources. ~~The office also shall manage and distribute all production incentive payments as authorized by chapter 17-02.~~

SECTION 4. REPEAL. Chapter 17-02 of the North Dakota Century Code is repealed.

SECTION 5. TRANSFER - ETHANOL PRODUCTION INCENTIVE FUND TO LOW-CARBON FUELS FUND. The office of management and budget shall transfer any remaining balance from the ethanol production incentive fund to the low-carbon fuels fund on July 1, 2025.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 73

HOUSE BILL NO. 1235

(Representatives Grueneich, Brandenburg, Dockter, Hagert, Headland, Richter,
Satrom, Stemen)

(Senators Conley, Erbele, Thomas, Wanzek)

AN ACT to amend and reenact subsection 2 of section 4.1-01-27 of the North Dakota Century Code, relating to the agriculture infrastructure grant program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 4.1-01-27 of the North Dakota Century Code is amended and reenacted as follows:

2. The agriculture commissioner, in consultation with the director of the department of transportation, shall award grants to ~~political subdivisions~~ county, township, or city with a population of one thousand five hundred residents or less, for road and bridge improvements necessary to accommodate value-added agriculture businesses. Grant funding under this subsection may be used for:
 - a. Corridor improvements on city, county, and township roadways; and
 - b. Improvements to roads or bridges that provide access to value-added agriculture businesses.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 74

SENATE BILL NO. 2274

(Senators Kessel, Thomas, Wanzek)
(Representatives Brandenburg, Hagert, Schreiber-Beck)

AN ACT to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to creating a farm management program within the department of agriculture; to amend and reenact section 15-20.1-03 of the North Dakota Century Code, relating to the powers and duties of the state board of career at technical education; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4.1-01 of the North Dakota Century Code is created and enacted as follows:

Farm management program.

The commissioner shall implement and oversee a program to:

1. Coordinate new and existing farm management programs offered by a state agency, board, or commission; and
2. Create and expand marketing clubs as adjuncts to new and existing farm management programs.

SECTION 2. AMENDMENT. Section 15-20.1-03 of the North Dakota Century Code is amended and reenacted as follows:

15-20.1-03. Powers and duties of state board relating to career and technical education.

The state board shall have all authority necessary to cooperate with the United States department of education or other department or agency of the United States of America in the administration of acts of Congress relating to career and technical education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with acts of Congress relating to career and technical education.
2. To administer the funds provided by the federal government and by this state for the promotion of career and technical education and to contract with:
 - a. Any public or private institution or agency, board of trustees of any agricultural and training school, or school district of this state; or
 - b. Any public or private institution or agency, or political subdivision, of another state.

3. To formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the public school system of education in this state.
4. To provide for the preparation of teachers.
5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to career and technical education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose.
6. To make studies and investigations relating to career and technical education.
7. To promote and aid in the establishment of schools, departments, or classes, and to cooperate with local communities in the maintenance of career and technical education schools, departments, or classes.
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors.
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of career and technical education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of career and technical education teachers.
- ~~10. To coordinate new and existing farm management programs offered by any state agency or entity.~~
- ~~11. To create and expand marketing clubs as adjuncts to new and existing farm management programs.~~

SECTION 3. APPROPRIATION - AGRICULTURE COMMISSIONER - FARM MANAGEMENT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,900,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of paying for services related to the farm management program, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 75

SENATE BILL NO. 2368

(Senators Kessel, Patten)
(Representatives Kempenich, J. Olson)

AN ACT to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to a grasslands grazing grant program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4.1-01 of the North Dakota Century Code is created and enacted as follows:

Grasslands grazing grant program.

1. The agriculture commissioner shall administer a grasslands grazing grant program to provide grants to organizations representing cooperative grazing associations in the state.
2.
 - a. An organization that receives a grant under this program may distribute the funding to cooperative grazing associations for eligible infrastructure projects, which must be located on national grasslands within the state.
 - b. Eligible infrastructure projects include:
 - (1) Water development.
 - (2) Fencing.
 - (3) Conservation initiatives.
 - (4) Compliance with federal permitting requirements, including fees for professional services.
 - (5) Other projects to enhance wildlife habitat, capture carbon, or increase the health of grasslands.
 - c. Program participants shall develop and implement a grazing land plan in compliance with local soil conservation district guidance, and the plan must be approved by the local soil conservation district.
3. To be eligible for a grant, an organization shall provide one dollar of matching funds from nonstate sources for every four dollars of grant funding. The agriculture commissioner shall establish additional guidelines for the program.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 76

HOUSE BILL NO. 1332

(Representatives Hagert, Brandenburg, Grueneich, Headland, Ista, Lefor, O'Brien,
K. Anderson)
(Senators Meyer, Myrdal, Patten, Thomas)

AN ACT to amend and reenact section 4.1-01.1-07 of the North Dakota Century Code, relating to a value-added agriculture facility incentive program; to provide for a transfer; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁵ **SECTION 1. AMENDMENT.** Section 4.1-01.1-07 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01.1-07. Agriculture diversification and development fund - Continuing appropriation.

1. There is created in the state treasury the agriculture diversification and development fund. The fund consists of all moneys transferred to the fund by the legislative assembly, interest upon moneys in the fund, and payments of interest and principal on loans made from the fund. Moneys in the fund are appropriated to the Bank of North Dakota on a continuing basis for loan disbursements and administrative costs pursuant to this section, and moneys in the fund are appropriated to the agriculture commissioner on a continuing basis for grants and value-added agriculture facility incentive funding pursuant to this section and section 4.1-01-27. The agriculture diversification and development committee shall designate the amount available from the fund for loans, interest rate buydowns, ~~and grants~~, and value-added agriculture facility incentive funding.
2. Loans, interest rate buydowns, or grants under subsections 3 and 4 may be issued from the fund to support new or expanding value-added agriculture businesses that demonstrate financial feasibility, enhance profitability for farmers and ranchers, create jobs, and grow the state's economy. Grants under section 4.1-01-27 may be issued from the fund for infrastructure improvements necessary for the development or expansion of new or existing value-added agriculture businesses. Value-added agriculture businesses include food production or processing facilities; feed or pet food processing facilities; commodity processing facilities; agriculture product manufacturers; and animal agriculture production facilities, including swine, poultry, dairy, and feed lot production facilities.
3. The Bank of North Dakota shall develop policies for loans and interest rate buydowns from the fund in consultation with the agriculture diversification and development committee. The Bank shall review loan applications. To be eligible for a loan under this section, an entity shall agree to provide the Bank with information as requested. The Bank may develop policies for loan

²⁵ Section 4.1-01.1-07 was also amended by section 1 of Senate Bill No. 2327, chapter 78, and section 1 of Senate Bill No. 2342, chapter 77.

participation with local financial institutions. The Bank shall deposit in the fund all principal and interest paid on the outstanding loans. The Bank may use a portion of the interest paid as a servicing fee to pay for administrative costs, which may not exceed one-half of one percent of the amount of the outstanding loans. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit must be paid from the fund.

4. The agricultural diversification and development committee shall develop policies for grants from the fund to support new or expanding value-added agriculture businesses, including eligibility criteria, maximum grant amounts, and reporting requirements. Based on recommendations from the agricultural diversification and development committee, the agriculture commissioner shall distribute the grant funding.
5. The agricultural diversification and development committee shall develop a value-added agriculture production facility incentive program to provide grants. Grant award funding for the value-added agriculture production facility incentive program under this subsection is limited to thirty million dollars.
 - a. To be eligible for a grant award under the value-added agriculture production facility incentive program, the production facility must:
 - (1) Be located within the state;
 - (2) Be a new construction project on an industrial-ready site with access to existing municipal infrastructure;
 - (3) Have capital investment of at least three hundred fifty million dollars and leverage regional agricultural producer capital investment to support the facility's operations;
 - (4) Have a competing offer from at least one other midwestern state;
 - (5) Produce a new agriculture product or variant of an existing agriculture product to provide a domestic supply of the product and to diversify the market for agriculture products; and
 - (6) Have an estimated economic contribution of at least twenty million dollars when fully operational based on an economic analysis conducted by the Bank.
 - b. Grant funding under the program is a reimbursement for infrastructure, site acquisition, or other capital expenditures necessary for the value-added agriculture facility construction, including natural gas supply, electricity supply, roads, water lines, wastewater lines, storm water conveyance, or rail lines.
 - c. Upon issuance of a certificate of occupancy for the value-added agriculture production facility, the agriculture commissioner shall distribute a grant equal to fifty percent of the total grant award from funding available in the agriculture diversification and development fund.
 - d. Upon achieving fifty percent of the production capacity of the value-added agriculture production facility, the agriculture commissioner shall distribute the remainder of the grant award from funding available in the agriculture diversification and development fund.

- e. The Bank of North Dakota may extend a line of credit of up to thirty million dollars to the agriculture commissioner to support a grant from the fund under this subsection. The interest rate associated with the line of credit must be the prevailing interest rate charged to North Dakota governmental entities.
- f. If the agriculture diversification and development committee approves a grant under this subsection, the agriculture commissioner may access the line of credit under this subsection through June 30, 2029, to provide funding for the grant. Any moneys borrowed from the Bank pursuant to this subsection must be transferred to the fund. If the agriculture commissioner accesses the line of credit, the commissioner shall request from the legislative assembly a deficiency appropriation to repay the line of credit.

SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2029, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 77

SENATE BILL NO. 2342

(Senators Thomas, Hogue, Kessel, Klein)
(Representative Beltz)

AN ACT to amend and reenact section 4.1-01.1-07 of the North Dakota Century Code, relating to a value-added milk processing facility incentive program; and to authorize a Bank of North Dakota line of credit.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶ **SECTION 1. AMENDMENT.** Section 4.1-01.1-07 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01.1-07. Agriculture diversification and development fund - Continuing appropriation.

1. There is created in the state treasury the agriculture diversification and development fund. The fund consists of all moneys transferred to the fund by the legislative assembly, interest upon moneys in the fund, and payments of interest and principal on loans made from the fund. Moneys in the fund are appropriated to the Bank of North Dakota on a continuing basis for loan disbursements and administrative costs pursuant to this section, and moneys in the fund are appropriated to the agriculture commissioner on a continuing basis for grants pursuant to this section and section 4.1-01-27. The agriculture diversification and development committee shall designate the amount available from the fund for loans, interest rate buydowns, and grants.
2. Loans, interest rate buydowns, or grants under subsections 3 and 4 may be issued from the fund to support new or expanding value-added agriculture businesses that demonstrate financial feasibility, enhance profitability for farmers and ranchers, create jobs, and grow the state's economy. Grants under section 4.1-01-27 may be issued from the fund for infrastructure improvements necessary for the development or expansion of new or existing value-added agriculture businesses. Value-added agriculture businesses include food production or processing facilities; feed or pet food processing facilities; commodity processing facilities; agriculture product manufacturers; and animal agriculture production facilities, including swine, poultry, dairy, and feed lot production facilities.
3. The Bank of North Dakota shall develop policies for loans and interest rate buydowns from the fund in consultation with the agriculture diversification and development committee. The Bank shall review loan applications. To be eligible for a loan under this section, an entity shall agree to provide the Bank with information as requested. The Bank may develop policies for loan participation with local financial institutions. The Bank shall deposit in the fund all principal and interest paid on the outstanding loans. The Bank may use a portion of the interest paid as a servicing fee to pay for administrative costs,

²⁶ Section 4.1-01.1-07 was also amended by section 1 of House Bill No. 1332, chapter 76, and section 1 of Senate Bill No. 2327, chapter 78.

which may not exceed one-half of one percent of the amount of the outstanding loans. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit must be paid from the fund.

4. The agricultural diversification and development committee shall develop policies for grants from the fund to support new or expanding value-added agriculture businesses, including eligibility criteria, maximum grant amounts, and reporting requirements. Based on recommendations from the agricultural diversification and development committee, the agriculture commissioner shall distribute the grant funding.
5. The agriculture diversification and development committee shall develop a value-added milk processing facility incentive program to provide grants.
 - a. Grant funding under this subsection is limited to the lesser of five million dollars or five percent of the total construction cost of building or expanding a value-added milk processing facility in the state capable of processing at least three million pounds [1360777 kilograms] of milk each year.
 - b. Grant funding under the program is a reimbursement for infrastructure, site acquisition, or other capital expenditures necessary for the value-added milk processing facility construction, including natural gas supply, electricity supply, roads, water lines, wastewater lines, storm water conveyance, or rail lines.
 - c. Upon achieving one hundred percent of the processing capacity of the value-added milk processing facility, the agriculture commissioner shall distribute the grant award from funding available in the agriculture diversification and development fund.

SECTION 2. BANK OF NORTH DAKOTA - LINE OF CREDIT - VALUE-ADDED MILK PROCESSING FACILITY INCENTIVE PROGRAM. If the agriculture diversification and development committee approves a grant under this Act, the agriculture commissioner may borrow up to \$5,000,000 through a line of credit from the Bank of North Dakota for deposit in the agriculture diversification and development fund during the biennium beginning July 1, 2025, and ending June 30, 2027. The interest rate associated with the line of credit must be the prevailing interest rate charged to North Dakota governmental entities. If the agriculture commissioner accesses the line of credit, the agriculture commissioner shall request a deficiency appropriation from the seventieth legislative assembly to repay the line of credit.

Approved April 29, 2025

Filed April 30, 2025

CHAPTER 78

SENATE BILL NO. 2327

(Senators Wanzek, Erbele, Conley)
(Representatives Beltz, Brandenburg, Hagert)

AN ACT to amend and reenact sections 4.1-01.1-07 and 4.1-01.1-08 of the North Dakota Century Code, relating to uses of the agriculture diversification and development fund and committee; to provide an appropriation; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁷ **SECTION 1. AMENDMENT.** Section 4.1-01.1-07 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01.1-07. Agriculture diversification and development fund - Continuing appropriation.

1. There is created in the state treasury the agriculture diversification and development fund. The fund consists of all moneys transferred to the fund by the legislative assembly, interest upon moneys in the fund, and payments of interest and principal on loans made from the fund. Moneys in the fund are appropriated to the Bank of North Dakota on a continuing basis for loan disbursements and administrative costs pursuant to this section, and moneys in the fund are appropriated to the agriculture commissioner on a continuing basis for grants pursuant to this section and section 4.1-01-27. The agriculture diversification and development committee shall designate the amount available from the fund for loans, interest rate buydowns, and grants.
2. Loans, interest rate buydowns, or grants under subsections 3 and 4 may be issued from the fund to support new or expanding value-added agriculture businesses that demonstrate financial feasibility, enhance profitability for farmers and ranchers, create jobs, and grow the state's economy. Grants under section 4.1-01-27 may be issued from the fund for infrastructure improvements necessary for the development or expansion of new or existing value-added agriculture businesses. Value-added agriculture businesses include food production or processing facilities; feed or pet food processing facilities; commodity processing facilities; agriculture product manufacturers; and animal agriculture production facilities, including swine, poultry, dairy, and feed lot production facilities.
3. The Bank of North Dakota shall develop policies for loans and interest rate buydowns from the fund in consultation with the agriculture diversification and development committee. The Bank shall review loan applications. To be eligible for a loan under this section, an entity shall agree to provide the Bank with information as requested. The Bank may develop policies for loan participation with local financial institutions. The Bank shall deposit in the fund all principal and interest paid on the outstanding loans. The Bank may use a

²⁷ Section 4.1-01.1-07 was also amended by section 1 of House Bill No. 1332, chapter 76, and section 1 of Senate Bill No. 2342, chapter 77.

portion of the interest paid as a servicing fee to pay for administrative costs, which may not exceed one-half of one percent of the amount of the outstanding loans. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit must be paid from the fund.

4. The agricultural diversification and development committee shall develop policies for grants from the fund to support new or expanding value-added agriculture businesses, including eligibility criteria, maximum grant amounts, and reporting requirements. Based on recommendations from the agricultural diversification and development committee, the agriculture commissioner shall distribute the grant funding.
5. The agriculture diversification and development committee may use funding available in the agriculture diversification and development fund for in-state travel, per diem, and related costs of administering grants under this section. The agriculture commissioner may reimburse agriculture diversification and development committee members for in-state travel, per diem, and related costs incurred associated with the program as authorized under subsection 2 of section 4.1-01.1-08.

SECTION 2. AMENDMENT. Section 4.1-01.1-08 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01.1-08. Agriculture diversification and development committee.

1. The agriculture diversification and development committee consists of eleven members, five of whom must be appointed by the commissioner for terms of two years each, arranged so that two terms expire in odd-numbered years and three terms expire in even-numbered years.
 - a. Four of the members appointed by the commissioner must be actively engaged in farming in this state and the fifth member appointed by the commissioner must be actively engaged in agribusiness in this state.
 - b. The governor shall appoint one member for a term of two years which expires in odd-numbered years.
 - c. The member appointed by the governor must be actively engaged in business in this state.
 - d. The remaining committee members must consist of:
 - (1) One representative from the independent community banks of North Dakota;
 - (2) One representative from the North Dakota bankers association;
 - (3) The commissioner of commerce or the commissioner's designee;
 - (4) The president of North Dakota state university or the president's designee; and
 - (5) The agriculture commissioner or the commissioner's designee.
 - e. The committee shall elect one of its members as chairman.

2. The agriculture diversification and development committee shall develop guidelines for the grants, including eligibility criteria and reporting requirements. The guidelines must include priority for businesses with a majority of the ownership comprised of North Dakota residents. The agriculture diversification and development committee shall review grant applications and make funding determinations. Members of the committee are entitled to be reimbursed for expenses incurred in the performance of their duties, in the same manner as other state officials are reimbursed, in accordance with sections 44-08-04 and 54-06-09. If not otherwise employed by the state of North Dakota, members of the committee are entitled to receive per diem compensation of one hundred thirty-five dollars for each day of attending meetings and performing other duties relating to official business of the committee.

SECTION 3. APPROPRIATION - TRANSFER TO AGRICULTURE DIVERSIFICATION AND DEVELOPMENT FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$15,000,000, which the office of management and budget shall transfer to the agriculture diversification and development fund, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 79

SENATE BILL NO. 2161

(Senators Kessel, Wanzek, Weber)
(Representatives Brandenburg, Kempenich)

AN ACT to amend and reenact sections 4.1-02-03, 4.1-02-12, and 4.1-13-15 of the North Dakota Century Code, relating to member districts and the assessments levied by the barley council and wheat commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-02-03 of the North Dakota Century Code is amended and reenacted as follows:

4.1-02-03. Council - Membership - Election - Term - Appointment to fill vacancies.

1. The council consists of one individual elected from each district established in section 4.1-02-02.
2. Each member of the council must be ~~a resident of and~~ a participating producer ~~in the district that the member represents.~~
3. The term of each elected member is four years and begins on April first. The terms must be staggered so that no more than two terms expire each year.
4. If at any time during a member's term the member ceases to possess any of the qualifications provided for in this section, the member's office is deemed vacant and the council, by majority vote, shall appoint another qualified producer for the remainder of the term.
5. An elected member of the council may not serve more than three consecutive terms. If an individual is appointed to complete a vacancy, that service is not counted as a term, for purposes of this section, unless the duration of that service exceeds one year.
6. If a district fails to elect a district representative under section 4.1-02-05 due to the unavailability of a participating producer within the district, the vacant office must be filled on an at large basis. By a majority vote of the council, the council shall appoint a participating producer from another district to represent that district until the next election. The at large participating producer appointed to represent the district may seek re-election as the district representative from the district in which the participating producer was appointed under this section.

SECTION 2. AMENDMENT. Section 4.1-02-12 of the North Dakota Century Code is amended and reenacted as follows:

4.1-02-12. Assessment.

An assessment at the rate of ~~twenty~~thirty mills per bushel [35.24 liters] is imposed upon all barley grown in this state, delivered to this state, or sold to a first purchaser in this state. The assessment does not apply to barley grown by a producer and used by the producer as livestock feed.

SECTION 3. AMENDMENT. Section 4.1-13-15 of the North Dakota Century Code is amended and reenacted as follows:

4.1-13-15. Assessment.

An assessment at the rate of ~~fifteen~~twenty mills per bushel [35.24 liters] by weight is imposed upon all wheat:

1. ~~All wheat grown~~Grown in this state, at the time of its sale;
2. ~~All wheat delivered~~Delivered into this state, at the time of its sale; and
3. ~~All wheat sold~~Sold through commercial channels to a first purchaser in this state.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 80

HOUSE BILL NO. 1103

(Representatives Beltz, Dobervich, Hagert, Kiefert, Nehring, Tveit)
(Senators Hogan, Lemm, Weber)

AN ACT to amend and reenact subsection 5 of section 4.1-07-01 of the North Dakota Century Code, relating to the definitions applying to the dry pea and lentil council.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 4.1-07-01 of the North Dakota Century Code is amended and reenacted as follows:

5. "Producer" means any person that:
 - a. Plants or causes to be planted a dry pea and lentil crop in which the person has an ownership interest, with the intent that upon maturity the crop will be harvested; or
 - b. ~~Will have met the requirements of subdivision a during the next available growing season; or~~
 - c. ~~Has met the requirements of subdivision a during the immediately preceding growing season~~ planted and subsequently will plant a dry pea and lentil crop as part of the person's crop rotation within a six-year period.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 81

HOUSE BILL NO. 1084

(Agriculture Committee)

(At the request of the Agriculture Commissioner)

AN ACT to amend and reenact sections 4.1-19-03 and 4.1-19-05 of the North Dakota Century Code, relating to the management of eggs and poultry in the state; and to repeal section 4.1-19-04 of the North Dakota Century Code, relating to licensing requirements for buyers, sellers, and producers of eggs and poultry.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-19-03 of the North Dakota Century Code is amended and reenacted as follows:

4.1-19-03. Purposes - Duties.

The agriculture commissioner shall:

1. Promote improved poultry breeding practices and cooperate with the board of animal health in controlling and eradicating contagious or infectious diseases of poultry.
2. Act as the official state agency for North Dakota in cooperation with the veterinary services, animal plant health inspection service, and United States department of agriculture, for the purpose of furthering the objectives and supervising the state's participation in the national poultry improvement plan.
- ~~3. Act as the state agency to cooperate with the United States department of agriculture to provide federal state grading service for poultry and poultry products offered for sale at the retail level, to supervise the federal state poultry grading service, and to enforce regulations at the retail level as to identification by grade of all poultry sold.~~
- ~~4-3.~~ Promote the welfare and improvement of the poultry industry and the marketing of poultry and poultry products within the state.
- ~~5-4.~~ Adopt rules under chapter 28-32 as necessary to effectuate the purposes of this chapter.

SECTION 2. AMENDMENT. Section 4.1-19-05 of the North Dakota Century Code is amended and reenacted as follows:

4.1-19-05. Penalty.

- ~~1. Any person who violates any provision of this chapter or rule adopted under this chapter is guilty of a class A misdemeanor.~~
2. ~~Any~~ A person who violates any provision in violation of this chapter or rule adopted under this chapter may be subject to a civil penalty not to exceed one thousand dollars for each violation. ~~This~~ The civil penalty may be

adjudicated by the courts or by the agriculture commissioner through an administrative hearing conducted by an independent hearing officer pursuant to chapter 28-32.

- ~~3-2.~~ The agriculture commissioner may maintain an appropriate civil action in the name of the state against any person violating this chapter or rule adopted under this chapter.
- ~~4.~~ ~~Any person who knowingly makes a false statement, representation, or certification in any application, record, report, or other document is guilty of a class A misdemeanor.~~
- ~~5-3.~~ For purposes of this section, "person" means an individual, partnership, corporation, limited liability company, association, cooperative, or any business entity.

SECTION 3. REPEAL. Section 4.1-19-04 of the North Dakota Century Code is repealed.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 82

HOUSE BILL NO. 1083

(Agriculture Committee)
(At the request of the Agriculture Commissioner)

AN ACT to amend and reenact subsection 20 of section 4.1-25-01 and sections 4.1-25-30, 4.1-25-31, 4.1-25-32, and 4.1-25-33 of the North Dakota Century Code, relating to the definition of pasteurized milk ordinance and the federal pasteurized milk ordinance revision.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 20 of section 4.1-25-01 of the North Dakota Century Code is amended and reenacted as follows:

20. "Pasteurized milk ordinance" means the ~~2019~~2023 revision of the Grade "A" Pasteurized Ordinance issued by the United States food and drug administration and by the United States department of agriculture's public health service.

SECTION 2. AMENDMENT. Section 4.1-25-30 of the North Dakota Century Code is amended and reenacted as follows:

4.1-25-30. Standards for grade A milk and milk products - Adoption of rules.

Only grade A milk may be sold as a fluid beverage for human consumption. The minimum standards for milk and milk products designated as grade A are the same as the minimum requirements of the pasteurized milk ordinance ~~which includes provisions from the "Grade A Condensed and Dry Milk Products and Condensed and Dry Whey - Supplement 1 to the Grade A PMO".~~ The commissioner may adopt rules imposing other standards in the interest of public safety, wholesomeness of product, consumer interest, sanitation, good supply, saleability, and promotion of grade A milk and milk products.

SECTION 3. AMENDMENT. Section 4.1-25-31 of the North Dakota Century Code is amended and reenacted as follows:

4.1-25-31. State milk sanitation rating and sampling surveillance officer - Duties - Guidelines.

The state milk sanitation rating and sampling surveillance officer is responsible for the rating and certification of milk and dairy products. The rating and certification of milk and dairy products must be in accordance with the procedures outlined in the public health service food and drug administration publication entitled "Methods of Making Sanitation Ratings of Milk Shippers ~~—2019 and the Certifications/Listings of Single-Service Containers and/or Closures for Milk and/or Milk Products Manufacturers~~ 2023 Revision, Edition" and the sampling of milk and dairy products must be in accordance with the guidelines in the Standard Methods.

SECTION 4. AMENDMENT. Section 4.1-25-32 of the North Dakota Century Code is amended and reenacted as follows:

4.1-25-32. Milk laboratory evaluations officer - Duties - Guidelines.

The milk laboratory evaluations officer is responsible for the certification and evaluation of milk and dairy products laboratories within the state. Evaluations and certification of milk laboratories must be made in accordance with the Standard Methods and the procedures outlined in the public health service food and drug administration publication entitled "Evaluation of Milk Laboratories - ~~2019~~2023 Edition".

SECTION 5. AMENDMENT. Section 4.1-25-33 of the North Dakota Century Code is amended and reenacted as follows:

4.1-25-33. Grade A pasteurized milk ordinance.

Dairy producers, processors, and manufacturers shall comply with the pasteurized milk ordinance and follow the standards set by the "Procedures Governing the Cooperative State-Public Health Service Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, ~~2019~~2023 Revision".

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 83

HOUSE BILL NO. 1131

(Representatives Holle, VanWinkle, Conmy, Fisher, Hauck, Hendrix, Toman, J. Olson)
(Senators Myrdal, Schaible, Van Oosting, Weston)

AN ACT to amend and reenact section 4.1-25-40.1 of the North Dakota Century Code, relating to the sale of raw milk products; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-25-40.1 of the North Dakota Century Code is amended and reenacted as follows:

4.1-25-40.1. Sale of raw milk or raw milk products directly to a consumer - Prohibitions - Exemptions.

1. A farm may sell raw milk or raw milk products directly to the end consumer in this state for personal consumption.
2. A farm may not sell raw milk or raw milk products to a wholesaler or retail store for mass consumption under this chapter. The seller ~~shall only~~ may not sell raw milk ~~within~~ or raw milk products outside this state. The sale may not involve interstate commerce. Raw milk or raw milk products may not be donated.
3. A farm selling raw milk or raw milk products under the provisions of this section is not subject to any other provision of this chapter, chapters 4.1-05, 4.1-26, 19-02.1, or 23-9, or title 64.
4. A farm selling raw milk or raw milk products shall label the products as "raw milk" or "made with raw milk".

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 84

SENATE BILL NO. 2287

(Senators Erbele, Klein, Lemm)
(Representatives Fisher, Grueneich, Hauck)

AN ACT to amend and reenact section 4.1-28-02 of the North Dakota Century Code, relating to the authority to transact business associated with video livestock auction markets; and to repeal sections 4.1-28-03 and 4.1-28-04 of the North Dakota Century Code, relating to licensing and fees for video livestock auction market representatives.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-28-02 of the North Dakota Century Code is amended and reenacted as follows:

4.1-28-02. Video livestock auction market and internet auction - Authority to transact business.

A video livestock auction market or internet livestock auction market may not transact business in this state unless the market transacts business through a representative ~~licensed under this chapter~~.

SECTION 2. REPEAL. Sections 4.1-28-03 and 4.1-28-04 of the North Dakota Century Code are repealed.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 85

HOUSE BILL NO. 1085

(Agriculture Committee)

(At the request of the Agriculture Commissioner)

AN ACT to amend and reenact section 4.1-31-01.1 of the North Dakota Century Code, relating to federal meat inspection regulations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-31-01.1 of the North Dakota Century Code is amended and reenacted as follows:

4.1-31-01.1. Federal meat inspection regulations.

All federal meat and poultry inspection regulations effective as of ~~October 19, 2022~~ July 3, 2024, as provided under title 9, Code of Federal Regulations, parts 301-320, 325, 329, 381, 391, 416-418, 424, 430, 441, 442, and 500, but excluding parts 307.5 and 381.38, are incorporated by reference and made a part of this title.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 86

SENATE BILL NO. 2086

(Agriculture and Veterans Affairs Committee)
(At the request of the Agriculture Commissioner)

AN ACT to create and enact a new section to chapter 4.1-33 of the North Dakota Century Code, relating to pesticide certification standards; and to amend and reenact sections 4.1-33-01 and 4.1-33-03, subdivision b of subsection 1 of section 4.1-33-12, section 4.1-33-13, subsection 1 of section 4.1-33-16, and subsection 5 of section 4.1-33-20 of North Dakota Century Code, relating to pesticide control.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-33-01 of the North Dakota Century Code is amended and reenacted as follows:

4.1-33-01. Definitions.

As used in this chapter:

1. "Animal" means ~~all~~ vertebrate and invertebrate species, including humans and other mammals, birds, fish, and shellfish.
2. "Antimicrobial pesticide" means a substance or mixture of substances intended for preventing, destroying, repelling, suppressing, or mitigating the growth of micro-organisms, including bacteria, viruses, and fungi on inanimate objects and surfaces.
3. "Applicator" means ~~any~~ a person who applies a pesticide to land.
4. "Certified applicator" means ~~any~~ an individual who is certified under this chapter to purchase or use a restricted use pesticide.
5. "Commercial applicator" means a person who, by contract or for hire, engages in the business of applying pesticides for compensation.
6. "Defoliant" means ~~any~~ a substance or mixture of substances intended to cause the leaves or foliage to drop from a plant, with or without causing abscission.
7. "Desiccant" means ~~any~~ a substance or mixture of substances intended to artificially accelerate the drying of plant tissue.
8. "Device" means ~~any~~ an instrument or contrivance, other than a firearm, which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than human and other than bacteria, virus, or other micro-organism on or in living humans or other living animals, but not including equipment used for the application of pesticides when sold separately from pesticide.
9. "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver, or supply pesticides in ~~this~~ the state.

10. "Environment" includes water, air, land, and all plants ~~and~~ humans, and other animals living ~~thereinthere~~, and the interrelationships ~~that existexisting~~ among them.
11. "Equipment" means ~~anya~~ type of ground, water, or aerial equipment or contrivance using motorized, mechanical, or pressurized power and used to apply ~~anya~~ pesticide on land and anything that may be growing, inhabiting, or stored on or in that land. The term does not include ~~anya~~ pressurized hand-held household apparatus used to apply ~~anya~~ pesticide, or ~~any~~ equipment or contrivance of which the individual who is applying the pesticide is the source of power or energy to make the pesticide application.
12. "Fungus" means ~~anya~~ non-chlorophyll-bearing thallophytes, that is, ~~anya~~ non-chlorophyll-bearing plant of a lower order than mosses and liverworts as, for example, rust, smut, mildew, mold, yeast, and bacteria, except ~~thosefungus~~ on or in living humans or other living animals, and except ~~thosefungus~~ on or in processed food, beverages, or pharmaceuticals.
13. "Insect" means ~~anyone~~ of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class of insecta, comprising six-legged, usually winged forms, and to other allied classes of arthropods ~~whosefor which~~ members are wingless and usually have more than six legs.
14. "Label" means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of ~~its~~the pesticide or device's containers or wrappers.
15. "Labeling" means the label and ~~all~~ other written, printed, or graphic matter:
 - a. Accompanying the pesticide or device; or
 - b. To which reference is made on the label or in literature accompanying or referring to the pesticide, except when accurate nonmisleading references are made to current official publications of the board, the United States environmental protection agency, the United States departments of agriculture and interior, the United States department of health and human services, state agricultural colleges, and other similar federal or state institutions or agencies authorized by law to conduct research in the field of pesticides.
16. "Land" means ~~all~~ land and water areas, including airspace, and ~~all~~ plants, animals, structures, buildings, contrivances, and machinery, appurtenant to or situated on land, fixed or mobile, including any used for transportation.
17. "Nematode" means an invertebrate ~~animalsanimal~~ of the phylum nemathelminthes, and class nematoda, i.e., unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts, may also be called nemas or eelworms.
18. "Pest" means ~~anyan~~ insect, rodent, nematode, fungus, or weed; or ~~any~~ other form of terrestrial or aquatic plant or animal life, viruses, bacteria, or other micro-organism, except viruses, bacteria, or other micro-organisms on or in living humans or other living animals.

19. "Pesticide" means:
- ~~Any~~A substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and
 - ~~Any~~A substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
20. "Pesticide certification standards" means the requirements under title 40, Code of Federal Regulations, sections 171.101 through 171.107, as those sections existed on January 4, 2017.
21. "Pesticide dealer" means ~~any~~a person, other than a pesticide wholesaler, distributing pesticides.
- ~~24-22.~~ "Plant regulator" means ~~any~~a substance or mixture of substances intended, through physiological action, to accelerate or retard the rate of growth or rate of maturation, or to otherwise alter the behavior of plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.
- ~~22-23.~~ "Private applicator" means an individual who is required to be a certified applicator to buy or use a restricted use pesticide on property owned or rented by the applicator or the applicator's employer or, if applied without compensation other than trading of personal services between producers of agricultural commodities, on the property of another person.
- ~~23-24.~~ "Public applicator" means an applicator who applies pesticides, other than ready-to-use pesticides, as an employee of:
- A governmental agency, municipal corporation, or public utility; or
 - A hospital, privately owned golf course, nursery, or greenhouse.
- ~~24-25.~~ "Ready-to-use pesticide" means a pesticide other than a restricted use pesticide which is applied directly from its original container consistent with label directions, and includes aerosol spray cans, ready-to-use spray containers, bait packs, and other types of containers that do not require mixing or loading before application.
- ~~25-26.~~ "Restricted use pesticide" means ~~any~~a pesticide formulation ~~that is~~ classified as restricted use by the United States environmental protection agency or the agriculture commissioner under section 4.1-34-06.
- ~~26-27.~~ "Rinsate" means a diluted mixture of pesticide obtained from triple rinsing or pressure rinsing pesticide containers or from rinsing the inside and outside of spray equipment.
- ~~27-28.~~ "Tank mix" means ~~any~~a pesticidal formulation used alone or in combination with another pesticide and mixed with a liquid carrier prior to application.
- ~~28-29.~~ "Unreasonable adverse effects on the environment" means ~~any~~an unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide.

~~29-30.~~ "Weed" means ~~any~~a plant that grows where not wanted.

~~30-31.~~ "Wildlife" means ~~all~~ living things that are ~~neither~~not human, domesticated, ~~nor~~, as defined in this chapter, pests, including mammals, birds, and aquatic life.

SECTION 2. A new section to chapter 4.1-33 of the North Dakota Century Code is created and enacted as follows:

Standards for pesticide certification.

The pesticide certification standards as defined under section 4.1-33-01, are incorporated by reference and made part of this chapter.

SECTION 3. AMENDMENT. Section 4.1-33-03 of the North Dakota Century Code is amended and reenacted as follows:

4.1-33-03. Pesticide control board to administer chapter and adopt rules.

1. a. The pesticide control board shall administer this chapter and may adopt rules under chapter 28-32 to implement this chapter. The rules may prescribe methods to be used in the application of pesticides. The rules may relate to the time, place, manner, methods, materials, and amounts and concentrations, in connection with the application of the pesticide, and may restrict or prohibit use of pesticides in designated areas during specified periods of time and ~~shall~~must encompass all reasonable factors ~~which that~~ the board deems necessary to prevent damage or injury by drift or misapplication to:
 - (1) Plants, including forage plants, on adjacent or nearby lands.
 - (2) Wildlife in the adjoining or nearby areas.
 - (3) Fish and other aquatic life in waters in proximity to the area to be treated.
 - (4) Persons, animals, or beneficial insects.
- b. In adopting rules, the board shall give consideration to pertinent research findings and recommendations of other agencies of ~~this~~the state, ~~the~~ federal government, or other reliable sources.
2. In adopting rules under this chapter, the board shall prescribe standards and requirements for the certification of applicators of pesticides. ~~These~~The standards and requirements must relate to the use and handling of pesticides. In determining ~~these~~the standards and requirements, the board shall ~~take into consideration~~adopt standards and requirements prescribed by the United States environmental protection agency in the pesticide certification standards.
3. Rules adopted under this chapter may not permit any pesticide use that is prohibited by the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.] or regulations or orders issued thereunder.
4. To comply with the pesticide certification standards and the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.], the board ~~may~~shall make reports to the United States environmental protection agency in the form and containing the information as ~~that~~the agency requires.

5. Rules to implement this chapter may provide for:
- The collection, examination, and reporting of samples of pesticides.
 - The safe handling, transportation, storage, display, distribution, and disposal of pesticides and pesticides containers.
 - The identification of pests under this chapter ~~when~~ if the board finds particular organisms to be annoying or otherwise injurious or harmful to agriculture, health, and the environment.

SECTION 4. AMENDMENT. Subdivision b of subsection 1 of section 4.1-33-12 of the North Dakota Century Code is amended and reenacted as follows:

- An individual who would be a private applicator, if certified, may not use any restricted use pesticide unless the individual:
 - Complies with the certification requirements established by the board; or
 - Is under the direct supervision of a certified applicator while applying a restricted use herbicide.

SECTION 5. AMENDMENT. Section 4.1-33-13 of the North Dakota Century Code is amended and reenacted as follows:

4.1-33-13. Unlawful acts —~~Grounds~~ and grounds for denial, suspension, or revocation of a certification.

- It is a violation of this chapter for ~~any~~ a person to:
 - ~~1.~~ a. Make false or fraudulent claims through any media, misrepresenting the effect of materials or methods to be utilized, or advertise a pesticide without reference to its classification.
 - ~~2.~~ b. Make a pesticide recommendation, application, or use inconsistent with the labeling or other restrictions prescribed by the board.
 - ~~3.~~ c. Apply materials known by that person to be ineffective or improper.
 - ~~4.~~ d. Operate faulty or unsafe equipment.
 - ~~5.~~ e. Operate in a faulty, careless, or negligent manner.
 - ~~6.~~ f. Neglect or, after notice, refuse to comply with this chapter, the rules adopted to implement this chapter, or any lawful order of the commissioner.
 - ~~7.~~ g. Refuse or neglect to keep and maintain the records required by this chapter or to make reports when and as required.
 - ~~8.~~ h. Make false or fraudulent records, invoices, or reports.
 - ~~9.~~ i. Apply pesticide to the property of another, without the permission of the owner or lessee, unless the application is made under the direction of a governmental entity.

- 40. j. Use fraud or misrepresentation in making an application for, or for renewal of, certification.
 - 41. k. Refuse or neglect to comply with any limitations or restrictions on or in a duly issued certification.
 - 42. l. Aid or abet a person to evade this chapter, conspire with a person to evade this chapter, or allow the person's certification to be used by another person.
 - 43. m. Knowingly make false statements during or after an inspection or an investigation.
 - 44. n. Impersonate a federal, state, county, or city inspector or official.
 - 45. o. Distribute any restricted use pesticide to any person who is not properly certified to use or purchase the pesticide.
 - 46. p. Buy, use, or supervise the use of any pesticide without first complying with the certification requirements of this chapter, unless otherwise exempted.
 - 47. q. Apply any pesticide that is not registered under chapter 4.1-34.
2. A certification issued under this chapter may be denied, removed, or suspended if a person:
- a. Receives a criminal conviction under section 136l of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.];
 - b. Is subject to a final order imposing a civil penalty under section 136l of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.]; or
 - c. Is subject to a concluded enforcement action for a violation of state law or regulation relating to pesticide use.

SECTION 6. AMENDMENT. Subsection 1 of section 4.1-33-16 of the North Dakota Century Code is amended and reenacted as follows:

1. The certification requirements of this chapter do not apply to an individual applying nonrestricted use pesticides under the direct supervision of a private or commercial applicator, unless the pesticide label requires that a certified applicator personally apply the pesticide. A pesticide is applied under the direct supervision of a private or commercial applicator if the pesticide is applied by an individual acting under the instruction and control of a certified applicator who is physically available if needed. The certified applicator need not be present when the pesticide is applied. Direct supervision with respect to applications using aircraft requires that the pilot of the aircraft be appropriately certified. The certification requirements of this chapter do not apply to a competent person applying a restricted use ~~pesticides~~herbicide under the direct supervision of a private applicator, unless the ~~pesticide~~herbicide label requires that a certified applicator personally apply the particular ~~pesticide~~herbicide. ~~A pesticide~~An herbicide is deemed to be applied under the direct supervision of a private applicator if it is applied by a competent person acting under the instruction and control of a private applicator who is available if ~~and when~~ needed, even though the private applicator is not physically present at the time and place ~~that the pesticide~~herbicide is applied.

SECTION 7. AMENDMENT. Subsection 5 of section 4.1-33-20 of the North Dakota Century Code is amended and reenacted as follows:

5. After providing an opportunity for a hearing, the commissioner may deny, suspend, revoke, or modify the provision of any certification issued under this chapter, if the commissioner determines that the applicant for certification or the holder of a certificate has violated this chapter or any rules adopted under this chapter, or has a criminal conviction subject to a final order imposing a civil penalty under section 136l of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.].

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 87

HOUSE BILL NO. 1551

(Representatives Headland, Beltz, Holle, Brandenburg)
(Senators Cory, Erbele, Wanzek)

AN ACT to create and enact a new chapter to title 4.1 of the North Dakota Century Code, relating to regulation of biostimulants and beneficial substances; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 4.1 of the North Dakota Century Code is created and enacted as follows:

Definitions.

1. "Beneficial substance" means a substance or compound, which includes a plant amendment, plant biostimulant, plant inoculant, soil amendment, soil inoculant, and other chemical or biological materials benefiting the growing environment of plants demonstrated by scientific research to be beneficial to one or more species of plants, soils, or media. The term does not include a primary, secondary, or microplant nutrient or pesticides.
2. "Brand" means a term, designation, trademark, product name, or other specific designation under which an individual beneficial substance is offered for sale.
3. "Bulk" means products in nonpackaged form.
4. "Distribute" means to import, consign, manufacture, produce, compound, mix, or blend beneficial substances, or offer for sale, sell, barter, or otherwise supply beneficial substances in the state.
5. "Distributor" means a person that imports, consigns, manufactures, produces, compounds, mixes, or blends beneficial substances, or offers for sale, sells, barter, or otherwise supplies beneficial substances in the state.
6. "Label" means the display of all written, printed, or graphic matter upon the immediate container or statement accompanying a beneficial substance.
7. "Labeling" means informational materials advertising the sale of a beneficial substance, which includes a written, printed, graphic, or electronic communication.
8. "Official sample" means any sample of a beneficial substance taken by the commissioner or the commissioner's agent and designated as official by the commissioner.
9. "Person" means an individual or organization.

10. "Plant amendment" means a substance applied to a plant or seed intended to improve growth, yield, product quality, reproduction, flavor, or other favorable characteristics of plants. The term does not include fertilizers, soil amendments, agricultural liming materials, animal and vegetable manure, pesticides, plant regulators, and other materials which may be exempt by regulation.
11. "Plant biostimulant" means a substance or micro-organism that, when applied to seeds, plants, the rhizosphere, soil, or other growth media, supports a plant's natural nutrition processes independently of the biostimulant's nutrient content, which ultimately improves nutrient availability, uptake, or use efficiency; tolerance to abiotic stress; and consequent growth, development, quality, or yield.
12. "Plant inoculant" means a product consisting of micro-organisms applied to a plant or soil to enhance the availability or uptake of plant nutrients through the root system.
13. "Registrant" means the person that registers the beneficial substance that bears the person's company name on the label and is the guarantor.
14. "Soil amendment" means any substance or a mixture of substances which is intended to improve the physical, chemical, biochemical, biological, or other characteristic of the soil. The term does not include fertilizers, agricultural liming materials, unmanipulated animal manures, unmanipulated vegetable manures, pesticides, and other materials exempt by regulation.
15. "Soil inoculant" means a microbial product applied to colonize soil to benefit soil chemistry, biology, or structure.

Required labeling.

1. Except for materials exempt under this chapter, the label on a beneficial substance must contain in a readable and conspicuous form:
 - a. The brand, including the product name;
 - b. The net weight or net volume in both customary and metric measurements;
 - c. The name and address of the guarantor, registrant, and manufacturer;
 - d. A statement identifying the purpose of the product;
 - e. The directions for use; and
 - f. A statement of composition showing the amount of each ingredient under the heading "CONTAINS BENEFICIAL SUBSTANCES", which is the agent in a product primarily responsible for the intended effects, containing the:
 - (1) Name and percentage of each beneficial substance and the ingredient source if applicable;
 - (2) Genus and species of the micro-organism, if applicable; and

- (3) Specific measurement of the colony forming unit or other acceptable unit.
2. For a product claiming micro-organisms, the labels must include the:
- Information required under subsection 1;
 - Expiration date for use; and
 - Appropriate storage conditions and practices.
3. If an ingredient not presently defined by the American association of plant food control officials in the United States is used in a beneficial substance, the label must include efficacy data to support beneficial substance ingredient claims.
4. If a beneficial substance is part of a bulk shipment, the information provided under subsection 1 must accompany delivery and be supplied to the purchaser at the time of delivery.

Distributor's license - Fees.

- A person may not distribute a beneficial substance in this state without first obtaining a distributor's license from the commissioner.
- A license is required for each location or mobile mechanical unit used by a distributor in the state.
- The application for a license must be submitted on a form furnished by the commissioner and must be accompanied by a fee of one hundred dollars.
- A license is effective for a two-year period beginning July first and ending June thirtieth of each even-numbered year.
- A license renewal application received after July thirty-first must be assessed a penalty of one hundred dollars per location.
- A license issued under this section:
 - Is not transferable;
 - Must be conspicuously posted at each location used by the distributor; and
 - Must be carried in each mobile mechanical unit operated by the distributor in the state.
- The commissioner shall forward all fees received under this section to the state treasurer for deposit in the environment and rangeland protection fund.

Product registration - Fees.

- Each brand of a beneficial substance must be registered in the name of the person appearing on the label before being offered for sale or distributed in this state.
- The application for registration must be submitted to the commissioner on a form furnished by the commissioner and must be accompanied by a:

- a. Current product label; and
- b. Fee of fifty dollars per product.
3. Each brand registration is effective for a two-year period beginning July first and ending June thirtieth of each even-numbered year.
4. A request for a registration renewal received after July thirty-first must be assessed a penalty of one hundred dollars per product.
5. A distributor is not required to register a product listed in subsection 1 if that product is already registered by another person, provided the label complies with the issued registration.
6. The commissioner shall forward all fees received under this section to the state treasurer for deposit in the environment and rangeland protection fund.

Inspection fee.

1. An inspection fee of ten dollars or twenty cents per ton [907.18 kilograms], whichever is greater, must be paid to the commissioner on a beneficial substance distributed in this state.
2. This subsection does not apply to:
 - a. Exchanges of product between a manufacturer and distributor; or
 - b. An individual beneficial substance sold exclusively in a package of ten pounds [4.54 kilograms] or less.
3. On or before January thirty-first, each licensed person that distributes a beneficial substance in this state shall:
 - a. File with the commissioner a form stating the number of net tons [kilograms] of each listed product distributed in this state during the preceding calendar year; and
 - b. Submit to the commissioner the inspection fee required by this section.
4. If a person fails to submit an inspection fee, at the time and in the manner required by this section, the commissioner may impose a penalty of ten dollars or ten percent of the amount due, whichever is greater. The requirements of subsection 3 apply only to the last licensed person to handle the same lot of a beneficial substance.
5. Each distributor shall keep records regarding purchases and sales for three years. The records may be examined by the commissioner upon request.
6. The commissioner shall forward all fees received under this section to the state treasurer for deposit in the environment and rangeland protection fund.

Exemptions.

1. When clearly and conspicuously identified on a label, soil amending materials under this subsection are exempt, which include:

- a. Hay;
 - b. Straw;
 - c. Peat;
 - d. Leaf mold;
 - e. Sand;
 - f. Perlite;
 - g. Vermiculite;
 - h. Gypsum; and
 - i. Vermicompost.
2. Instead of a statement of composition as required in this chapter, the label of the following soil amendments when clearly and conspicuously identified on the label must include an ingredient statement, unless specific beneficial substance claims are made:
- a. Compost;
 - b. Garden soil;
 - c. Landscaping soil or topsoil;
 - d. Mulch or wood products;
 - e. Planting mix;
 - f. Potting mix; and
 - g. Soilless growing media.
3. The commissioner may exempt soil amendments and other products under this chapter.

Cancellation of registration.

1. The commissioner may cancel the registration of any beneficial substance product or refuse to register any beneficial substance product as provided in this chapter due to:
- a. An incomplete or insufficient registration application;
 - b. The misbranding or adulteration of a beneficial substance; or
 - c. A violation of this chapter or rules adopted under this chapter.
2. If the commissioner cancels or refuses to renew an existing registration due to the misbranding or adulteration of a beneficial substance or due to a violation of this chapter or a rule adopted under this chapter, the registrant or applicant may request a hearing.

Inspection, sampling, and analysis.

1. The commissioner may act through an authorized agent to sample, inspect, make analyses of, and test beneficial substances distributed within the state when it is necessary to determine if a beneficial substance complies within the provisions of this chapter. The commissioner may enter into or upon any point of distribution during operating hours upon notice and open and sample any bulk material, bundle, package, or other container containing or thought to contain a beneficial substance, and to inspect labels or access records pertaining to the distribution of the beneficial substance.
2. The methods of analysis and sampling must be methods approved by the commissioner, including methods adopted by the journal of the association of agricultural chemists international.
3. A single package may constitute an official sample. In determining whether a beneficial substance is deficient, the commissioner may consider only the analysis of the official sample.
4. If the results of the commissioner's official analysis indicate a beneficial substance may be the subject of a penalty or other legal action, the commissioner shall forward the analysis to the registrant at least ten days before the report is submitted to the purchaser. If during the ten-day period, no adequate evidence to the contrary is made available to the commissioner by the registrant, the report becomes official.
5. The commissioner shall retain an official sample found to be deficient for thirty days following the issuance of the analytical report.
6. Upon request, the commissioner shall furnish to the registrant a portion of a sample found to be the subject of a penalty or other legal action.

Unlawful acts.

It is unlawful for a person to:

1. Distribute an unregistered beneficial substance, unless exempt from the registration requirements of this section;
2. Distribute a misbranded or adulterated beneficial substance;
3. Distribute a beneficial substance if the label does not reflect its composition;
4. Distribute a product as a beneficial substance if the sole function is to serve as a pesticide;
5. Fail to supply the commissioner with an analysis of a beneficial substance when requested by the commissioner or the commissioner's designee;
6. Fail to disclose on the label sources of potentially deleterious components;
7. Fail to cease distribution of any beneficial substance for which the commissioner has issued a stop sale order; or
8. Obstruct the commissioner in the performance of the duties under this chapter.

Misbranding of beneficial substance prohibited.

A person may not distribute a misbranded beneficial substance. A beneficial substance is deemed to be misbranded if the:

1. Labeling is false or misleading;
2. Beneficial substance is distributed under the name of another beneficial substance; and
3. Beneficial substance is not labeled as required by this chapter or in accordance with regulations prescribed under this chapter.

Adulteration of a beneficial substance prohibited.

A person may not distribute an adulterated beneficial substance. A beneficial substance is deemed to be adulterated if the beneficial substance:

1. Contains any deleterious or harmful substance in sufficient amount to render it injurious to beneficial plant life, animals, humans, aquatic life, soil, or water when applied in accordance with directions for use on the label;
2. Does not provide on the label of the substance adequate warning statements and directions for use, which may be necessary to protect plant life, animals, humans, aquatic life, soil, or water;
3. Composition falls below or differs from that which it is purported to possess by its label or any labeling which describes the composition of the beneficial substance; or
4. Contains unwanted crop or weed seed, or primary noxious or secondary noxious weed seed.

Stop sale order.

If the commissioner finds the beneficial substance product is being offered or exposed for sale in violation of this chapter, the commissioner may issue an order to stop the sale or use to the owner or custodian of any product containing beneficial substances. The order must remain in effect until the commissioner:

1. Determines the law has been complied with;
2. Gives written authorization for the disposal of the product; or
3. Gives written authorization for the product to be offered for sale.

Penalties.

1. Any person that knowingly violates this chapter is guilty of a class A misdemeanor.
2. When construing and enforcing the provisions of this chapter, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person must be deemed also to be the act, omission, or failure of the person or the employed person.

3. A person that violates this chapter or the rules adopted under this chapter is subject to a civil penalty not to exceed two thousand five hundred dollars per violation. The civil penalty may be imposed by a court in a civil proceeding or by the agriculture commissioner through a proceeding under chapter 28-32. The assessment of a civil penalty does not preclude the imposition of other sanctions authorized by law, this chapter, or rules adopted under this chapter.
4. After the hearing, the commissioner may deny, suspend, revoke, or modify the provision of a certification issued under this chapter, if the commissioner determines the applicant for certification or the holder of a certificate has violated this chapter or a rule adopted under this chapter.

Rules.

The commissioner may adopt rules under chapter 28-32 to to effectuate the provisions of this chapter.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 88

HOUSE BILL NO. 1526

(Representatives Nelson, Berg, Brown, Schreiber-Beck, Weisz)
(Senators Klein, Thomas)

AN ACT to amend and reenact subsection 11 of section 4.1-41-01 and section 4.1-41-05 of the North Dakota Century Code, relating to pet food registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 11 of section 4.1-41-01 of the North Dakota Century Code is amended and reenacted as follows:

11. "Labeling" means the written, printed, or graphic information accompanying the distribution of commercial feed or customer-formula feed, including promotional materials distributed to market the feed and statements and promotions through radio, television, or internet interface, or on an organization's website.

SECTION 2. AMENDMENT. Section 4.1-41-05 of the North Dakota Century Code is amended and reenacted as follows:

4.1-41-05. Pet food - Specialty pet food - Registration - Exemption - Penalty.

1. Before being distributed in this state, each pet food product and each specialty pet food product must be registered with the commissioner. This requirement does not apply to a distributor, provided the pet food or specialty pet food is registered by another person.
2. To register and renew pet food and specialty pet food, a person shall submit:
 - a. An application form at the time and in the manner required by the commissioner; ~~and~~
 - b. A fee in the amount of one hundred ~~twenty~~ dollars per product manufactured out-of-state; and
 - c. A fee in the amount of fifty dollars per product manufactured in the state.
3. ~~To renew a registration required by this section, a person shall submit:~~
 - a. ~~An application form at the time and in the manner required by the commissioner; and~~
 - b. ~~A fee in the amount of one hundred dollars per product.~~
4. A registration issued under this section is valid during the period beginning on January first of an even-numbered year and ending on December thirty-first of the ensuing odd-numbered year.

- ~~5-4.~~ If a person fails to renew a registration within thirty-one days of its expiration, that person must apply for an initial registration.
- ~~6-5.~~ Upon approving an application for an initial registration or a renewed registration, the commissioner shall furnish a certificate of registration to the applicant. A certificate of registration is not transferable.
- ~~7-6.~~ Any person violating this section is subject to a penalty of twenty-five dollars for each product that must be registered.
- ~~8-7.~~ A person is exempt from this section if the person:
- a. Is a resident of this state;
 - b. Produces pet food in a noncommercial kitchen;
 - ~~b-c.~~ Sells the pet food directly to the end consumer at a community event or farmer's market; and
 - ~~c-d.~~ Does not use meat, poultry, fish, or their byproducts as an ingredient in the product.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 89

SENATE BILL NO. 2087

(Agriculture and Veterans Affairs Committee)
(At the request of the Agriculture Commissioner)

AN ACT to amend and reenact section 4.1-72-05 and subdivision f of subsection 2 of section 36-01-36 of the North Dakota Century Code, relating to the administration of the premises identification program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-72-05 of the North Dakota Century Code is amended and reenacted as follows:

4.1-72-05. ~~Animal~~Premises identification program - Administration.

The North Dakota stockmen's association shall serve as ~~the state's~~ a state administrator and allocator for that portion of any federally sponsored ~~animal~~ premises identification program which pertains to cattle, horses, and mules.

SECTION 2. AMENDMENT. Subdivision f of subsection 2 of section 36-01-36 of the North Dakota Century Code is amended and reenacted as follows:

- f. The disclosure is to provide the North Dakota stockmen's association with information ~~pursuant to~~ under section 4.1-72-05.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 90

SENATE BILL NO. 2139

(Senators Patten, Erbele, Wanzek)
(Representatives Brandenburg, Kempenich)

AN ACT to amend and reenact section 4.1-73-14 of the North Dakota Century Code, relating to the fees for recording and rerecording livestock brands.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-73-14 of the North Dakota Century Code is amended and reenacted as follows:

4.1-73-14. Recording and rerecording brands - Fee.

Each application for recording or rerecording a brand must be accompanied by a fee ~~in the amount of twenty-five~~ fifty dollars.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 91

SENATE BILL NO. 2085

(Agriculture and Veterans Affairs Committee)
(At the request of the Agriculture Commissioner)

AN ACT to create and enact a new chapter to title 4.1 of the North Dakota Century Code, relating to participation in the United States swine health improvement plan by the agriculture commissioner.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 4.1 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter, "swine" means domestic swine raised for breeding, feeding, or slaughter.

Purposes - Duties.

The commissioner shall:

1. Serve on behalf of the department as the official state agency to cooperate with the veterinary services program of the animal plant health inspection services division of the United States department of agriculture, to further the objectives of the state and to supervise the state's participation in the United States swine health improvement plan.
2. Promote the welfare and improvement of the swine industry and the marketing of swine and swine products within the state.
3. Adopt rules under chapter 28-32 as necessary to effectuate the purposes of this chapter.

Approved March 17, 2025

Filed March 18, 2025

ALCOHOLIC BEVERAGES

CHAPTER 92

HOUSE BILL NO. 1466

(Representatives Dockter, Berg, O'Brien, Toman)
(Senators Larson, Mathern)

AN ACT to amend and reenact sections 5-01-01 and 5-01-19.1, and subsection 2 of section 5-01-19.2 of the North Dakota Century Code, relating to the definitions of a domestic and manufacturing distillery and satellite locations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 5-01-01 of the North Dakota Century Code is amended and reenacted as follows:

5-01-01. Definitions.

In this title:

1. "Alcohol" means neutral spirits distilled at or above one hundred ninety degrees proof, whether or not such product is subsequently reduced, for nonindustrial use.
2. "Alcoholic beverages" means any liquid suitable for drinking by human beings, which contains one-half of one percent or more of alcohol by volume.
3. "Beer" means any malt beverage containing one-half of one percent or more of alcohol by volume and includes an alcoholic beverage made by the fermentation of malt substitutes, including rice, grain of any kind, glucose, sugar, or molasses, which has not undergone distillation.
4. "Bottle or can" means any container, regardless of the material from which made, having a capacity less than a bulk container for use for the sale of malt beverages at retail.
5. "Direct shipper" means a person that is licensed by the commissioner and ships or causes to be shipped alcoholic beverages directly into this state to a consumer for the consumer's personal use and not for resale.
6. "Distilled spirits" means any alcoholic beverage that is not beer, wine, sparkling wine, or alcohol.
7. "Domestic distillery" means a distillery that produces twenty-five thousand gallons [94635 liters] or fewer of distilled spirits per year.
8. "In bulk" means in containers having a capacity not less than one-sixth barrel for use for the sale of malt beverages at retail.

- ~~8-9.~~ "Licensed alcohol carrier" means a person licensed to transport or deliver alcoholic beverages to a consumer without first having the alcoholic beverage delivered through a wholesaler licensed in this state.
- ~~9-10.~~ "Licensed logistics shipper" means a person that provides fulfillment house services, including warehousing, packaging, distribution, order processing, or shipment of alcoholic beverages on behalf of a licensed direct shipper and by way of a licensed alcohol carrier.
- ~~40-11.~~ "Licensed premises" means the premises on which beer, liquor, or alcoholic beverages are normally sold or dispensed and must be delineated by diagram or blueprint which must be included with the license application or the license renewal application.
- ~~44-12.~~ "Liquor" means any alcoholic beverage except beer.
- ~~42-13.~~ "Local governing body" means the governing entity of a city, county, or federally recognized Indian tribe in this state.
- ~~43-14.~~ "Local license" means a city, county, or tribal retail alcoholic beverage license issued by the appropriate local governing body.
15. "Manufacturing distillery" means a distillery that produces forty thousand gallons [151416 liters] or fewer of distilled spirits per year.
- ~~44-16.~~ "Microbrew pub" means a brewer that brews ten thousand or fewer barrels of beer per year and sells beer produced or manufactured on the premises for consumption on or off the premises or serves beer produced or manufactured on the premises for purposes of sampling the beer.
- ~~45-17.~~ "Organization" means a domestic or foreign corporation, general partnership, limited partnership, or limited liability company.
18. "Satellite location" means an offsite location owned or leased by a manufacturing distillery to conduct retail operations.
- ~~46-19.~~ "Sparkling wine" means wine made effervescent with carbon dioxide.
- ~~47-20.~~ "Supplier" means an alcoholic beverage manufacturer, importer, marketer, or wholesaler selling alcoholic beverages to a wholesaler licensed in this state for purposes of resale.
- ~~48-21.~~ "Tribal licensee" means a person issued a local license by the governing body of a federally recognized Indian tribe in this state for the retail sale of alcoholic beverages within the exterior tribal reservation boundaries.
- ~~49-22.~~ "Twenty-one years of age" means it is after eight a.m. on the date twenty-one years after a person's date of birth.
- ~~20-23.~~ "Wine" means the alcoholic beverage obtained by fermentation of agricultural products containing natural or added sugar or such beverage fortified with brandy and containing not more than twenty-four percent alcohol by volume.

SECTION 2. AMENDMENT. Section 5-01-19.1 of the North Dakota Century Code is amended and reenacted as follows:

5-01-19.1. Direct sale by domestic distilleries.

1. A domestic distillery that produces no more than twelve thousand proof gallons [~~42000~~45425 liters] of spirits per year may sell and deliver, onsite or offsite, the spirits produced by the distillery directly to licensed retailers. The distillery may sell and deliver spirits onsite to a licensed retailer that presents the retailer's license or a photocopy of the license. The distillery may deliver the spirits offsite if the distillery:
 - a. Uses the distillery's equipment, trucks, and employees to deliver the spirits;
 - b. Contracts with a licensed distributor to ship and deliver the spirits to the retailer; or
 - c. Contracts with a common carrier to ship and deliver the spirits to the retailer directly from the distillery or the distillery's warehouse.
2. The total amount of spirits each domestic distillery may sell or deliver directly to all licensed retailers may not exceed two hundred cases per year. Individual shipments delivered by common carrier may not exceed three cases a day for each licensed retailer. A case may not exceed two and thirty-eight hundredths gallons [9 liters].
3. As used in this section, "proof gallon" means a gallon [~~3.783.79~~ liters] of liquid at sixty degrees Fahrenheit [15.5 degrees Celsius] which contains fifty percent ethyl alcohol by volume or its equivalent.

SECTION 3. AMENDMENT. Subsection 2 of section 5-01-19.2 of the North Dakota Century Code is amended and reenacted as follows:

2. A manufacturing distillery may sell spirits produced by that distillery at off sale, in retail lots, and not for resale, and may sell or direct ship its spirits to persons inside or outside the state in a manner consistent with the laws of the place of the sale or delivery in total quantities not in excess of ~~twenty-five thousand~~forty thousand gallons [~~94635~~151416 liters] in a calendar year.
 - a. Direct sales within this state are limited to two and thirty-eight hundredths gallons [9 liters] or less per month per person for personal use and not for resale. The packaging must conform with the labeling requirements in section 5-01-16. A licensee may dispense free samples of the spirits offered for sale. Subject to local ordinance, sales at off sale may be made on Sundays between twelve noon and twelve midnight.
 - b. A manufacturing distillery may hold events inside its premises and at its satellite location. The tax commissioner may issue event permits for not more than forty event days per calendar year to a manufacturing distillery to allow the manufacturing distillery, subject to local ordinance, to give free samples of its product and to sell its product by the glass or in closed containers at ~~on-premises events~~ on the premises, off the premises, and at its satellite location.
 - c. A manufacturing distillery may not engage in any wholesaling activities. Except as provided by section 5-01-19.1, all sales and deliveries of spirits to any other retail licensed premises in this state may be made only through a licensed North Dakota liquor wholesaler. However, a

manufacturing distillery may sell distilled spirits to a domestic winery if the distilled spirits were produced from products provided to the manufacturing distillery by the domestic winery.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 93

HOUSE BILL NO. 1375

(Representatives Koppelman, D. Ruby, Grueneich, Headland, Kasper, Schatz,
Steiner, Vetter)
(Senators Magrum, Paulson)

AN ACT to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to a licensed premises serving alcohol and refusal to furnish a photo identification; to amend and reenact section 5-02-10 of the North Dakota Century Code, relating to the time frame to file a complaint against a licensed retailer of alcoholic beverages; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 5-02 of the North Dakota Century Code is created and enacted as follows:

Evidence of an individual under twenty-one years of age in a licensed premises - Proof of identification - Refusal - Penalty.

1. If a peace officer has reasonable and articulable suspicion that an individual under the age of twenty-one is in a licensed premises for a purpose prohibited under section 5-02-06, the peace officer may request the individual to furnish a nondriver photo identification card or an operator's license to verify the individual's age.
2. An individual who refuses to provide proof of identification upon request is guilty of an infraction.
3. If an individual charged with an infraction under this section produces a nondriver photo identification card or an operator's license before the final disposition of the infraction establishing the individual was twenty-one years of age or older at the time of the peace officer's request to furnish identification, the prosecuting attorney shall dismiss the infraction against the individual.

SECTION 2. AMENDMENT. Section 5-02-10 of the North Dakota Century Code is amended and reenacted as follows:

5-02-10. Hearing on alleged violations.

Any

1. If a person havinghas information that a licensed retailer of alcoholic beverages has violated any provisionsprovision of this title, the person may file with the attorney general, city attorney, or state's attorney an affidavit specifically setting forth suchexplaining the violation within fourteen days of the date of the alleged violation. Upon receipt of such
2. If a person timely files an affidavit under subsection 1, the city attorney or state's attorney shall set the matter for hearing not later than the next regular meeting of the local governing body or forward suchthe affidavit to the attorney general. Upon receipt of any such

3. If a person timely files an affidavit under subsection 1, the attorney general shall set the matter for hearing in the local county courthouse not less than ten days after copies of the affidavit and notice of hearing have been mailed to the licensee by registered mail.
4. If the hearing is held by the local governing body, a copy of ~~this~~the affidavit and notice of hearing must be mailed to the licensee by registered mail not less than five days before ~~such~~the hearing.
5. ~~A record of such hearings will be made~~hearing conducted under this section must be recorded by stenographic notes or the use of an electronic recording device.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 94

SENATE BILL NO. 2136

(Senators Klein, Barta, Kessel)
(Representatives Hagert, Warrey)

AN ACT to amend and reenact sections 5-04-02 and 5-04-14 of the North Dakota Century Code, relating to wholesaler and brewer relations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 5-04-02 of the North Dakota Century Code is amended and reenacted as follows:

5-04-02. Inducement or coercion prohibited.

~~No~~A brewer may not:

1. Induce or coerce, or attempt to induce or coerce, ~~any~~any beer wholesaler to accept delivery of ~~any~~any alcoholic beverage or ~~any~~ other commodity which has not been ordered by the beer wholesaler.
2. Induce or coerce, or attempt to induce or coerce, ~~any~~any beer wholesaler to enter ~~any~~any agreement or take ~~any~~any action that would violate ~~any~~any law or rule of this state by threatening to amend, cancel, terminate, or refuse to renew ~~any~~any agreement existing between a brewer and a beer wholesaler.
3. Require a wholesaler to assent to ~~any~~any condition, stipulation, or provision limiting the wholesaler's right to sell any other brewer's product anywhere in this state, provided the sale of another brewer's product does not materially impair the quality of service or quantity of sales of the existing brand or brands of the brewer seeking to impose the condition, stipulation, or provision.
4. Require a wholesaler to submit specific, confidential information regarding competitive brands, as a condition of renewal or continuation of an agreement.
5. Fail to provide each wholesaler of its brands with a written contract ~~which that~~ conforms to this chapter and embodies the brewer's agreement with each wholesaler.
6. Require a wholesaler to use or prohibit a wholesaler from using a business-to-business electronic commerce platform.

SECTION 2. AMENDMENT. Section 5-04-14 of the North Dakota Century Code is amended and reenacted as follows:

5-04-14. Sale of brewer.

Except for good cause, as defined by section 5-04-04, the purchase of a brewer as defined in section 5-04-01, ~~when the purchaser continues in business as a brewer,~~ shall obligate the ~~new brewer~~purchaser to all terms and conditions of the agreement

in effect on the date of purchase. "Purchase", for the purposes of this chapter, includes the sale of stock, sale of assets, merger, lease, transfer, or consolidation.

Approved March 25, 2025

Filed March 26, 2025

BANKS AND BANKING

CHAPTER 95

SENATE BILL NO. 2028

(Legislative Management)
(Government Finance Committee)

AN ACT to amend and reenact sections 6-01-01.1, 6-01-04, 6-01-10, 6-01-11, and 6-01-16 of the North Dakota Century Code, relating to the budget approval process and reports of the department of financial institutions; to provide a continuing appropriation; to provide for a report; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 6-01-01.1 of the North Dakota Century Code is amended and reenacted as follows:

6-01-01.1. Regulatory fund established - Uses - ~~Appropriation~~Continuing appropriation.

1. There is created a special fund designated as the financial institutions regulatory fund. The amounts received under the following chapters, and any other moneys received by the department of financial institutions, must be deposited into this fund: chapters 6-01, 6-03, 6-05, 6-06, 6-10, 13-04.1, 13-05, 13-08, 13-09.1, 13-10, and 13-11.
2. All moneys deposited in the financial institutions regulatory fund are reserved for use by the department of financial institutions to defray the expenses of the department in the discharge of its administrative and regulatory powers and duties as prescribed by law, subject to the applicable laws relating to ~~the appropriation of state funds and to the deposit and expenditure of state moneys.~~
3. All moneys in the financial institutions regulatory fund are appropriated on a continuing basis to the department of financial institutions to carry out its administrative and regulatory powers and duties within the limits of an annual or biennial budget approved by the state banking board and state credit union board.
4. The department of financial institutions is responsible for the proper ~~expenditures~~expenditure of these moneys as provided by law and shall document the revenues and expenditures of the fund at the time and in the manner required by the office of management and budget.
- 3-5. Any cash balance in the financial institutions regulatory fund after all current biennium expenditures are met must be carried forward in the financial institutions regulatory fund for the next succeeding biennium.

- ~~4-6.~~ All moneys derived from the investment of any portion of the financial institutions regulatory fund must be credited to the fund.

SECTION 2. AMENDMENT. Section 6-01-04 of the North Dakota Century Code is amended and reenacted as follows:

6-01-04. Powers and duties of the state banking board and state credit union board.

1. The state banking board may adopt rules for the government of financial institutions and trust companies mentioned in section 6-01-01 to the extent the rules do not conflict with any law of this state or of the United States. The state banking board shall make and enforce such orders as are necessary or proper to protect the public and the depositors or creditors of those financial institutions and trust companies.
2. The same powers are given to the state credit union board with reference to credit unions as are granted to the state banking board with reference to financial institutions and trust companies named in this chapter.
3. The state banking board and state credit union board shall hold a joint meeting to consider any budget recommendations from the commissioner. Upon consideration of a budget recommendation, the boards shall approve an annual or biennial budget for the department of financial institutions, including the number of full-time equivalent positions. A majority of the members of each board must be present to constitute a quorum for the joint meeting, and approval by a majority of the members present of each board is required to approve an annual or biennial budget for the department of financial institutions.

SECTION 3. AMENDMENT. Section 6-01-10 of the North Dakota Century Code is amended and reenacted as follows:

6-01-10. Commissioner to keep records and make reports - Biennial report - Report to the legislative assembly.

1. The assistant commissioner shall act as secretary and keep all proper records and files pertaining to the duties and work of the department of financial institutions and the proceedings of the board. The commissioner shall report to the board annually, touching on all the commissioner's official acts and those of the deputy examiners, giving abstracts of statistics and of the conditions of the various institutions to which the commissioner's duties relate, and making such recommendations and suggestions as the commissioner may determine proper.
2. The state banking board shall submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the banking board's report must include a summary or abstract of the reports of the commissioner.
3. The commissioner shall report to the state credit union board annually in the same manner as this section provides for the commissioner's report to the state banking board. The state credit union board shall submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04, and in addition, the credit union board's report must include a summary or abstract of the reports of the commissioner.

4. The biennial reports of the state banking board and the state credit union board shall be published in the form of a combined biennial report of the department of financial institutions. The biennial report of the department shall be submitted to the governor and the secretary of state in accordance with section 54-06-04. The biennial report of the department must include all other biennial reports which the commissioner or the boards are required by law to submit to the governor and the office of management and budget.
5. The commissioner shall prepare and present a report to the house and senate appropriations committees of the legislative assembly during each regular legislative session at the time and in the manner directed by the chairmen of the committees. The report must include a summary of the department's activities during the current biennium, a statement of the department's revenues and expenditures for the prior biennium and the current biennium to date, and any other information requested by the chairmen of the committees.

SECTION 4. AMENDMENT. Section 6-01-11 of the North Dakota Century Code is amended and reenacted as follows:

6-01-11. Salary of commissioner.

The salary of the commissioner must be within the ~~amount appropriated for salaries by the legislative assembly~~budget approved by the boards. The commissioner is allowed, in addition to the commissioner's salary, the commissioner's necessary and actual expenses incurred in the discharge of the commissioner's official duties within the budget approved by the boards. The commissioner's salary and expenses must be audited and paid in the manner in which the salary and expenses of other state officers are paid.

SECTION 5. AMENDMENT. Section 6-01-16 of the North Dakota Century Code is amended and reenacted as follows:

6-01-16. Salaries of commissioner's deputies.

The salary of the assistant commissioner and the salary of each other deputy must be fixed by the commissioner within the ~~limits of the legislative appropriation for such salaries~~budget approved by the boards. In addition to the amounts herein specified, each deputy must be allowed the deputy's actual and necessary traveling expenses when engaged in the discharge of the deputy's duties. The salaries of all clerks, stenographers, and other assistants must be fixed by the commissioner within the ~~limits of the legislative appropriation therefor~~budget approved by the boards.

SECTION 6. EXPIRATION DATE. This Act is effective through June 30, 2029, and after that date is ineffective.

Approved February 24, 2025

Filed February 25, 2025

CHAPTER 96

HOUSE BILL NO. 1507

(Representative Vollmer)

AN ACT to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to the establishment and organization of cooperative financial institutions; and to amend and reenact sections 6-01-02, 6-01-15, 6-01-17.1, 6-02-02, 6-02-03, 6-03-02, 6-03-11, 6-03-13.1, 6-03-34, 6-05-01, 6-06-35, 6-07.2-09, 6-07.2-19, and 6-08-08.1 of the North Dakota Century Code, relating to the application, powers, payment of claims, liquidation, and sale of cooperative financial institutions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 6-01-02 of the North Dakota Century Code is amended and reenacted as follows:

6-01-02. Definitions.

As used in this title, unless the context or subject matter otherwise requires:

1. "Association", "banking association", or "state banking association" means any corporation organized under the laws of this state covering state banking associations, and all corporations, limited liability companies, partnerships, firms, or associations whose business in whole or in part consists of the taking of money on deposit, except national banks, trust companies, and the Bank of North Dakota.
2. "Bank" means any national bank, national banking association, corporation, state bank, cooperative financial institution, state banking association, or savings bank, whether organized under the laws of this state or of the United States, engaged in the business of banking.
3. "Bank holding company" means bank holding company as defined in 12 U.S.C. 1841(a)(1).
4. "Banking" means the business of receiving deposits, making loans, discounting commercial paper, issuing drafts, traveler's checks, and similar instruments, handling and making collections, cashing checks and drafts, and buying and selling exchange.
5. "Banking department" means the state department of financial institutions.
6. "Banking institution" means any bank, trust company, or bank and trust company organized under the laws of this state.
7. "Branch" means a place of business where deposits are received, checks paid, or money lent as a result of a bank that was merged into another bank pursuant to an interstate merger.
8. "Commissioner" means the commissioner of financial institutions.

9. "Cooperative financial institution" means an institution without capital stock organized under section 10 of this Act and operated for mutual purposes and without profit, and which is subject by law to supervision and examination by the department and federal authority which have supervision over such institutions.
10. "Corporate central credit union" means a credit union operated for the primary purpose of serving corporate accounts. A credit union is deemed to be a corporate central credit union when its total dollar amount of outstanding corporate loans plus corporate share and deposit holdings is equal to or greater than seventy-five percent of its outstanding loans plus share and deposit holdings.
- ~~40-11.~~ "Credit union" means a cooperative, nonprofit association organized for the purposes of encouraging thrift among its members, creating a source of credit at a fair and reasonable rate of interest, and providing an opportunity for its members to improve their economic and social condition.
- ~~44-12.~~ "Derivative transaction" means derivative transaction as defined in 12 U.S.C. 84(b)(3).
- ~~42-13.~~ "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
- ~~43-14.~~ "Electronic communication" means any form of communication, not directly involving the physical transmission of paper that creates a record that may be retained, retrieved, and reviewed by a recipient of the communication and may be directly reproduced in paper form by the recipient through an automated process.
- ~~44-15.~~ "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.
- ~~45-16.~~ "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and signed or adopted by a person with the intent to sign the record.
- ~~46-17.~~ "Financial corporation" means all entities regulated by the department of financial institutions, excluding financial institutions and credit unions.
- ~~47-18.~~ "Financial institution" means any bank, industrial loan company, or savings and loan association organized under the laws of this state or of the United States.
- ~~48-19.~~ "Market value" means the highest price for which property can be sold in the open market by a willing seller to a willing purchaser, neither acting upon compulsion and both exercising reasonable judgment.
- ~~49-20.~~ "Merger" or "merge" means the merging or consolidation of two or more banks including the purchase of all or substantially all of the assets and assumption of liabilities of a bank, facility, or branch.
- ~~20-21.~~ "Mutual investment corporation" or "mutual savings corporation" means a corporation organized to engage in the investment or savings business, but having no capital stock or a nominal capital stock.

21-22. "National bank" or "national banking association" means an institution chartered by the comptroller of the currency under the National Bank Act [12 U.S.C. 24].

22-23. "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

23-24. "Technology service provider" includes any person that provides services to a financial institution, financial corporation, or credit union, including: core processing; information and transaction processing and settlement activities that support banking functions such as lending, deposit-taking, funds transfer, fiduciary, or trading activities; internet-related services; security monitoring; and system development and maintenance.

24-25. "Tier 1, tier 2, and tier 3 capital" means those terms as set under title 12, Code of Federal Regulations, part 325, in effect on August 1, 2011.

25-26. "Trust company" means any corporation formed for the purpose of transacting business as an annuity, safe deposit, surety, or trust company.

SECTION 2. AMENDMENT. Section 6-01-15 of the North Dakota Century Code is amended and reenacted as follows:

6-01-15. Officers and employees to be disinterested.

1. No officer or employee of this department may have any interest, directly or indirectly, in any financial corporation or financial institution within the jurisdiction of the department of financial institutions, nor in any corporation or institution engaged wholly or in part in the writing or issuing of bonds of or for any such corporation or institution or any officer or employee thereof. Provided, however, this prohibition does not apply to membership in a state-chartered credit union or ~~savings and loan association~~cooperative financial institution.
2. For purposes of this section, "interest" means ownership of or investment in such corporations or institutions.

SECTION 3. AMENDMENT. Section 6-01-17.1 of the North Dakota Century Code is amended and reenacted as follows:

6-01-17.1. Application fees - Cost of transcript.

The following fees must accompany an application presented to the state banking board, state credit union board, or commissioner and must be paid by the commissioner into the financial institutions regulatory fund:

1. For a certificate of authority to organize a banking association, a fee of five thousand dollars, paid by the applicants.
2. A banking association's application for authority to remove its business to some place within the state other than the town in which it is presently located and to change its name, a fee of two thousand five hundred dollars.
3. National bank conversion to a state bank, a fee of two thousand five hundred dollars.

4. Application by two or more banks to merge or consolidate, a fee of one thousand five hundred dollars.
5. Application by a person to sell, dispose, or purchase an association, banking institution, or holding company, a fee of five hundred dollars unless a hearing is held before the board in which case the fee is two thousand dollars.
6. A banking association's application to establish and operate a separate facility, a fee of one thousand five hundred dollars. A banking institution that discontinues a facility established for the purpose of providing educational opportunities to a high school is entitled to a refund of any application fee paid.
7. A banking association's application to establish customer electronic funds transfer centers, a fee not to exceed five hundred dollars.
8. For a certificate of authority to organize an annuity, safe deposit, surety, or trust company, a fee of five thousand dollars.
9. A banking association's application for authority to exercise trust powers, a fee of one thousand five hundred dollars.
10. Application to organize a credit union, a fee of three hundred dollars, paid by the applicants.
11. Application for a credit union to establish a branch, a fee of three hundred dollars.
12. Application by a credit union to expand its field of membership, a fee of one hundred fifty dollars.
13. Application by a federal credit union to convert to a state credit union, a fee of three hundred dollars.
14. For a certificate of authority to organize a ~~savings and loan association~~ cooperative financial institution, a fee of five thousand dollars.
15. A ~~savings and loan association's~~ cooperative financial institution's application to establish and operate a branch office, a fee of one thousand five hundred dollars.
16. A trust company's application or notification to establish an operating subsidiary or branch office, a fee of five hundred dollars.
17. Application by two or more credit unions to merge, a fee of three hundred dollars.
18. A banking institution, credit union, or other financial institution to convert to a cooperative financial institution, a fee of five thousand dollars.

The commissioner may cause a certified transcript to be prepared for any hearing conducted on an application. The costs for the original and up to six copies of the transcript must be paid by the applicant.

SECTION 4. AMENDMENT. Section 6-02-02 of the North Dakota Century Code is amended and reenacted as follows:

6-02-02. Banking corporations - Who may form.

An association for carrying on the business of banking under this title may be formed by any number of natural persons, not less than three, at least two-thirds of whom must be residents of this state. They shall enter into articles of association which must specify in general terms the object for which the association is formed and which may contain any other provisions, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. These articles must be signed and acknowledged by the persons uniting to form the association and must be filed in the office of the secretary of state. This section does not apply to a cooperative financial institution.

SECTION 5. AMENDMENT. Section 6-02-03 of the North Dakota Century Code is amended and reenacted as follows:

6-02-03. Capital stock, surplus, and federal deposit insurance requirements.

1. The capital stock of any banking association organized after June 30, 1987, must be not less than one hundred thousand dollars. In addition to such capital requirements, there must be subscribed and paid in at the time of organization a surplus of not less than fifty thousand dollars. This subsection does not apply to cooperative financial institutions.
2. The state banking board may require such additional capital, surplus, and undivided profits as it may determine necessary to properly serve the area and to protect the public interest.
3. All of the capital stock and surplus of every association must be paid in before it is authorized to commence business and evidence of such payment either in actual money or a deposit in a previously approved correspondent bank must be furnished to the commissioner before the certificate of authority may be delivered to it.
4. A banking association shall secure federal deposit insurance corporation insurance of deposits before it is authorized to commence business. Evidence of securing such insurance must be furnished to the commissioner before the certificate of authority may be delivered to the banking association.

²⁸ **SECTION 6. AMENDMENT.** Section 6-03-02 of the North Dakota Century Code is amended and reenacted as follows:

6-03-02. Powers.

After an association has made and filed articles of association and an organization certificate, it becomes a body corporate, and as such, and in the name designated in the certificate, it, subject to section 6-03-01, has the power to:

1. Have a perpetual existence, unless it is sooner dissolved according to the provisions of this title, or unless its franchise becomes forfeited by a violation of law.
2. Make contracts.
3. Sue and be sued.

²⁸ Section 6-03-02 was also amended by section 3 of House Bill No. 1127, chapter 142.

4. Elect or appoint directors, such board to consist of any number of members, not less than three nor more than twenty-five, at least two-thirds of whom must be citizens of the United States, and, by such board of directors, to appoint a president, who must be a member of said board, and such other employees as may be required, to define their duties, to require bonds of them and fix the penalty thereof, and to dismiss such officers and employees, or any of them, and appoint others to fill their places. This subsection does not apply to a cooperative financial institution.
5. Provide, by its board of directors, bylaws not inconsistent with the laws of this state to regulate the manner in which its directors and officers must be elected or appointed. Vacancies in the board of directors, not exceeding one-third of the whole membership thereof in any calendar year, must be filled by a majority vote of the remaining members. The bylaws must provide a method for filling vacancies exceeding that number. This subsection does not apply to a cooperative financial institution.
6. Provide, by its board of directors, bylaws not inconsistent with the laws of this state to regulate the manner in which its stock and property must be transferred, its business conducted, and the privileges granted to it by law exercised and enjoyed. This subsection does not apply to a cooperative financial institution.
7. Exercise, as determined by the board by order or rule, all the incidental powers as are necessary to carry on the business of banking, including discounting and negotiating promissory notes, bills of exchange, drafts, and other evidences of debt; receiving deposits; buying and selling exchange, coin, and bullion; loaning money upon real or personal security, or both; soliciting and receiving deposits in the nature of custodial accounts for the purpose of health savings or similar health care cost funding accounts, retirement fund contracts, or pension programs, and such custodial accounts are exempt from chapter 6-05; and providing services to its customers involving electronic transfer of funds to the same extent that other financial institutions chartered and regulated by an agency of the federal government are permitted to provide those services within this state. A bank that provides electronic funds transfer equipment and service to its customers, at premises separate from its main banking house or duly authorized facility approved by the state banking board, must make the equipment and service available for use by customers of any other bank upon the request of the other bank to share its use and the agreement of the other bank to share pro rata all costs incurred in connection with its installation and operation, and the electronic operations are not deemed to be the establishment of a branch, nor of a separate facility. The electronic operations at premises separate from its banking house or duly authorized facility must be considered a customer electronic funds transfer center and may be established subject to rules that the state banking board adopts.
8. Enter into contracts, incur obligations, and generally to perform all acts necessary or appropriate to take advantage of any and all memberships, loans, subscriptions, contracts, grants, rights, or privileges which may be or become available or may inure to banking institutions or to their depositors, creditors, stockholders, conservators, receivers, or liquidators under the provisions of the federal Act creating the federal deposit insurance corporation or under any other Act or regulation of Congress to aid, regulate, or safeguard banking institutions and their depositors, including any amendments thereto or substitution therefor, when authorized so to do by its board of directors.

9. Subscribe for and acquire any stock, debentures, bonds, or other types of securities of the federal deposit insurance corporation and to comply with the lawful regulations and requirements from time to time issued or made by such corporation.
10. Take, receive, and hold United States postal savings deposits and to take any action necessary to procure the deposit of the same.
11. Enter into the business of dealing in securities and stock for the purpose of purchasing and selling such securities and stock without recourse, solely upon the order, and for the account of individual and institutional customers and to provide portfolio investment advisory, management, information, forecasting, and research services to such customers in combination with or separate from such purchases and sales.
12. Exercise fiduciary powers upon application as provided under section 6-05-01 as the board may prescribe by rule.
13. Invest all moneys received by it in a trust, in authorized securities, and be responsible to the owner or a third-party beneficiary for the validity, regularity, quality, value, and genuineness of these investments and securities at the time made and for the safekeeping of these securities and the evidences of the securities. When special directions are given in any order, judgment, decree, will, or other written instrument as to the particular manner or the particular class or kind of securities or property in which any investment may be made, a bank shall follow this direction and, in such case, it is not further responsible by reason of the performance of the trust. A bank may retain and continue any investment and security or securities coming into its possession in any fiduciary capacity. For the faithful discharge of its duties and the discharge of its trust, it is entitled to reasonable compensation or an amount as has been or may be agreed upon by the parties and all necessary expenses, with legal interest on those amounts. The trustee may acquire and retain securities of any open-end or closed-end management type investment company or investment trust registered under the Federal Investment Company Act of 1940 [Pub. L. 76-686; 54 Stat. 789; 15 U.S.C. 80a-1 - 80a-52]. The fact that the banking institution, or an affiliate of the banking institution, is providing services to the investment company or trust as investment advisor, sponsor, broker, distributor, custodian, transfer agent, registrar, or otherwise and receiving compensation for the services does not preclude the trustee from investing in the securities of that investment company or trust. The banking institution and trust shall disclose to all current income beneficiaries of the trust the rate, formula, and method of the compensation, and the relationship of ownership. No compensation or commission paid or agreed to be paid to it for the negotiation of a loan or the execution of a trust may be deemed interest within the meaning of the law, nor may any excess thereof over the legal rate be deemed usury.

SECTION 7. AMENDMENT. Section 6-03-11 of the North Dakota Century Code is amended and reenacted as follows:

6-03-11. Conversion, consolidation, or merger.

1. Any two or more banking institutions upon making application to the commissioner or the state banking board may consolidate or merge if authorized by the commissioner or board into one banking institution under the charter of either existing banking institution on such terms and conditions

as lawfully may be agreed upon by a majority of the board of directors of each banking institution proposing to consolidate or merge subject to rules adopted by the state banking board.

2. Before becoming final, such consolidation or merger must be ratified and confirmed by the vote:

a. Vote of the shareholders of each such banking institution owning at least two-thirds of its capital stock outstanding at a meeting to be held on the call of the directors. Notice of such meeting and of the purpose thereof must be given to each shareholder of record by registered or certified mail at least ten days prior to the meeting. The shareholders may unanimously waive such notice and may consent to such meeting and consolidation or merger in writing; or

b. Vote of the members of a cooperative financial institution.

(1) The proposition for a merger first must be approved by the board of directors, and on a date set for a vote by the members either at a meeting or by written ballot filed on or before the date, by a majority of the directors of the organization which seeks the merger. Written notice of the proposition and the date set for the vote must be delivered in person to each member or mailed to each member at the address appearing on the records of the organization. The notice must be mailed between seven and thirty days before the date of the merger. Approval of the proposition for merger must be made by the affirmative vote of two-thirds of the members participating in the meeting.

(2) Each member of the cooperative financial institution is entitled to one vote during a regular or special meeting of the membership. Voting rights for a banking institution or financial institution are determined by applicable law.

(3) At least forty-five days before consideration of a merger, the membership and board acting upon the proposed change must be made aware of the merger under consideration and day and time of the meeting the change will be acted upon.

(4) Promptly after the vote, and in no event later than ninety days thereafter, if the proposition for merger was approved, the organization seeking the merger shall provide the state banking board with the results of the vote, verified by the affidavits of the president or vice president and secretary.

3. The capital stock and surplus of such consolidated banking institution must not be less than that required under this title for the organization of a banking institution of the class of the largest consolidating banking institution.

4. Immediately after the consolidation or merger a full report thereof, including a statement of the assets and liabilities of the consolidated banking institution, must be made to the commissioner by the surviving banking institution.

5. Any banking institution may without approval by any state authority convert into or merge or consolidate with a national banking association as provided by federal law.
6. A national bank proposing to merge into a state-chartered bank shall grant the commissioner discretionary authority to conduct an examination. The commissioner shall set fees for such examination at an hourly rate sufficient to cover all reasonable expenses of the department of financial institutions associated with the examination. Fees must be collected by the commissioner and deposited in the financial institutions regulatory fund.

SECTION 8. AMENDMENT. Section 6-03-13.1 of the North Dakota Century Code is amended and reenacted as follows:

6-03-13.1. Separate facilities authorized.

Upon compliance with section 6-03-13.3, any bank organized under chapter 6-02 or section 10 of this Act and under the supervision of the state banking board, and any national bank doing business in this state, may maintain and operate separate and apart from its banking house facilities, in addition to such service at its main banking house. Any activity incidental to the business of banking may be transacted at a separate facility, including receiving deposits of every kind and nature, cashing checks or orders to pay, issuing exchange, making loans, renting safe deposit boxes, exercising fiduciary powers if authorized by the board, and receiving payments payable at the bank. Whenever any banking institution that has been granted approval to establish and maintain a facility deems it advisable to discontinue the maintenance of the facility, the banking institution may apply to the commissioner or state banking board for cancellation and the commissioner or board may order the cancellation approval within the time the board specifies. The banking institution shall provide notice of the application as required by the board by rule.

SECTION 9. AMENDMENT. Section 6-03-34 of the North Dakota Century Code is amended and reenacted as follows:

6-03-34. Surplus fund required - Dividends only out of earnings not required for surplus.

The board of directors of any association organized under this title may declare and pay dividends out of the net profits of the association subject to the limitations of this chapter. ~~Every~~Except for cooperative financial institutions, every such association, as its board of directors deems advisable, shall ascertain, set apart, and convert into a surplus fund at least fifty percent of its net earnings until such surplus fund equals one hundred percent of its common stock, and no dividend may be declared upon its stock except from the remaining fifty percent of its net earnings.

SECTION 10. A new chapter to title 6 of the North Dakota Century Code is created and enacted as follows:

Definitions.

1. "Converted organization" means the banking institution, credit union, or other financial institution previously authorized by the commissioner to engage in the business of banking under the laws of this state and has been converted into a cooperative financial institution under this chapter.
2. "Member" means a holder of a cooperative financial institution savings, demand, or other authorized deposit account.

3. "Originating member" means an individual who seeks to form a cooperative financial institution under this chapter.

Formation.

Fifteen or more originating members who intend to associate themselves by written agreement and a cooperative financial institution may, upon compliance with this title, become a cooperative financial institution, with all the powers and privileges and subject to the duties, restrictions, and liabilities under section 6-03-02.

Capital structure.

A cooperative financial institution formed under this chapter shall have a capital structure the state banking board or commissioner determines is adequate. The cooperative financial institution shall comply with prompt corrective actions requirements of section 6-01-04.4. A cooperative financial institution is not authorized to issue capital stock, common stock, preferred stock, or other forms of equity ownership authorized by this title for other types of banking associations.

Contents of agreement of association.

1. Before the formation of a cooperative financial institution under this chapter, the originating members of the proposed cooperative financial institution shall execute a written agreement of association to form a cooperative financial institution. The written agreement of association must identify and comply with the capital structure required by the state banking board and must specifically state:
 - a. That the originating members of the cooperative financial institution intend to associate themselves with the intention of forming a cooperative financial institution;
 - b. The name of the cooperative financial institution;
 - c. The location of the principal office of the cooperative financial institution;
 - d. The purposes for which the cooperative financial institution is formed and the nature of the business the cooperative financial institution is to conduct; and
 - e. The names and addresses of each originating member of the financial institution.
2. Each originating member shall subscribe to the agreement of association before submission to the state banking board.

Organization certificate - Contents.

Before formation of a cooperative financial institution under this chapter, originating members who wish to associate themselves in a cooperative financial institution shall sign and execute an organization certificate on a form prescribed by the commissioner, which must state:

1. The name of the cooperative financial institution. The name may not be the name of any other bank, credit union, or financial institution previously incorporated within the this state;

2. The location of the principal office of the cooperative financial institution at which business will be conducted;
3. The names and places of residence of the originating members; and
4. The respective dates on which the cooperative financial institution will commence business.

Acknowledgment of organization certificate - Application for certificate of authority - Notice of hearing.

The organization certificate must be notarized. The authenticated certificate must be transmitted to the state banking board with a request for permission to present the certificate to the secretary of state, with application for the issuance of a certificate of authority, as well as payment of an application fee. The commissioner shall establish the application by rule. After receipt of the proposed organization certificate, application, and application fee, the board shall publish the application in the official newspaper of the county the cooperative financial institution is proposed to be established. The notice must contain a statement of a time and place at which the board will hear the application and must specify that any individual objecting the application may appear and show cause why the application should not be approved.

Hearing by board - Conclusions - Management - Confidentiality.

1. At the hearing, the board shall inquire whether the originating members have the character, integrity, reputation, and financial standing shown by a detailed financial statement, to demonstrate the establishment of the proposed cooperative financial institution will be beneficial to the public welfare of the community where the cooperative financial institution will be located. The board shall keep financial statement furnished by the originating members confidential.
2. The board shall inquire into the qualifications of the management of the proposed cooperative financial institution, including any experience with financial institutions and other related experience. The board shall keep any inquiry into the qualifications of the proposed management confidential.
3. The board shall hear any reasons advanced by the originating members as to why the members should be permitted to organize the cooperative financial institution.
4. At the conclusion of the hearing, the board shall make a statement in writing of its conclusions and conditions, if any, and if it finds the proposed cooperative financial institution may not be permitted to organize, the board shall state the reasons why. If approval is granted, a copy of the board's order must be attached to the organization certificate and both must be presented to the secretary of state. A determination to approve the organization of the cooperative financial institution must be joined by a majority of all the members of the board.

Determination of board - Recording of organization certificate.

1. If the state banking board votes to approve the application to organize a cooperative financial institution, the organization certificate and permission of the board must be recorded in the county where the cooperative financial institution will be established and must be transmitted to the secretary of state.

2. The secretary of state shall certify the facts to the state banking board and record the document in the secretary of state's office. The secretary of state shall issue a certificate of authority to the cooperative financial institution.
3. The secretary of state shall send the certificate to the commissioner. The commissioner may not issue the certificate until an examination is made and the certificate of the commissioner stating the capital structure as required by the state banking board has been acquired, federal deposit insurance corporation insurance of deposits has been secured, and all conditions of the law have been complied with strictly.
4. If the determination of the state banking board is against the organization of the cooperative financial institution, the organization certificate may not be recorded in the office of recorder and may not be accepted by the secretary of state.

Conversion to or from a cooperative financial institution.

1. Any banking institution, credit union, or financial institution authorized by the commissioner to engage in the business of banking under the laws of this state, laws of the United States, or laws of another state may be converted into a cooperative financial institution.
2. A cooperative financial institution may convert to a federal savings association by complying with the following requirements:
 - a. The proposition for conversion must be approved by a majority of the directors of the organization that seeks conversion. If approved by a majority of the directors, the directors shall set a date for a vote by the members either at a meeting or by written ballot to be filed on or before the date. Written notice of the proposition and the date set for the vote must be delivered in person to each member or mailed to each member at the address for the member appearing on the records of the organization, between seven and thirty days before the date. Conversion must be approved by two-thirds of the members participating in the vote.
 - b. Each member of the credit union is entitled to one vote during regular or special meetings of the membership.
 - c. The voting rights for a banking institution or financial institution are determined by applicable law.
 - d. Forty-five days before consideration of a conversion, the membership or board acting on the proposed change must be notified of the bylaw change under consideration and of the date and time of the meeting the change will be acted on.
 - e. Promptly after the vote is taken, but no more than ninety days after, if the proposition for conversion was approved, the organization seeking conversion shall provide the state banking board with the results of the vote, verified by the affidavits of the president or vice president and secretary.
 - f. A cooperative financial institution converting to a federal savings association shall provide notice of completion of subdivisions a, b, c, d and e, and may not be subject to any other provision of this chapter. The

converted cooperative financial institution shall provide notice to the state banking board upon commencement of operations as a federal savings association, at which time the state charter must be terminated.

3. If a cooperative financial institution converts to a state-chartered credit union, the institution shall:
 - a. Obtain federal deposit insurance.
 - b. File with the commissioner an organization certificate as required in section 6-06-02 and all other documentation necessary as determined by the commissioner.
 - c. Obtain approval from the state credit union board.

Application for conversion.

1. A banking institution, credit union, or financial institution may be converted to a cooperative financial institution under this chapter through submission of an application, which must include:
 - a. A statement of the results of the vote to approve the conversion, along with affidavits of the president or vice president and secretary;
 - b. A completed form, prescribed by the commissioner, requesting an amendment to the organization certificate;
 - c. A copy of the executed bylaws to establish the cooperative financial institution;
 - d. An application fee, as established by the commissioner by rule; and
 - e. An affirmation from the organization granting discretionary authority to the commissioner to conduct an examination before the conversion date.
2. The commissioner shall set fees for an examination at an hourly rate sufficient to cover all reasonable expenses of the department associated with the examination. Fees must be collected by the commissioner, transferred to the state treasurer, and deposited in the financial institution regulatory fund.
3. When the commissioner determines all requirements have been met, the commissioner shall notify the applicant and the state banking board. The board shall instruct the secretary of state to issue an amended organization certificate for the converted organization to operate as a cooperative financial institution. After issuance of the amended organization certificate, the organization becomes a cooperative financial institution and ceases to operate as originally organized. The cooperative financial institution is vested with all assets of the prior organization and is responsible for all of the obligations of the converted organization to the same extent as though the conversion had not taken place.

Benefit to directors or management.

1. A director or senior management official of a converted organization may not receive any economic benefit in connection with a conversion of the converted organization other than reasonable director fees, compensation, and other benefits paid to the directors or senior management officials in the ordinary course of business.

2. For purposes of this section "senior management official" means a chief executive officer, an assistant chief executive officer, a chief financial officer, and any other senior executive officer as may be defined by the state bank board.

Adoption of rules.

The commissioner may adopt rules necessary to carry out the conversion of a banking institution, credit union, or other financial institution to or from a cooperative financial institution under this chapter.

Review by commissioner.

The commissioner shall review the process for the conversion member vote and procedures applicable to the member vote. The commissioner shall report the commissioner's findings to the state banking board. If the commissioner or the state banking board disapproves of the methods by which the conversion member vote was taken or procedures applicable to the member vote, the member vote must be retaken as directed by the commissioner or the state banking board.

Membership, voting, meetings, and bylaws.

1. Each member of the cooperative financial institution is entitled to one vote during regular or special meetings of the membership.
2. Voting may be conducted in-person or digital as outlined in the cooperative financial institution's bylaws. Proxy voting is permitted as authorized in the bylaws. A quorum for a meeting must be defined in the bylaws.
3. Changes to a cooperative financial institution's charter or bylaws require a majority vote of the membership at an annual or special membership meeting or a two-thirds majority vote of the board of directors. Fifteen days before consideration of a bylaw change, the membership or board acting upon the proposed change must be made aware of the bylaw change under consideration and the day and time of the meeting the change will be acted upon. No amendment to the bylaws are effective until reviewed for appropriateness and compliance with applicable law and approved by the state banking board.
4. A cooperative financial institution shall conduct at least one meeting of the membership annually. Meetings:
 - a. Must be noticed at least fifteen days before the meeting date and include the time, place, and agenda for any items considered at the meeting.
 - b. May be conducted virtually if permitted within the bylaws.
5. At the annual meeting the membership shall:
 - a. Fill any vacancies on the board of directors as outlined in the bylaws; and
 - b. Review the financial conditions of the cooperative financial institution, financial performance since the prior annual meeting, and the projection for the upcoming year.

6. Special meetings of the membership may be called by the board of directors as outlined in the bylaws.
7. The board of directors:
 - a. May exercise powers of the cooperative financial institution not expressly reserved for the members.
 - b. May not be fewer than five or more than fifteen members as outlined in the bylaws.
 - c. Must be elected to terms of one to three years and until their successors are elected, and shall serve staggered terms with approximately one-third of the board positions up for consideration at any given annual meeting, as outlined in the bylaws.
 - d. Must be elected from the membership of the cooperative financial institution, and nomination shall be made of any member in good standing and following a nomination process as outlined in the bylaws.
 - e. Must set the time and place of meetings as outlined in the bylaws, with a minimum of twenty-four hours' notice required unless waived by all members of the board.
 - f. Shall elect from among the elected board members, officers, including the positions of chair, vice chair, treasurer, and recorder, with duties and responsibilities as outlined in the bylaws.
 - g. Must be independent and the majority of board of directors may not be employees of the cooperative financial institution.
 - h. Must be made up of at least two members with appropriate banking experience.
 - i. Must be made up of at least two-thirds members who are both citizens of the United States and North Dakota residents.
 - j. May remove a board member as outlined in the bylaws.
8. The board of directors may terminate membership in a cooperative financial institution for cause as outlined in the bylaws.

SECTION 11. AMENDMENT. Section 6-05-01 of the North Dakota Century Code is amended and reenacted as follows:

6-05-01. Who may form - Corporation has perpetual existence.

Any number of persons, not less than nine, at least three of whom must be residents of this state, may associate themselves and form a corporation for the purpose of transacting business as an annuity, safe deposit, and trust company. Its existence shall be perpetual.

At the time and place stated, and through any sources of information at its command, the board shall examine and consider all relevant factors, including whether the place where such company is proposed to be located is in need of a further annuity, safe deposit, and trust company, whether the proposed institution is

adapted to the filling of such need, and whether the proposed incorporators are possessed of such character, integrity, reputation, and financial standing as shown by a detailed financial statement to be furnished by them, that their connection with the company will be beneficial to the public welfare of the community in which such company is proposed to be established. The board shall hear any reasons advanced by the applicants why they should be permitted to organize the proposed institution and any reasons advanced by any person why such institution should not be permitted to be organized. At the termination of such hearing, the board shall make a brief statement in writing of its conclusions, and if it finds that the proposed institution should not be permitted to organize, it shall state briefly the reasons why. A copy of such conclusions either shall be endorsed upon or attached to the organization certificate, together with the refusal or grant of permission to the proposed incorporators to present the said organization certificate to the secretary of state. A determination in favor of such organization must be joined in by a majority of the members of the board.

Any banking association organized under chapter 6-02 or section 10 of this Act may apply to the board for an order authorizing the applicant to exercise fiduciary powers. If the determination of the board is in favor of the applicant, the board shall make its order authorizing the applicant to engage in the business of a trust company upon its showing full compliance with sections 6-05-03, 6-05-04, and 6-05-05 except the capital stock of the banking association shall not be required to be divided in shares of one hundred dollars each as provided by section 6-05-03. Sections 6-05-06 and 6-05-07 are not applicable to banking associations granted authority to engage in the business of a trust company by the board. Thereafter, such banking association must be subject to the jurisdiction of the board as to its trust company operations the same as trust companies organized under chapter 6-05.

Any corporation organized and authorized to transact the business of fidelity insurance and corporate suretyship prior to July 1, 1983, pursuant to the former sections 6-05-08 and 6-05-19 through 6-05-24 and sections 6-05-30 through 6-05-33 may continue to operate under the provisions of those sections as they existed on June 30, 1983.

SECTION 12. AMENDMENT. Section 6-06-35 of the North Dakota Century Code is amended and reenacted as follows:

6-06-35. Conversion from state to federal credit union and from federal to state credit union and from state credit union to ~~building and loan association~~ cooperative financial institution.

1. A state credit union may be converted into a federal credit union under the laws of the United States by complying with the following requirements:
 - a. The proposition for such conversion must first be approved, and a date set for a vote thereon by the members either at a meeting to be held on such date or by written ballot to be filed on or before such date, by a majority of the directors of the state credit union. Written notice of the proposition and of the date set for the vote must then be delivered in person to each member or mailed to each member at the address for such member appearing on the records of the credit union, not more than thirty nor less than seven days prior to such date. Approval of the proposition for conversion must be by the affirmative vote of two-thirds of the members present at the meeting.

- b. A statement of the results of the vote, verified by the affidavits of the president or vice president and the secretary, must be filed with the state credit union board within ten days after the vote is taken.
 - c. Promptly after the vote is taken and in no event later than ninety days thereafter, if the proposition for conversion was approved by such vote, the credit union shall take such action as may be necessary under the applicable federal law to make it a federal credit union, and within ten days after receipt of the federal credit union charter there must be filed with the state credit union board a copy of the charter thus issued. Upon such filing, the credit union must cease to be a state credit union.
 - d. Upon ceasing to be a state credit union, such credit union is no longer subject to any of the provisions of the North Dakota credit union law. The successor federal credit union is vested with all of the assets and shall continue to be responsible for all of the obligations of the state credit union to the same extent as though the conversion had not taken place.
2. a. A federal credit union, organized under the laws of the United States may be converted into a state credit union by:
- (1) Complying with all federal requirements requisite to enabling it to convert to a state credit union or to cease being a federal credit union;
 - (2) Filing with the state credit union board proof of such compliance, satisfactory to the commissioner;
 - (3) Filing with the commissioner an organization certificate and bylaws, both in triplicate, as required by section 6-06-02; and
 - (4) Granting discretionary authority to the commissioner to conduct an examination prior to the conversion date.

The commissioner shall set fees for such examination at an hourly rate sufficient to cover all reasonable expenses of the department of financial institutions associated with the examination. Fees must be collected by the commissioner, transferred to the state treasurer, and deposited in the financial institutions regulatory fund.

- b. When the commissioner has been satisfied that all of such requirements and all other requirements of the North Dakota law have been complied with, the commissioner shall notify the applicants and the state credit union board of that fact, and the board shall instruct the secretary of state to issue a charter in accordance with section 6-06-02. Upon issuance of the charter, the federal credit union shall become a state credit union and ceases to be a federal credit union. The state credit union is vested with all of the assets and shall continue to be responsible for all of the obligations of the federal credit union to the same extent as though the conversion had not taken place.
3. ~~After July 31, 2009, a state credit union may convert to a building and loan association by complying with the following requirements:~~
- ~~a. The proposal for a conversion first must be approved and a date set for a vote on the proposal by the members either at a meeting to be held on~~

- ~~such date or by written ballot to be filed on or before such date by a majority of the directors of the credit union. Approval of the proposal for the conversion must be by the affirmative vote of two thirds of the members voting.~~
- b. ~~A state credit union that proposes to convert to a building and loan association shall submit notice to each of the credit union's members who are eligible to vote on the matter of the credit union's intent to convert:~~
- ~~(1) Ninety days before the date of the member vote on the conversion;~~
- ~~(2) Sixty days before the date of the member vote on the conversion; and~~
- ~~(3) Thirty days before the date of the member vote on the conversion.~~
- e. ~~A state credit union that proposes to convert to a building and loan association shall submit a notice to the state credit union board of the credit union's intent to convert at least ninety days before the date of the completion of the conversion.~~
- d. ~~Upon completion of a conversion, the state credit union is no longer subject to any of the provisions of this chapter.~~
- e. ~~A director or senior management official of a state credit union may not receive any economic benefit in connection with a conversion of the state credit union other than reasonable director fees and reasonable compensation and other benefits paid to directors or senior management officials of the converted institution in the ordinary course of business. As used in this subdivision, the term senior management official means a chief executive officer, an assistant chief executive officer, a chief financial officer, and any other senior executive officer as may be defined by the state credit union board.~~
- f. ~~Before January 1, 2000, the state credit union board shall adopt rules applicable to state credit union conversion to a building and loan association which are consistent with the conversion rules of the national credit union administration.~~
- g. ~~The commissioner shall review the methodology by which the conversion member vote was taken and procedures applicable to the member vote. The commissioner shall report the commissioner's findings to the state credit union board. If the commissioner or the state credit union board disapproves of the methods by which the conversion member vote was taken or procedures applicable to the member vote, the member vote must be retaken as directed by the commissioner or the state credit union board.~~A credit union may convert to a cooperative financial institution following the procedures outlined in section 10 of this Act.

SECTION 13. AMENDMENT. Section 6-07.2-09 of the North Dakota Century Code is amended and reenacted as follows:

6-07.2-09. Payment of claims.

1. All claims against the institution's estate, proved to the receiver's satisfaction or approved by the circuit court, must be paid in the following order:

- a. Administration expenses, including compensation of each regular officer or employee of the receiver for the time actually devoted to the liquidation of the institution at an amount not to exceed the compensation paid to the officer or employee for the performance of the officer's or employee's regular duties; actual expenses of each regular officer and employee necessarily incurred in the performance of the officer's or employee's duties; compensation and expenses of any special representative, assistant, accountant, agent, or attorney employed by the receiver; court costs; and if the commissioner is acting as receiver, such reasonable general overhead expenses as may be incurred by the commissioner in the liquidation of the affairs of the institution which shall be ascertained, determined, and fixed by the commissioner.
 - b. Claims given priority under other provisions of state or federal law.
 - c. Deposit obligations, except that notwithstanding sections 6-03-67 and 41-04-31, if a depositor is indebted to an insolvent bank, the insolvent bank has a right to setoff against the depositor's account.
 - d. Other general liabilities.
 - e. Debt subordinated to the claims of depositors and general creditors.
 - f. Equity capital securities.
 - g. For credit unions and cooperative financial institutions, pro rata distribution to members computed based on the total amount in each member's deposit accounts as of the date of liquidation.
2. Interest on a claim may not be paid until all claims within the same class have received the full principal amount of claim.

SECTION 14. AMENDMENT. Section 6-07.2-19 of the North Dakota Century Code is amended and reenacted as follows:

6-07.2-19. Voluntary liquidation of a credit union or cooperative financial institution.

1. A credit union or cooperative financial institution may go into voluntary liquidation following a vote of the majority of the board of directors and approval by the majority of its members in writing or by a vote in favor of the liquidation by a majority of the members of the credit union or cooperative financial institution at a regular meeting of the members or at a special meeting called for that purpose.
 - a. When authorization for liquidation is to be obtained at a meeting of members:
 - (1) Notice in writing must be given to each member at least ten days before the meeting and the notice must inform members they have the right to vote on the proposed liquidation.
 - (2) The minutes of the meeting must show the number of members present and the number that voted for and against liquidation.

- b. If approval by a majority of all members of a credit union is not obtained at the meeting of members, authorization for voluntary liquidation may be obtained by having a majority of members sign a statement in substantially the following form: We the undersigned members of the _____ Credit Union, Charter No. _____, hereby request the dissolution of our credit union.
 - c. If approval by a majority of all members of a cooperative financial institution is not obtained at the meeting of members, authorization for voluntary liquidation may be obtained by having a majority of members sign a statement in substantially the following form: We the undersigned members of the _____ cooperative financial institution, Charter No. _____, hereby request the dissolution of our cooperative financial institutions.
2. The board of directors of a credit union or cooperative financial institution in voluntary liquidation:
 - a. Is responsible for conserving the assets, for expediting the liquidation, and for equitably distributing the assets to members.
 - b. Shall determine all persons handling or having access to funds of the credit union or cooperative financial institution are adequately covered by surety bond.
 - c. Shall appoint a custodian for the credit union's or cooperative financial institution's records that are to be retained for five years after the charter is canceled.
 - d. May appoint a liquidating agent and delegate part or all of these responsibilities to the agent and may authorize reasonable compensation for the agent's services. A liquidating agent must be adequately bonded for faithful performance of the agent's duties, and the coverage must remain in effect or the discovery period extended for at least four months after the final distribution of assets.
3. The supervisory committee, a certified public accountant hired by the supervisory committee, or if the bylaws do not establish a supervisory committee, a certified public accountant hired by the board of directors, is responsible for making periodic audits of the credit union's or cooperative financial institution's records, at least quarterly, during the period of liquidation.
4. Within three days after the decision of the board of directors to submit the question of liquidation to the members, the president shall notify the commissioner and the regional director of the national credit union administration or federal deposit insurance corporation as appropriate in writing, setting forth in detail:
 - a. The reasons for the proposed action;
 - b. The previous month-end balance sheet and income statement; and
 - c. A written plan for the liquidation of assets, payment of creditors, and payment of shares to be completed within one year of the date of membership approval to liquidate.

5. Within three days after the action of the members on the question of liquidation, the president shall notify the commissioner and the regional director of the national credit union administration or federal deposit insurance corporation as appropriate in writing as to whether a majority of the members approved the proposed liquidation.
6. Within ten days of the decision to liquidate by the board of directors, a notice of the decision must be handed to each member, electronically distributed, or mailed to the member's last-known address to confirm in writing the shares and deposits held by the member in the credit union or cooperative financial institution and the loans owed by the member to the credit union or cooperative financial institution.
7. Within ten days of the approval of a majority of the members of a credit union or cooperative financial institution of a proposal to liquidate, the board of directors of the credit union or cooperative financial institution shall have prepared and mailed to all creditors a notice of liquidation containing instructions to present claims to the credit union or cooperative financial institution within ninety days for payment. New creditor claims subsequent to this notice which are necessary for the continued operation of the credit union during liquidation must continue to be paid upon authorization of the board of directors or liquidating agent.
8. Immediately upon the decision of the membership to liquidate, the credit union or cooperative financial institution may continue to do all things under the original corporate name of the institution, to sue and be sued, to execute conveyances and other instruments, to take, hold, and own property, and to do all other things as may be necessary to realize upon the institution's remaining assets for the benefit of the institution's members, but not to engage or continue in any new or other business under the institution's charter or otherwise. At the discretion of the board of directors or the liquidating agent, transactions upon membership transactional accounts may continue to be honored up to the federal insurance limit until the accounts are sold or otherwise liquidated.
9. At the commencement of voluntary liquidation of a credit union or cooperative financial institution, the treasurer or agent conducting the liquidation shall file with the commissioner a financial and statistical report and a schedule showing the name, book number or account number, share balance, and loan balance of each member.
10. Credit unions or cooperative financial institution in the process of voluntary liquidation shall file with the commissioner a financial and statistical report as of December thirty-first or within thirty days after such date. Additional reports, as determined by the commissioner to be necessary, must be furnished promptly on written request.
11. When deemed advisable by the commissioner, an examination of the books and records of a credit union or cooperative financial institution may be made before, during, or following completion of voluntary liquidation. The commissioner shall set fees for the examination at an hourly rate sufficient to cover all reasonable expenses of the department of financial institutions associated with the examination. Fees must be collected by the commissioner and deposited in the financial institutions regulatory fund.

12. If at any time during the liquidation of credit union assets or cooperative financial institution, it is found the value of remaining assets will not be sufficient to cover the claims of creditors and shareholders, the board of directors or, if appointed, the liquidating agent shall immediately notify the commissioner and the regional director of the national credit union administration or federal deposit insurance corporation as appropriate. Further liquidation of credit union or cooperative financial institution assets or distributions to shareholders after notice requires written approval from the commissioner.
13. With the written approval of the commissioner, a partial distribution of the credit union's or cooperative financial institution's assets may be made to its members from cash funds available on authorization by its board of directors or by a duly authorized liquidating agent whose appointment specifically includes the authority. Partial distributions cannot exceed the national credit union share insurance limit.
14. When all assets of the credit union or cooperative financial institution have been converted to cash or found to be worthless and all loans and debts owing to it have been collected, sold, or found to be uncollectible and all obligations of the credit union or cooperative financial institution have been paid, with the exception of amounts due its members:
 - a. The books must be closed and the pro rata distribution to members computed. This computation must be based on the total amount in each member's share accounts as of the date the board of directors voted to voluntarily liquidate.
 - b. The amount of gain or loss must be entered in each member's share account and should be entered in the member's passbook or statement of account.
 - c. Promptly, funds must be distributed to each member. The funds must be mailed to such members at their last-known addresses, electronically transmitted to the members designated account, or handed to them in person.
 - d. The passbooks or written confirmations submitted by members to verify balances must be retained with the credit union or cooperative financial institution records.
 - e. Unclaimed share accounts subject to the escheat or abandoned property laws of the state or the state of the members' residence must be paid to the state as required by such laws.
 - f. The commissioner must be promptly notified of the date final distribution of assets to the members is started.
 - g. In the event of a loss on members share accounts, a claim must be submitted by the board of directors or the liquidating agent if appointed, to the national credit union administration or federal deposit insurance corporation as appropriate, private share insurance if available, and bonding company.

15. Within one hundred twenty days after the final distribution to members is started, the credit union or cooperative financial institution shall furnish to the commissioner's office a schedule of unpaid claims. The board of directors of the credit union or cooperative financial institution or the liquidating agent if appointed shall report money in the account of a member who failed to surrender their passbooks or confirm their balances, final distribution checks not cashed within one hundred twenty days, and any unpaid claims to the unclaimed property division of the board of university and school lands pursuant to chapter 47-30.2.

SECTION 15. AMENDMENT. Section 6-08-08.1 of the North Dakota Century Code is amended and reenacted as follows:

6-08-08.1. Sale or purchase of associations, banking institutions, or holding companies - Notification to commissioner - Hearing.

1. No person, acting directly or indirectly or through or in concert with one or more other persons, may purchase or otherwise acquire control of an association or banking institution unless the state banking board or commissioner has been given prior written notice by application of the proposed disposition or acquisition. The written application must include such information as the state banking board shall specify. The transaction may not be consummated before the board or commissioner has granted approval.
2. The applicant shall publish notice of the application as required by the board by rule.
3. The commissioner shall determine if the application is complete and notify the applicant of the determination. If the commissioner determines the application is incomplete, the commissioner shall request additional information deemed necessary to complete the application.
4. If not approved by the commissioner, the commissioner shall submit the application to the board. The board may approve or disapprove the application if the board determines that:
 - a. The character, reputation, general fitness, financial standing, and responsibility of the persons proposed as new stockholders, directors, or officers is such that the interests of the other stockholders, depositors, and creditors of the institution and the public generally will be jeopardized by the change in control and management.
 - b. The qualifications of management do not include adequate experience with financial institutions or other approved related experience.
5. Within three business days after the board's decision to disapprove an application, the board shall notify the applicant in writing of the disapproval. The notice must provide a statement of the basis for the disapproval.
6. Within twenty days after receipt of the notice of disapproval, the applicant may request a hearing on the disapproval. The board must conduct a hearing, if requested, under the provisions of chapter 28-32. At the conclusion of the hearing, the board shall by order approve or disapprove the application on the basis of the record at the hearing.

7. For purposes of this section, "control" means ownership or control, directly, indirectly, or through the actions of one or more persons of the power to vote twenty-five percent or more of any class of voting securities of an association, banking institution, controlling bank holding company, or the direct or indirect power to control in any manner the election of a majority of the directors of an association or banking institution, or to direct the management or policies of an association or banking institution, whether by individuals, corporations, limited liability companies, partnerships, trusts, or other entities or organizations of any type.
8. The following acquisitions of voting securities of a North Dakota state chartered bank, which would otherwise require submission of an application under this section, are not subject to the application requirements if the acquiring person notifies the commissioner within ninety days after the acquisition and provides any relevant information requested by the commissioner: acquisition of voting securities through inheritance; acquisition of voting securities as a bona fide gift; and acquisition of voting securities in satisfaction of a debt previously contracted in good faith. This subsection does not limit the authority of the commissioner to require a party to submit a written application to the board under subsection 1.

9. This section does not apply to a cooperative financial institution.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 97

SENATE BILL NO. 2164

(Senators Dever, Cleary, Lee, Roers)
(Representatives Klemin, Karls)

AN ACT to amend and reenact section 6-08.1-03 of the North Dakota Century Code, relating to the duty of confidentiality and disclosure to the North Dakota protection and advocacy project.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 6-08.1-03 of the North Dakota Century Code is amended and reenacted as follows:

6-08.1-03. Duty of confidentiality.

A financial institution may not disclose customer information to a person, governmental agency, or law enforcement agency unless the disclosure is made in accordance with any of the following:

1. Pursuant to consent granted by the customer in accordance with this chapter.
2. To a person other than a governmental agency or law enforcement agency pursuant to valid legal process.
3. To a governmental agency or law enforcement agency pursuant to valid legal process in accordance with this chapter.
4. For the purpose of reporting a suspected violation of the law in accordance with this chapter.
5. For the purpose of notifying the agriculture commissioner a financial institution has notified a customer of the availability of the North Dakota mediation service.
6. As part of the disclosure made of deposits of public corporations with financial institutions in the security pledge schedule verified by the custodian of securities pursuant to section 21-04-09.
7. For purposes of reporting suspected exploitation of an eligible adult as defined by section 12.1-31-07. This subsection may not be construed to impose a duty on a financial institution to investigate an alleged or suspected exploitation of an eligible adult or to make a report to a governmental agency or law enforcement agency.
8. For purposes of reporting suspected financial exploitation of an eligible adult under chapter 6-08.5 to a law enforcement agency, the protection and advocacy project under chapter 25-01.3, or the department of health and human services. This subsection may not be construed to impose a duty on a financial institution to investigate a suspected financial exploitation of an

eligible adult or to make a report to the department of health and human services ~~or~~ law enforcement agency, or the protection and advocacy project.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 98

SENATE BILL NO. 2123

(Industry and Business Committee)
(At the request of the Commission on Uniform State Laws)

AN ACT to create and enact chapter 6-08.6 of the North Dakota Century Code, relating to the Uniform Special Deposits Act; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 6-08.6 of the North Dakota Century Code is created and enacted as follows:

6-08.6-01. Definitions.

In this chapter:

1. "Account agreement" means an agreement that:
 - a. Is in a record between a bank or credit union and one or more depositors;
 - b. May have one or more beneficiaries as additional parties; and
 - c. States the intention of the parties to establish a special deposit in accordance with this chapter.
2. "Bank" means a trust company or a person engaged in the business of banking as defined in section 6-01-02.
3. "Beneficiary" means a person that:
 - a. Is identified as a beneficiary in an account agreement; or
 - b. If not identified as a beneficiary in an account agreement, may be entitled to payment from a special deposit:
 - (1) Under the account agreement; or
 - (2) On termination of the special deposit.
4. "Contingency" means an event or circumstance stated in an account agreement which is not certain to occur but must occur before the bank or credit union is obligated to pay a beneficiary.
5. "Creditor process" means attachment, garnishment, levy, notice of lien, sequestration, or similar process issued by or on behalf of a creditor or other claimant.
6. "Depositor" means a person that establishes or funds a special deposit.

7. "Good faith" means honesty in fact and observance of reasonable commercial standards of fair dealing.
8. "Knowledge" of a fact means:
- a. With respect to a beneficiary, actual knowledge of the fact; or
 - b. With respect to a bank or credit union holding a special deposit:
 - (1) If the bank or credit union:
 - (a) Has established a reasonable routine for communicating material information to an individual to whom the bank or credit union has assigned responsibility for the special deposit; and
 - (b) Maintains reasonable compliance with the routine, actual knowledge of the fact by that individual; or
 - (2) If the bank or credit union has not established and maintained reasonable compliance with a routine described in paragraph 1 or otherwise exercised due diligence, implied knowledge of the fact that would have come to the attention of an individual to whom the bank or credit union has assigned responsibility for the special deposit.
9. "Obligated to pay a beneficiary" or "obligation to pay a beneficiary" means a beneficiary is entitled under the account agreement to receive from the bank or credit union a payment when:
- a. A contingency has occurred; and
 - b. The bank or credit union has knowledge the contingency has occurred.
10. "Permissible purpose" means a governmental, regulatory, commercial, charitable, or testamentary objective of the parties stated in an account agreement. The term includes an objective to:
- a. Hold funds:
 - (1) In escrow, including for a purchase and sale, lease, buyback, or other transaction;
 - (2) As a security deposit of a tenant;
 - (3) That may be distributed to a person as remuneration, retirement or other benefit, or compensation under a judgment, consent decree, court order, or other decision of a tribunal; or
 - (4) For distribution to a defined class of persons after identification of the class members and their interest in the funds;
 - b. Provide assurance with respect to an obligation created by contract, including earnest money to ensure a transaction closes;
 - c. Settle an obligation that arises in the operation of a payment system, securities settlement system, or other financial market infrastructure;

- d. Provide assurance with respect to an obligation that arises in the operation of a payment system, securities settlement system, or other financial market infrastructure; or
 - e. Hold margin, other cash collateral, or funds that support the orderly functioning of financial market infrastructure or the performance of an obligation with respect to the infrastructure.
11. "Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency, or instrumentality, or other legal entity. The term includes a protected series, however denominated, of an entity if the protected series is established under law that limits, or limits if conditions specified under law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.
12. "Record" means information:
- a. Inscribed on a tangible medium; or
 - b. Stored in an electronic or other medium and retrievable in perceivable form.
13. "Special deposit" means a deposit that satisfies section 6-08.6-04.
14. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any other territory or possession subject to the jurisdiction of the United States. The term includes an agency or instrumentality of the state.

6-08.6-02. Scope - Choice of law - Forum.

1. This chapter applies to a special deposit under an account agreement that states the intention of the parties to establish a special deposit governed by this chapter, regardless of whether a party to the account agreement or a transaction related to the special deposit, or the special deposit itself, has a reasonable relation to this state.
2. The parties to an account agreement may choose a forum in this state for settling a dispute arising out of the special deposit, regardless of whether a party to the account agreement or a transaction related to the special deposit, or the special deposit itself, has a reasonable relation to this state.
3. This chapter does not affect:
- a. A right or obligation relating to a deposit other than a special deposit under this chapter; or
 - b. The voidability of a deposit or transfer that is fraudulent or voidable under other law.

6-08.6-03. Variation by agreement or amendment.

1. The effect of sections 6-08.6-01 through 6-08.6-05, 6-08.6-07 through 6-08.6-10, and 6-08.6-13 may not be varied by agreement, except as provided in those sections. Subject to subsection 2, the effect of sections 6-08.6-06, 6-08.6-11, and 6-08.6-12 may be varied by agreement.

2. A provision in an account agreement or other record that substantially excuses liability or substantially limits remedies for failure to perform an obligation under this chapter is not sufficient to vary the effect of a provision of this chapter.
3. If a beneficiary is a party to an account agreement, the bank or credit union and the depositor may amend the agreement without the consent of the beneficiary only if the agreement expressly permits the amendment.
4. If a beneficiary is not a party to an account agreement and the bank or credit union and the depositor know the beneficiary has knowledge of the agreement's terms, the bank or credit union and the depositor may amend the agreement without the consent of the beneficiary only if the amendment does not adversely and materially affect a payment right of the beneficiary.
5. If a beneficiary is not a party to an account agreement and the bank or credit union and the depositor do not know whether the beneficiary has knowledge of the agreement's terms, the bank or credit union and the depositor may amend the agreement without the consent of the beneficiary only if the amendment is made in good faith.

6-08.6-04. Requirements for special deposit.

A deposit is a special deposit if it is:

1. A deposit of funds in a bank or credit union under an account agreement;
2. For the benefit of at least two beneficiaries, one or more of which may be a depositor;
3. Denominated in a medium of exchange that is currently authorized or adopted by a domestic or foreign government;
4. For a permissible purpose stated in the account agreement; and
5. Subject to a contingency.

6-08.6-05. Permissible purpose.

1. A special deposit must serve at least one permissible purpose stated in the account agreement from the time the special deposit is created in the account agreement until termination of the special deposit.
2. If, before termination of the special deposit, the bank or credit union or a court determines the special deposit no longer satisfies subsection 1, sections 6-08.6-07 through 6-08.6-10 cease to apply to any funds deposited in the special deposit after the special deposit ceases to satisfy subsection 1.
3. If, before termination of a special deposit, the bank or credit union determines the special deposit no longer satisfies subsection 1, the bank or credit union may take action the bank or credit union believes is necessary under the circumstances, including terminating the special deposit.

6-08.6-06. Payment to beneficiary by bank or credit union.

1. Unless the account agreement provides otherwise, the bank or credit union is obligated to pay a beneficiary if there are sufficient actually and finally collected funds in the balance of the special deposit.
2. Except as provided in subsection 3, the obligation to pay the beneficiary is excused if the funds available in the special deposit are insufficient to cover the payment.
3. Unless the account agreement provides otherwise, if the funds available in the special deposit are insufficient to cover an obligation to pay a beneficiary, a beneficiary may elect to be paid the funds that are available or, if there is more than one beneficiary, a pro rata share of the funds available. Payment to the beneficiary making the election under this subsection discharges the bank's or credit union's obligation to pay a beneficiary and does not constitute an accord and satisfaction with respect to another person obligated to the beneficiary.
4. Unless the account agreement provides otherwise, the obligation of the bank or credit union obligated to pay a beneficiary is immediately due and payable.
5. The bank or credit union may discharge the bank's or credit union's obligation under this section by:
 - a. Crediting another transaction account of the beneficiary; or
 - b. Taking other action that:
 - (1) Is allowed under the account agreement for the bank or credit union to obtain a discharge; or
 - (2) Otherwise would constitute a discharge under law.
6. If the bank or credit union obligated to pay a beneficiary has incurred an obligation to discharge the obligation of another person, the obligation of the other person is discharged if action by the bank or credit union under subsection 5 would constitute a discharge of the obligation of the other person under law that determines whether an obligation is satisfied.

6-08.6-07. Property interest of depositor or beneficiary.

1. A depositor or a beneficiary does not have a property interest in the special deposit itself.
2. The only property interest with respect to a special deposit is the right to receive payment if the bank or credit union is obligated to pay a beneficiary. Any property interest under this subsection is determined under other law.

6-08.6-08. When creditor process is enforceable against bank or credit union.

1. Subject to subsection 2, creditor process with respect to a special deposit is not enforceable against the bank or credit union holding the special deposit.

2. Creditor process is enforceable against the bank or credit union holding a special deposit with respect to an amount the bank or credit union is obligated to pay a beneficiary or a depositor if the process:
 - a. Is served on the bank or credit union;
 - b. Provides sufficient information to allow the bank or credit union to identify the depositor or the beneficiary from the bank's or credit union's books and records; and
 - c. Gives the bank or credit union a reasonable opportunity to act on the process.
3. Creditor process served on a bank or credit union before it is enforceable against the bank or credit union under subsection 2 does not create a right of the creditor against the bank or credit union or a duty of the bank or credit union to the creditor. Other law determines whether creditor process creates a lien enforceable against the beneficiary on a contingent interest of a beneficiary, including a depositor as a beneficiary, even if not enforceable against the bank or credit union.

6-08.6-09. Injunction or similar relief.

A court may enjoin, or grant similar relief that would have the effect of enjoining, a bank or credit union from paying a depositor or beneficiary only if payment would constitute a material fraud or facilitate a material fraud with respect to a special deposit.

6-08.6-10. Recoupment or set off.

1. Except as provided in subsection 2 or 3, a bank or credit union may not exercise a right of recoupment or set off against a special deposit.
2. An account agreement may allow the bank or credit union to debit the special deposit:
 - a. When the bank or credit union becomes obligated to pay a beneficiary, in an amount that does not exceed the amount necessary to discharge the obligation;
 - b. For a fee assessed by the bank or credit union that relates to an overdraft in the special deposit account;
 - c. For costs incurred by the bank or credit union that relate directly to the special deposit; or
 - d. To reverse an earlier credit posted by the bank or credit union to the balance of the special deposit account, if the reversal occurs under an event or circumstance warranted under other law governing mistake and restitution.
3. The bank or credit union holding a special deposit may exercise a right of recoupment or set off against an obligation to pay a beneficiary, even if the bank or credit union funds payment from the special deposit.

6-08.6-11. Duties and liability of bank or credit union.

1. A bank or credit union does not have a fiduciary duty to any person with respect to a special deposit.
2. When the bank or credit union holding a special deposit becomes obligated to pay a beneficiary, a debtor-creditor relationship arises between the bank or credit union and beneficiary.
3. The bank or credit union holding a special deposit has a duty to a beneficiary to comply with the account agreement and this chapter.
4. If the bank or credit union holding a special deposit does not comply with the account agreement or this chapter, the bank or credit union is liable to a depositor or beneficiary only for damages proximately caused by the noncompliance. Except as provided by other law, the bank or credit union is not liable for consequential, special, or exemplary damages.
5. The bank or credit union holding a special deposit may rely on records presented in compliance with the account agreement to determine whether the bank or credit union is obligated to pay a beneficiary.
6. If the account agreement requires payment on presentation of a record, the bank or credit union shall determine within a reasonable time whether the record is sufficient to require payment. If the agreement requires action by the bank or credit union on presentation of a record, the bank or credit union is not liable for relying in good faith on the genuineness of the record if the record appears on its face to be genuine.
7. Unless the account agreement provides otherwise, the bank or credit union is not required to determine whether a permissible purpose stated in the agreement continues to exist.

6-08.6-12. Term and termination.

1. Unless otherwise provided in the account agreement, a special deposit terminates five years after the date the special deposit was first funded.
2. Unless otherwise provided in the account agreement, if the bank or credit union cannot identify or locate a beneficiary entitled to payment when the special deposit is terminated, and a balance remains in the special deposit, the bank or credit union shall pay the balance to the depositor as a beneficiary.
3. A bank or credit union that pays the remaining balance as provided under subsection 2 has no further obligation with respect to the special deposit.

6-08.6-13. Principles of law and equity.

Title 41, consumer protection law, law governing deposits generally, law related to escheat and abandoned or unclaimed property, and the principles of law and equity, including law related to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, and bankruptcy, supplement this chapter except to the extent inconsistent with this chapter.

6-08.6-14. Uniformity of application and construction.

In applying and construing this chapter, a court shall consider the promotion of uniformity of the law among the states that enact it.

SECTION 2. APPLICATION. This Act applies to:

1. A special deposit made under an account agreement executed after July 31, 2025; and
2. A deposit made under an agreement executed before August 1, 2025, if:
 - a. All parties entitled to amend the agreement agree to make the deposit a special deposit governed by chapter 6-08.6; and
 - b. The special deposit referenced in the amended agreement satisfies section 6-08.6-04.

Approved March 20, 2025

Filed March 20, 2025

CHAPTER 99

HOUSE BILL NO. 1537

(Representatives O'Brien, Bahl, Ista, Sanford, Satrom)
(Senators Barta, Meyer, Patten, Conley)

AN ACT to amend and reenact section 6-09.4-22 of the North Dakota Century Code, relating to service agreement protection of service during the term of the loan; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 6-09.4-22 of the North Dakota Century Code is amended and reenacted as follows:

6-09.4-22. Protection of service during term of loan.

1. The service provided or made available by a political subdivision through the construction or acquisition of an improvement, or the revenues therefrom, financed in whole or in part with a loan to the political subdivision from the public finance authority or any other state agency or enterprise, may not be curtailed or limited by inclusion of all or any part of the area served by the political subdivision within the boundaries of any other political subdivision, or by the granting of any private franchise for similar service within the area served by the political subdivision, during the term of the loan. The political subdivision providing the service may not be required to obtain or secure any franchise, license, or permit as a condition of continuing to serve the area if it is included within the boundaries of another political subdivision during the term of the loan.
2. Under the circumstances described in subsection 1, nothing prevents the two political subdivisions, with the public finance authority or other state agency or enterprise, from negotiating an agreement for the right or obligation to provide the service in question, provided that any agreement is invalid and unenforceable unless the public finance authority or other state agency or enterprise is a party to the agreement and unless the agreement contains adequate safeguards to ensure the security and timely payment of any outstanding bonds of the public finance authority issued to fund the loan.
3. An agreement made before January 1, 2025, and in violation of subsection 2 is voidable only at the option of the public finance authority or other state agency or enterprise upon thirty days written notice from the public finance authority or other state agency or enterprise to the parties of the agreement. This subsection does not apply to litigation commenced before January 1, 2025.

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

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 100

HOUSE BILL NO. 1619

(Representatives O'Brien, Mitskog, Nelson, Stemen)
(Senators Dever, Klein)

AN ACT to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to a long-term care facility infrastructure loan program; to amend and reenact subsection 3 of section 6-09-47 of the North Dakota Century Code, relating to the medical facility infrastructure loan fund; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

Long-term care facility infrastructure loan program.

1. The Bank of North Dakota shall administer a loan program to provide loans to nursing and basic care facilities for renovation projects or the construction of new facilities. A construction project may include a land purchase and the purchase, lease, erection, or improvement of any structure or facility to the extent the governing body of the nursing or basic care facility has the authority to authorize such activity.
2. The governing body of a nursing or basic care facility may submit an application to the Bank for a loan. The application must:
 - a. Detail the proposed construction project;
 - b. Demonstrate the need and long-term viability of the project; and
 - c. Include financial information the Bank determines appropriate to verify eligibility.
3. A loan approved under this section:
 - a. May not exceed fifty percent of project costs;
 - b. May not exceed ten million dollars for a project;
 - c. Must have an interest rate that does not exceed two percent; and
 - d. Must have a repayment schedule of no longer than twenty years.
4. A recipient of a loan under this section shall complete the financed construction project within twenty-four months of the approval of the loan. Failure to comply with this subsection may result in forfeiture of the entire loan received under this section.

5. The Bank shall deposit in the strategic investment and improvements fund all principal and interest paid on the loans made from the fund. The Bank may deduct from interest payments a service fee for costs of administering the loan program, not to exceed one-half of one percent of the outstanding balance of the loans.

SECTION 2. AMENDMENT. Subsection 3 of section 6-09-47 of the North Dakota Century Code is amended and reenacted as follows:

3. A loan provided under this section:
- May not exceed the lesser of fifteen million dollars or seventy-five percent of the actual cost of the project;
 - Must have an interest rate equal to ~~one~~two percent; and
 - Must provide a repayment schedule of no longer than twenty-five years.

SECTION 3. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - LONG-TERM CARE FACILITY INFRASTRUCTURE LOAN PROGRAM. There is appropriated out of any moneys in the strategic investment and improvements fund, not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of providing loans under the long-term care facility infrastructure loan program pursuant to section 1 of this Act, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved May 5, 2025

Filed May 6, 2025

CORPORATIONS

CHAPTER 101

SENATE BILL NO. 2214

(Senators Patten, Rummel, Hogue)
(Representatives Stemen, Swiontek, Warrey)

AN ACT to amend and reenact subsection 4 of section 6-01-07.1, subsections 4 and 5 of section 10-04-02, sections 10-04-03 and 10-04-16, paragraph 2 of subdivision a of subsection 1 of section 10-04-16.1, section 26.1-06-12, subsection 3 of section 43-10.1-01, subsection 2 of section 43-23.1-05, subsection 4 of section 51-19-02, subsection 3 of section 51-23-02, subsection 1 of section 51-23-15, subsection 1 of section 54-12-08, subsection 1 of section 54-59-22.1, subsection 4 of section 57-38.5-01, and subsection 5 of section 57-38.6-01 of the North Dakota Century Code, relating to the insurance commissioner assuming the duties of the securities commissioner; to provide for a transfer; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 6-01-07.1 of the North Dakota Century Code is amended and reenacted as follows:

4. The commissioner may furnish information and enter sharing agreements as to matters of mutual interest to an official or examiner of the federal reserve system, federal deposit insurance corporation, federal home loan bank board, national credit union administration, office of thrift supervision, comptroller of the currency, any other federal government agency, insurance commissioner, ~~office of the securities commissioner~~, regulatory trade associations, any state bank or credit union supervisors or supervisors of other licensed entities of other states, or a nationwide multistate licensing system.

SECTION 2. AMENDMENT. Subsections 4 and 5 of section 10-04-02 of the North Dakota Century Code are amended and reenacted as follows:

4. "Commissioner" means the ~~securities~~insurance commissioner ~~of this state~~.
5. "Department" means the ~~state securities~~insurance department.

SECTION 3. AMENDMENT. Section 10-04-03 of the North Dakota Century Code is amended and reenacted as follows:

10-04-03. Administration of chapter.

1. ~~The state securities department is under the supervision of a chief officer designated as the securities commissioner. The securities commissioner must be appointed by the governor and confirmed by the senate and shall hold office for a term of four years, beginning on the first day of July following a national presidential election and continuing until a successor has been~~

~~appointed, confirmed by the senate, and has qualified, unless removed as herein provided. If the senate is not in session, the governor may make an interim appointment, and the interim appointee may hold office until the senate confirms or rejects the appointment. The commissioner may not own or control any security required to be registered under this chapter, or any security which is exempt based on the approval of the securities department. The commissioner may not be an officer, director, or employee of any broker-dealer, agent, investment adviser, or investment adviser representative required to be registered under this chapter, or of a federal covered adviser required to be notice filed under this chapter. The governor may remove from office any commissioner who fails to discharge faithfully the duties of office or who becomes disqualified under the provisions of this section.~~

- ~~a. It is the prime duty of the commissioner to administer the provisions of this chapter. The commissioner shall receive a salary within the amount appropriated for salaries by the legislative assembly. The commissioner shall use a seal with the words "securities commissioner, North Dakota" and such design as the commissioner may prescribe engraved thereon by which seal the commissioner may authenticate documents used in the administration of this chapter.~~
- ~~b. The commissioner may employ such employees as are necessary for the administration of this chapter. In the absence or disability of the commissioner, the deputy or designee of the commissioner may administer the provisions of this chapter as acting commissioner.~~
- ~~c. The commissioner may not:~~
 - ~~(1) Own or control any security required to be registered under this chapter or any security that is exempt based on the approval of the department; or~~
 - ~~(2) Be an officer, director, or employee of any broker-dealer, agent, investment adviser, or investment adviser representative required to be registered under this chapter, or of a federal covered adviser required to be notice-filed under this chapter.~~
2. The commissioner ~~shall have authority to administer~~may:
 - a. Administer oaths in, and ~~to~~ prescribe forms for, all matters arising under this chapter. ~~The commissioner may from time to time make;~~ and
 - b. Adopt, amend, and rescind such rules, forms, and orders as are necessary under this chapter, including rules and forms governing registration statements, applications and reports, and defining any terms, whether or not used in this chapter, if the definitions are consistent with this chapter.
3. The commissioner shall cooperate with the administrators of the securities laws of other states and of the United States with a view toward achieving maximum uniformity in the interpretation of like provisions of the laws administered by them and in the forms which are required to be filed under such law.

- ~~3. In addition to their regular compensation, the commissioner and the commissioner's employees shall be paid travel expenses necessary and actually incurred in the performance of their duties.~~
4. a. A special fund is established in the state treasury and designated as the investor education and technology fund. The commissioner may deposit the following moneys into the investor education and technology fund:
- ~~a.~~ (1) Payments for tuition or other costs associated with educational services or materials provided by the department.
 - ~~b.~~ (2) Grants or donations for the purpose of investor education received by the commissioner from any public or private source.
 - ~~c.~~ (3) Civil penalties assessed by the commissioner under the Securities Act of 1951, if the commissioner finds ~~that the violations or alleged violations underlying the assessment of civil penalties:~~
 - (4) ~~The violations or alleged violations underlying the assessment of civil penalties involve~~
 - (a) Involve repeat violations, involve numerous investors, or appear to have been perpetrated on a systematic basis; and
 - (2) ~~The violations or alleged violations underlying the assessment of civil penalties could~~
 - (b) Could have been prevented or significantly curtailed had the individual investors involved in the matter been more knowledgeable about financial concepts in general, or about any specific laws, practices, or procedures relating to the securities industry.
- b. The commissioner shall maintain and administer the investor education and technology fund. The moneys in the fund are appropriated to provide education services to the public relating to any of the financial services industries, including the securities industry, and to provide for the technology needs of the department, including the purchase or rental of equipment or software, servicing of the equipment or software, and training the commissioner's staff in the use of the equipment or software.
5. A special fund is established in the state treasury and designated as the securities ~~department~~ special fund. All fees, civil penalties, or other moneys collected under this chapter must be deposited in the securities ~~department~~ special fund, except funds permitted to be deposited into the investor education and technology fund under subsection 4 or civil penalties collected from enforcement actions for the purpose of distribution to aggrieved investors, which may be deposited in the investor restitution fund. Funds in the investor restitution fund are appropriated to the ~~securities~~ commissioner on a continuing basis for distribution to aggrieved investors.
- a. The moneys deposited in the securities ~~department~~ special fund are reserved for use by the ~~securities department~~ commissioner to defray the expenses of the department in the discharge of administrative and regulatory powers and duties of the department ~~as prescribed by law under this chapter~~. Deposits under this subdivision are subject to the applicable

laws relating to the appropriations of state funds and to the deposit and expenditure of state moneys. The securities commissioner is responsible for the proper expenditure of these moneys as provided by law.

- b. ~~The office of management and budget shall transfer any balance in the securities department special fund in excess of the amounts necessary for department expenditures pursuant to the department's biennial appropriation to the general fund. Except as otherwise provided by law, after the fiscal year has been closed and all expenses relating to the fiscal year have been accounted for, the office of management and budget shall transfer any balance remaining in the securities special fund that exceeds one million dollars to the general fund.~~

6. The commissioner may honor requests from interested persons for the issuance of a statement or opinion concerning the applicability of this chapter or the rules adopted under this chapter to any transaction or proposed transaction ~~which~~ that may be subject to this chapter. Any such request must be accompanied by a nonrefundable fee of one hundred fifty dollars.

SECTION 4. AMENDMENT. Section 10-04-16 of the North Dakota Century Code is amended and reenacted as follows:

10-04-16. Orders, injunctions, and prosecutions for violations - Civil penalty.

If it appears to the commissioner, either upon complaint or otherwise, that any person has engaged in, or is engaging in, or is about to engage in any act or practice or transaction ~~that is~~ prohibited by this chapter or by any order of the commissioner issued under this chapter or which is declared to be illegal ~~in~~ under this chapter, the commissioner may:

1. Issue any order, including cease and desist, rescission, stop, and suspension orders, which the commissioner deems necessary or appropriate in the public interest or for the protection of investors. An order of the commissioner is effective upon issuance. The commissioner may, in addition to any other remedy authorized by this chapter, impose by order and collect a civil penalty against any person found in an administrative action to have violated any provision of this chapter, or any rule or order adopted or issued under this chapter, in an amount not to exceed ten thousand dollars for each violation. The commissioner may bring actions to recover penalties pursuant to this section in district court. A person aggrieved by an order issued pursuant to this subsection may request a hearing before the commissioner if a written request is made within fifteen days after receipt of the order. If a request for hearing is made under this subsection, the commissioner shall schedule a hearing within a reasonable time. Subsections 3 and 4 of section 10-04-12 apply to any hearing conducted under this subsection. If, after a hearing, the commissioner sustains an order previously issued, the sustaining order is subject to appeal to the district court of Burleigh County according to the procedures set forth in chapter 28-32. Any order issued under this subsection is a final order if it is properly served and no hearing was requested within the required timeline. If an order issued under this subsection is sustained or modified after a hearing held in accordance with section 10-04-12, the order sustaining or modifying that order is a final order. If the final order is not appealed in accordance with the procedures set forth in chapter 28-32 or if the final order is sustained on appeal, the ~~securities department commissioner~~ may file a certified copy of the final order with the clerk of a court of competent jurisdiction. The order so filed has the same effect as a judgment of the court and may be recorded, enforced, or satisfied in the same manner as a judgment of the court.

2. Apply to the district court of any county in this state for an injunction restraining the person and the person's agents, employees, partners, officers, and directors from continuing the act, practice, or transaction or engaging ~~therein~~ or doing any acts in furtherance thereof that further the practice or transaction, and for such other and further relief as the facts warrant. In any proceeding for an injunction, the commissioner may apply for and on due showing be issued the court's subpoena requiring the appearance ~~forthwith~~ of any defendant and the defendant's agents, employees, partners, officers, or directors, and the production of the documents, books, and records necessary for the hearing upon the petition for an injunction. Upon proof of any of the offenses described in this section, the court may grant the injunction as the facts warrant, and a receiver or conservator may be appointed for the defendant or the defendant's assets, and the court may assess civil penalties in an amount not to exceed ten thousand dollars for each violation of this chapter, and any rules ~~promulgated thereunder~~ adopted or orders issued ~~thereunder~~ under this chapter. The court ~~shall~~ may not require the commissioner to post a bond.
3. Refer any evidence available concerning the act, practice, or transaction to the appropriate criminal prosecutor who may, with or without the reference, institute the necessary criminal proceedings. The prosecutor may apply for and on due showing be issued the court's subpoena requiring the appearance ~~forthwith~~ of any defendant and the defendant's agents, employees, partners, officers, and directors, and the production of any documents, books, and records necessary for the prosecution of the criminal proceedings.

SECTION 5. AMENDMENT. Paragraph 2 of subdivision a of subsection 1 of section 10-04-16.1 of the North Dakota Century Code is amended and reenacted as follows:

- (2) ~~No~~ A person is not liable to a broker-dealer, agent, investment adviser, federal covered adviser, or investment adviser representative for defamation relating to a statement that is contained in a record required or requested by the securities department ~~pursuant to~~ under this subsection or required to be maintained under section 10-04-10.3, unless the person knew, or should have known at the time the statement was made, that it was false in a material respect or the person acted in reckless disregard of the statement's truth or falsity.

SECTION 6. AMENDMENT. Section 26.1-06-12 of the North Dakota Century Code is amended and reenacted as follows:

26.1-06-12. Securities laws.

This chapter does not limit or modify ~~in any way~~ any responsibility, authority, power, or jurisdiction ~~of the securities commissioner or of~~ provided in the securities laws of this state.

SECTION 7. AMENDMENT. Subsection 3 of section 43-10.1-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Commissioner" means the ~~securities~~ insurance commissioner.

SECTION 8. AMENDMENT. Subsection 2 of section 43-23.1-05 of the North Dakota Century Code is amended and reenacted as follows:

2. Unless the method of disposition is adopted for the purpose of evasion of this chapter, the registration provisions of this chapter do not apply to:
 - a. Offers and dispositions of securities currently registered with the North Dakota ~~securities commissioner~~ insurance department;
 - b. A subdivision as to which the plan of disposition is to dispose to ten or fewer persons; or
 - c. A subdivision as to which the commission has granted an exemption as provided in section 43-23.1-11.

SECTION 9. AMENDMENT. Subsection 4 of section 51-19-02 of the North Dakota Century Code is amended and reenacted as follows:

4. "Commissioner" means the ~~securities~~ insurance commissioner.

SECTION 10. AMENDMENT. Subsection 3 of section 51-23-02 of the North Dakota Century Code is amended and reenacted as follows:

3. "Commissioner" means the ~~securities~~ insurance commissioner ~~of this state~~.

SECTION 11. AMENDMENT. Subsection 1 of section 51-23-15 of the North Dakota Century Code is amended and reenacted as follows:

1. This chapter must be administered by the ~~securities~~ insurance commissioner.

²⁹ **SECTION 12. AMENDMENT.** Subsection 1 of section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and ~~no person may~~ a person may not act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, and the agriculture commissioner, ~~and the securities commissioner~~ may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.

²⁹ Section 54-12-08 was also amended by section 9 of House Bill No. 1020, chapter 19.

SECTION 13. AMENDMENT. Subsection 1 of section 54-59-22.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The following state agencies shall obtain centralized desktop support services from the information technology department:
 - a. Office of administrative hearings.
 - b. Office of the governor.
 - c. Commission on legal counsel for indigents.
 - d. Public employees retirement system.
 - e. North Dakota university system office.
 - f. Department of career and technical education.
 - g. Department of financial institutions.
 - h. Department of veterans' affairs.
 - i. Aeronautics commission.
 - j. Council on the arts.
 - k. Agriculture commissioner.
 - l. Department of labor and human rights.
 - m. Indian affairs commission.
 - n. Protection and advocacy project.
 - o. Secretary of state.
 - p. State treasurer.
 - q. State auditor.
 - r. ~~Securities department.~~

SECTION 14. AMENDMENT. Subsection 4 of section 57-38.5-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Qualified business" means a business other than a real estate investment trust which is a primary sector business that:
 - a. Is incorporated or its satellite operation is incorporated as a for-profit corporation, passthrough entity, or joint venture;
 - b. Is in compliance with the requirements for filings with the ~~securities~~insurance commissioner under the securities laws of this state;
 - c. Has North Dakota residents as a majority of its employees in the North Dakota principal office or the North Dakota satellite operation;

- d. Has its principal office in this state and has the majority of its business activity performed in this state, except sales activity, or has a significant operation in North Dakota that has or is projected to have more than ten employees or one hundred fifty thousand dollars of sales annually; and
- e. Relies on innovation, research, or the development of new products and processes in its plans for growth and profitability.

SECTION 15. AMENDMENT. Subsection 5 of section 57-38.6-01 of the North Dakota Century Code is amended and reenacted as follows:

- 5. "Qualified business" means a cooperative, corporation, partnership, or limited liability company that:
 - a. Is incorporated or organized in this state after December 31, 2000, for the primary purpose of being an agricultural commodity processing facility;
 - b. Has been certified by the ~~securities~~insurance commissioner to be in compliance under the securities laws of this state; and
 - c. Has an agricultural commodity processing facility, or intends to locate one, in this state.

SECTION 16. TRANSFER. The office of management and budget shall transfer any amounts and full-time equivalent positions appropriated or authorized for the securities department to the insurance commissioner, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 17. EFFECTIVE DATE. This Act becomes effective on July 1, 2025.

SECTION 18. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 17, 2025

Filed April 17, 2025

CHAPTER 102

SENATE BILL NO. 2150

(Senators Thomas, Luick)
(Representative Beltz)

AN ACT to amend and reenact subsection 7 of section 10-06.1-01, subsection 3 of section 10-06.1-12.2, subdivision b of subsection 1 of section 10-06.1-15.2, subdivision d of subsection 3 of section 10-06.1-17, and subsection 3 of section 10-06.1-17.1 of the North Dakota Century Code, relating to corporate or limited liability company farming and ranching.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 7 of section 10-06.1-01 of the North Dakota Century Code is amended and reenacted as follows:

7. a. "Farming or ranching" means raising or producing agricultural crops, fruit, horticultural products, or livestock or livestock products, or livestock backgrounding, or livestock finishing.
- b. The term does not include:
 - (1) Agricultural support services;
 - (2) Aquaculture or greenhouse agriculture by a person that has farmland or ranchland holdings not exceeding forty acres [16.19 hectares];
 - (3) Beekeeping;
 - (4) The production of timber or forest products;
 - (5) The growing or processing of marijuana under chapter 19-24.1; or
 - (6) A contract under which a processor or distributor of farm or ranch products or supplies provides grain, harvesting, or other farm or ranch services.

SECTION 2. AMENDMENT. Subsection 3 of section 10-06.1-12.2 of the North Dakota Century Code is amended and reenacted as follows:

3. a. If an authorized livestock farm corporation:
 - (1) All shareholders who are individuals must be citizens of the United States, permanent resident aliens of the United States, or an authorized individual person under section 47-10.1-02.
 - (2) All shareholders that are persons otherwise eligible under this chapter, and any controlling individual or entity organization of the person, must be organized in the United States and one hundred percent of the stock must be owned by citizens of the United States, permanent resident aliens of the United States, or an authorized individual person under section 47-10.1-02.

b. If an authorized livestock farm limited liability company:

- (1) All members who are individuals must be citizens of the United States, permanent resident aliens of the United States, or an authorized ~~individual~~person under section 47-10.1-02.
- (2) All members that are persons otherwise eligible under this chapter, and any controlling individual or ~~entity~~organization of the person, must be organized in the United States and one hundred percent of the interests must be owned by citizens of the United States, permanent resident aliens of the United States, or an authorized ~~individual~~person under section 47-10.1-02.

SECTION 3. AMENDMENT. Subdivision b of subsection 1 of section 10-06.1-15.2 of the North Dakota Century Code is amended and reenacted as follows:

b. With respect to each shareholder or member:

- (1) The name and address of each;
- (2) If a person other than an individual, the state of incorporation, organization, or domicile;
- (3) The number of shares or membership interests or percentage of shares or membership interests of each;
- (4) Each person's percentage of total shares entitled to vote or membership interests entitled to vote; and whether any voting agreement exists;
- (5) Each person's percentage of total capital and financial interests;
- (6) As to individuals, a statement of whether each is a citizen or permanent resident alien of the United States;
- (7) As to individuals, a statement of whether each will be actively engaged in the business of farming or ranching; and
- (8) As to a person other than an individual, a statement of whether the person, and any controlling ~~person~~individual or organization of the person, is incorporated in the United States and one hundred percent of the stock or interests is owned by citizens of the United States, permanent residents of the United States, or ~~individuals or persons in compliance with an authorized person under~~ individuals or persons in compliance with an authorized person under section 47-10.1-02.

SECTION 4. AMENDMENT. Subdivision d of subsection 3 of section 10-06.1-17 of the North Dakota Century Code is amended and reenacted as follows:

d. With respect to each farming or ranching limited liability company:

- (1) A statement of the aggregate ~~number of~~ number of membership interests the limited liability company has authority to issue, itemized ~~by classes and series, if any, within a class as designated under the operating agreement.~~

- (2) A statement of the aggregate number of issued membership interests, ~~itemized by classes and series, if any, within a class~~ as designated under the operating agreement.

SECTION 5. AMENDMENT. Subsection 3 of section 10-06.1-17.1 of the North Dakota Century Code is amended and reenacted as follows:

3. An annual report of the authorized livestock farm corporation or the authorized livestock farm limited liability company must include the following information with respect to the preceding calendar year:
- a. The name of the authorized livestock farm corporation or authorized livestock farm limited liability company.
 - b. The name of the registered agent of the authorized livestock farm corporation or authorized livestock farm limited liability company as provided in chapter 10-01.1 and, if a noncommercial registered agent, the address of the registered office of the authorized livestock farm corporation or authorized livestock farm limited liability company in this state.
 - c. With respect to each authorized livestock farm corporation:
 - (1) A statement of the aggregate number of shares the authorized livestock farm corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any, within a class.
 - (2) A statement of the aggregate number of issued shares, itemized by classes, par value of shares, shares without par value, and series, if any, within a class.
 - d. With respect to each authorized livestock farm limited liability company:
 - (1) A statement of the aggregate number of membership interests the authorized livestock farm limited liability company has authority to issue, ~~itemized by classes and series, if any, within a class~~ as designated under the operating agreement.
 - (2) A statement of the aggregate number of issued membership interests, ~~itemized by classes and series, if any, within a class~~ as designated under the operating agreement.
 - e. With respect to each shareholder or member:
 - (1) The name and address of each;
 - (2) If a person other than an individual, the state of incorporation, organization, or domicile;
 - (3) The number of shares or membership interests or percentage of shares or membership interests of each;
 - (4) Each person's percentage of total shares entitled to vote, or membership interests entitled to vote, and whether any voting agreement exists;

- (5) Each person's percentage of total capital and financial interests;
 - (6) As to individuals, a statement of whether each is a citizen or permanent resident alien of the United States;
 - (7) As to individuals, a statement of whether each will be actively engaged in the business of farming or ranching; and
 - (8) As to ~~persons~~ a person other than an individual, a statement of whether the person, and any controlling ~~person~~ individual or organization of the person, is incorporated or organized in the United States and one hundred percent of the stock or interests is owned by citizens of the United States, permanent resident aliens of the United States, or ~~individuals or persons in compliance with an authorized person under section 47-10.1-02.~~
- f. With respect to management:
- (1) If an authorized livestock farm corporation, the names and addresses of the officers and members of the board of directors, and a statement whether each ~~actively~~ is actively engaged in the operation of the corporation; or
 - (2) If an authorized livestock farm limited liability company, the names and addresses of the managers and members of the board of governors, and a statement whether each ~~actively~~ is actively engaged in the operation of the limited liability company.
- g. A statement that the authorized livestock farm corporation or authorized livestock farm limited liability company does not own, lease, or hold any interest in more than one hundred sixty acres [64.75 hectares] of farmland or ranchland.
- h. A statement providing the farmland or ranchland description and listing the acreage [hectareage] and location listed by section, township, range, and county of all farmland or ranchland in which the authorized livestock farm corporation or authorized livestock farm limited liability company has an ownership, leasehold, or other interest.
- i. A statement that no shareholders or members hold a direct or indirect interest in other authorized livestock farm corporations or authorized livestock farm limited liability companies that in combination with the corporation or limited liability company own, lease, or hold any interest in more than six hundred forty acres [259 hectares] of farmland or ranchland. The interest disclosed under this subdivision does not include the number of acres [hectares] of farmland or ranchland directly owned or leased by shareholders or members who are individuals, farming or ranching corporations, farming or ranching limited liability companies, or partnerships that meet the requirements of subsection 2 of section 10-06.1-02.
- j. A statement that the authorized livestock farm corporation or authorized livestock farm limited liability company does not engage in the production of crops or the grazing of livestock on farmland or ranchland.

- k. The first date of livestock operations.
- l. A statement of the percentage of the annual average gross income of the authorized livestock farm corporation or authorized livestock farm limited liability company which has been derived from authorized livestock farm operations over the previous five years or for each year of existence if less than five years.
- m. A statement of the percentage of gross income of the authorized livestock farm corporation or authorized livestock farm limited liability company derived from nonfarm rent, nonfarm royalties, dividends, interest, and annuities during the period covered by the report.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 103

SENATE BILL NO. 2396

(Senators Weston, Boehm, Hogue, Paulson)
(Representatives Steiner, Tveit)

AN ACT to amend and reenact section 10-30.5-08 of the North Dakota Century Code, relating to annual audits of the North Dakota development fund; to provide for a performance audit of the North Dakota development fund; to provide for a legislative management report; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 10-30.5-08 of the North Dakota Century Code is amended and reenacted as follows:

10-30.5-08. Annual audit.

~~The board of directors~~ the state auditor's office may conduct an annual audit of the financial statements of the corporation pursuant to this section. If the state auditor's office does not conduct the audit, the state auditor's office shall contract with a certified public accounting firm to audit annually the financial statements of the corporation in accordance with generally accepted auditing standards. The cost of the audit must be borne by the corporation.

SECTION 2. PERFORMANCE AUDIT - NORTH DAKOTA DEVELOPMENT FUND - REPORT TO LEGISLATIVE AUDIT AND FISCAL REVIEW COMMITTEE - REPORT TO LEGISLATIVE MANAGEMENT.

1. The state auditor's office shall contract with an independent third party for the completion of a performance audit of the North Dakota development fund for the period beginning July 1, 2019, and ending June 30, 2024. The state auditor's office shall receive the final audit report by August 1, 2026.
2. The performance audit must address the economy, efficiency, and effectiveness of the North Dakota development fund by examining internal processes, controls, and results to identify areas for improvement and provide recommendations for corrective actions.
3. After the report is received under subsection 1, the state auditor's office shall present the report at the next meeting of the legislative audit and fiscal review committee. Before September 30, 2026, the state auditor's office also shall present the report to the legislative management.

SECTION 3. APPROPRIATION - PERFORMANCE AUDIT - NORTH DAKOTA DEVELOPMENT FUND - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the state auditor's office for the purpose of contracting for a performance audit of the North Dakota development fund, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation provided in this section is considered a one-time funding item.

Approved April 30, 2025

Filed May 1, 2025

COUNTIES

CHAPTER 104

HOUSE BILL NO. 1307

(Representatives Kasper, Headland, Kempenich, Koppelman, Louser, D. Ruby,
Steiner, Motschenbacher)
(Senators Hogue, Myrdal, Paulson)

AN ACT to amend and reenact sections 11-09.1-04, 11-09.1-05, 40-05.1-05, 40-05.1-06, and 40-49-07 of the North Dakota Century Code, relating to election laws in home rule counties and cities and nominating petition signature thresholds in park districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-09.1-04 of the North Dakota Century Code is amended and reenacted as follows:

11-09.1-04. Ratification by majority vote - Supersession of existing charter and conflicting state laws - Exception - Filing of copies of new charter.

If a majority of the qualified electors voting on the charter at the election vote in favor of the home rule charter, it is ratified and becomes the organic law of the county on the first day of January or July next following the election, and extends to all its county matters, unless limited by law. The charter and the ordinances made pursuant to the charter in county matters, except for matters pertaining to county elections, must be liberally construed to supersede within the territorial limits and jurisdiction of the county any conflicting state law except for any state law as it applies to cities or any power of a city to govern its own affairs, without the consent of the governing body of the city. Any ordinance enacted or adopted by a county pertaining to county elections under a home rule charter in conflict with state law is void. The charter may not authorize the enactment of ordinances to diminish the authority of a board of supervisors of a township or to change the structure of township government in any organized civil township, without the consent of the board of supervisors of the township. ~~No~~An ordinance of a home rule county ~~shall~~may not supersede sections 49-22-16 and 49-22.1-13. One copy of the charter as ratified and approved must be filed with the secretary of state; one with the recorder for the county, unless the board of county commissioners designates a different official; and one with the auditor of the county to remain as a part of its permanent records. Courts shall take judicial notice of the charter.

³⁰ **SECTION 2. AMENDMENT.** Section 11-09.1-05 of the North Dakota Century Code is amended and reenacted as follows:

³⁰ Section 11-09.1-05 was also amended by section 1 of House Bill No. 1297, chapter 201.

11-09.1-05. Powers.

After the filing with the secretary of state of a charter approved in reasonable conformity with this chapter, the county and its citizens may, if included in the charter and implemented through ordinances:

1. Acquire, hold, operate, and dispose of property within or without the county limits, and, subject to chapter 32-15, exercise the right of eminent domain for those purposes.
2. Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law; and establish debt limitations.
3. Levy and collect property taxes and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements, and establish mill levy limitations. Notwithstanding any authority granted under this chapter, all property must be assessed in a uniform manner as prescribed by the state board of equalization and the state supervisor of assessments and all taxable property must be taxed by the county at the same rate unless otherwise provided by law. A charter or ordinance or act of a governing body of a home rule county may not supersede any state law that determines what property or acts are subject to, or exempt from, ad valorem taxes. A charter or ordinance or act of the governing body of a home rule county may not supersede section 11-11-55.1 relating to the sixty percent petition requirement for improvements and of section 40-22-18 relating to the barring proceeding for improvement projects.
4. Levy and collect an infrastructure fee. The fee must replace a general special assessment on all property for payment of infrastructure maintenance costs through a utility bill issued by the county. The money collected under this subsection may not be used for any purpose other than infrastructure maintenance costs. If a home rule county levies an infrastructure fee, the home rule county also may levy and collect green field special assessments. As used in this subsection:
 - a. "General special assessments" means special assessments levied for the purpose of maintaining existing roads and infrastructure and special assessments levied for the construction or repair of arterial roads and infrastructure that provide a benefit to the entire community.
 - b. "Green field special assessments" means special assessments levied for infrastructure costs associated with the development of agricultural or undeveloped property.
5. Levy and collect sales and use taxes, farm machinery gross receipts taxes, alcoholic beverage gross receipts taxes, a county lodging tax, and a county restaurant tax. Sales and use taxes and gross receipts taxes levied under this chapter:
 - a. Must conform in all respects with regard to the taxable or exempt status of items under chapters 57-39.2, 57-39.5, 57-39.6, and 57-40.2 and may not be imposed at multiple rates with the exception of sales of manufactured homes or mobile homes.

- b. May not be newly imposed or changed except to be effective on the first day of a calendar quarterly period after a minimum of ninety days' notice to the tax commissioner or, for purchases from printed catalogs, on the first day of a calendar quarter after a minimum of one hundred twenty days' notice to the seller.
- c. May not be limited to apply to less than the full value of the transaction or item as determined for state sales and use tax, except for farm machinery gross receipts tax purposes.
- d. Must be subject to collection by the tax commissioner under an agreement under section 57-01-02.1, with the exception of a county lodging or county restaurant tax, and must be administered by the tax commissioner in accordance with the relevant provisions of chapter 57-39.2, including reporting and paying requirements, correction of errors, payment of refunds, and application of penalty and interest.

After December 31, 2005, any portion of a charter or any portion of an ordinance or act of a governing body of a home rule county passed pursuant to a charter which does not conform to the requirements of this subsection is invalid to the extent that it does not conform. The invalidity of a portion of a charter or ordinance or act of a governing body of a home rule county because it does not conform to this subsection does not affect the validity of any other portion of the charter or ordinance or act of a governing body of a home rule county or the eligibility for a refund under section 57-01-02.1. Any taxes imposed under this chapter on farm machinery, farm irrigation equipment, and farm machinery repair parts used exclusively for agricultural purposes, or on alcoholic beverages, which were in effect on December 31, 2005, become gross receipts taxes after December 31, 2005. Ordinances enacted after August 1, 2017, may not allow for the collection and levy of any tax not otherwise specified under this section.

- 6. Provide for county elected and appointed officers and employees, their selection, powers, duties, qualifications, and compensation, and the terms of county appointed officers and employees. However, after adoption of a home rule charter, a county elected office may not be eliminated or combined with another office except upon approval of a majority of the electors of the county voting upon the question at a primary or general election or pursuant to the county officer combination, separation, or redesignation procedures of chapter 11-10.2. A home rule charter may not diminish the term of office for which a current county officer was elected, redesignate that elected office during that term as appointed, or reduce the salary of the office for that term. This subsection does not authorize a county to redesignate the elected offices of sheriff and state's attorney as appointed, except as provided in section 11-10-02.3.
- ~~7. Provide for all matters pertaining to county elections, except as to qualifications of electors.~~
- ~~8.~~ Provide for the adoption, amendment, repeal, initiative, referral, enforcement, and civil and criminal penalties for violation of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare. This subsection does not confer any authority to regulate any industry or activity regulated by state law or by rules adopted by a state agency. This subsection is subject to the provisions of section 62.1-01-03.

- ~~9-8.~~ Lay out or vacate public grounds, and provide through its governing body for the construction, use, operation, designation, and regulation of a county road system.
- ~~40-9.~~ Provide for zoning, planning, and subdivision of public or private property within the county limits but outside the zoning authority of any city or organized township. This subsection is subject to the provisions of section 62.1-01-03.
- ~~44-10.~~ Exercise in the conduct of its affairs all powers usually exercised by a corporation.
- ~~42-11.~~ Contract with and receive grants from any other governmental entity or agency, with respect to any local, state, or federal program, project, or works.

The people of all counties coming within this chapter have the full right of self-government in all matters within the powers enumerated in this chapter. The statutes of this state, so far as applicable, continue to apply to counties, except as superseded by the charters of the counties or by ordinances passed pursuant to the charters.

SECTION 3. AMENDMENT. Section 40-05.1-05 of the North Dakota Century Code is amended and reenacted as follows:

40-05.1-05. Ratification by majority vote - Supersession of existing charter and state laws in conflict therewith - Exception - Filing of copies of new charter.

If a majority of the qualified voters voting on the charter at the election vote in favor of the home rule charter, the charter is ratified and is the organic law of the city, and extends to all its local and city matters, unless limited by law. The charter and the ordinances made pursuant to the charter in such matters, except for matters pertaining to city elections, supersede within the territorial limits and other jurisdiction of the city any law of the state in conflict with the charter and ordinances and must be liberally construed for such purposes. Except as provided under subsection 9 of section 40-05.1-06, any ordinance enacted or adopted by a city pertaining to city elections under a home rule charter in conflict with state law is void. One copy of the charter ratified and approved must be filed with the secretary of state and one with the auditor of the city to remain as a part of its permanent records. ~~Thereupon the~~ The courts shall take judicial notice of the new charter upon its filing.

³¹ **SECTION 4. AMENDMENT.** Section 40-05.1-06 of the North Dakota Century Code is amended and reenacted as follows:

40-05.1-06. Powers.

From and after the filing with the secretary of state of a charter framed and approved in reasonable conformity with the provisions of this chapter, such city, and the citizens thereof, shall, if included in the charter and implemented through ordinances, have the following powers set out in this chapter:

1. To acquire, hold, operate, and dispose of property within or without the corporate limits, and, subject to chapter 32-15, exercise the right of eminent domain for such purposes.

³¹ Section 40-05.1-06 was also amended by section 3 of House Bill No. 1297, chapter 201.

2. To control its finances and fiscal affairs; to appropriate money for its purposes, and make payment of its debts and expenses; to contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; to establish charges for any city or other services; and to establish debt limitations.
3. To levy and collect property taxes and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements, and establish mill levy limitations. Notwithstanding any authority granted under this chapter, all property must be assessed in a uniform manner as prescribed by the state board of equalization and the state supervisor of assessments and all taxable property must be taxed by the city at the same rate unless otherwise provided by law.
4. To levy and collect an infrastructure fee. The fee must replace a general special assessment on all property for payment of infrastructure maintenance costs through a utility bill issued by a municipality. The money collected under this subsection may not be used for any purpose other than infrastructure maintenance costs. If a home rule city levies an infrastructure fee, the home rule city also may levy and collect green field special assessments. As used in this subsection:
 - a. "General special assessments" means special assessments levied for the purpose of maintaining existing roads and infrastructure and special assessments levied for the construction or repair of arterial roads and infrastructure that provide a benefit to the entire community.
 - b. "Green field special assessments" means special assessments levied for infrastructure costs associated with the development of agricultural or undeveloped property.
5. To levy and collect excises, fees, charges, franchise and license taxes, sales and use taxes, farm machinery gross receipts taxes, alcoholic beverage gross receipts taxes, a city lodging tax, and a city restaurant tax. For purposes of this section, any taxes imposed under this section on farm machinery, farm irrigation equipment, and farm machinery repair parts used exclusively for agricultural purposes, or on alcoholic beverages, which were in effect on December 31, 2005, become gross receipts taxes after December 31, 2005. After December 31, 2005, any portion of a charter or any portion of an ordinance passed pursuant to a charter which does not conform to the requirements of this section is invalid to the extent it does not conform. The invalidity of a portion of a charter or ordinance because it does not conform with this subsection does not affect the validity of any other portion of the charter or ordinance of the eligibility for a refund under section 57-01-02.1. Ordinances enacted after August 1, 2017, may not allow for the collection and levy of any tax not otherwise specified under this section. Sales and use taxes and gross receipts taxes levied under this section:
 - a. Must conform in all respects with regard to the taxable or exempt status of items under chapters 57-39.2, 57-39.5, 57-39.6, and 57-40.2 and may not be imposed at multiple rates with the exception of sales of manufactured homes or mobile homes.
 - b. May not be newly imposed or changed except to be effective on the first day of a calendar quarterly period after a minimum of ninety days' notice to

the tax commissioner or, for purchases from printed catalogs, on the first day of a calendar quarter after a minimum of one hundred twenty days' notice to the seller.

- c. May not be limited to apply to less than the full value of the transaction or item as determined for state sales and use tax purposes, except for farm machinery gross receipts tax.
 - d. Must be subject to collection by the tax commissioner under an agreement under section 57-01-02.1, with the exception of a city lodging or city restaurant tax, and must be administered by the tax commissioner in accordance with the relevant provisions of chapter 57-39.2, including reporting and paying requirements, correction of errors, payment of refunds, and application of penalty and interest.
6. To fix the fees, number, terms, conditions, duration, and manner of issuing and revoking licenses in the exercise of its governmental police powers.
 7. To provide for city officers, agencies, and employees, their selection, terms, powers, duties, qualifications, and compensation. To provide for change, selection, or creation of its form and structure of government, including its governing body, executive officer, and city officers.
 8. To provide for city courts, their jurisdiction and powers over ordinance violations, duties, administration, and the selection, qualifications, and compensation of their officers; however, the right of appeal from judgment of such courts shall not be in any way affected.
 9. ~~To Notwithstanding section 40-21-07, to provide for all matters pertaining to city elections, except as to qualifications of electors signature thresholds for nominating petitions for candidates for city offices.~~
 10. To provide for the adoption, amendment, and repeal of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare, and penalties for a violation thereof.
 11. ~~10.~~ To lay out or vacate streets, alleys, and public grounds, and to provide for the use, operation, and regulation thereof.
 12. ~~11.~~ To define offenses against private persons and property and the public health, safety, morals, and welfare, and provide penalties for violations thereof. This subsection is subject to the provisions of section 62.1-01-03.
 13. ~~12.~~ To engage in any utility, business, or enterprise permitted by the constitution or not prohibited by statute or to grant and regulate franchises therefor to a private person, firm, corporation, or limited liability company.
 14. ~~13.~~ To provide for zoning, planning, and subdivision of public or private property within the city limits. To provide for such zoning, planning, and subdivision of public or private property outside the city limits as may be permitted by state law. This subsection is subject to the provisions of section 62.1-01-03.
 15. ~~14.~~ To exercise in the conduct of its affairs all powers usually exercised by a corporation.

- ~~16.15.~~ To fix the boundary limits of said city and the annexation and deannexation of territory adjacent to said city except that such power shall be subject to, and shall conform with the state law made and provided.
- 17.~~16.~~ To contract with and receive grants from any other governmental entity or agency, with respect to any local, state, or federal program, project, or works.

It is the intention of this chapter to grant and confirm to the people of all cities coming within its provisions the full right of self-government in both local and city matters within the powers enumerated herein. The statutes of the state of North Dakota, so far as applicable, shall continue to apply to home rule cities, except insofar as superseded by the charters of such cities or by ordinance passed pursuant to such charters.

SECTION 5. AMENDMENT. Section 40-49-07 of the North Dakota Century Code is amended and reenacted as follows:

40-49-07. Election and qualification of members of board of park commissioners.

1. The members of the board of park commissioners shall possess the qualifications of electors of the city and must be elected by the qualified electors of the park district. The members of the first board may be elected at any regular city election or at a special election called for that purpose by the governing body of the city. ~~Thereafter,~~ After the first board is elected, the members of the board must be elected at the regular city elections. ~~Such~~
2. The elected members shall qualify by the first day of July following their election by taking and filing with the city auditor the oath prescribed for civil officers. The board of park commissioners may enter into an agreement with the governing body of the city concerning sharing of election personnel, printing of election materials, and apportioning of election expenses.
3. The board of park commissioners may adopt the same signature threshold for nominating petitions for candidates to the board of park commissioners when a city governing board has exercised its authority under subsection 9 of section 40-05.1-06 to change the signature threshold for nominating petitions for city candidates.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 105

SENATE BILL NO. 2324

(Senators Bekkedahl, Davison, Lee, Patten)
(Representatives Bosch, Grindberg)

AN ACT to create and enact a new section to chapter 11-09.1 and a new section to chapter 40-05.1 of the North Dakota Century Code, relating to a county home rule charter and city home rule charter conforming with statute or court order; and to amend and reenact sections 11-09.1-06 and 40-05.1-07 of the North Dakota Century Code, relating to the amendment or repeal of a county and city home rule charter.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-09.1-06 of the North Dakota Century Code is amended and reenacted as follows:

11-09.1-06. Amendment or repeal.

~~The~~ Except as provided in section 2 of this Act, the home rule charter adopted by ~~any~~ a county may be amended or repealed by a proposal by the governing body of the county or by petition of the number of electors provided in section 11-09.1-01, submitted to and ratified by the qualified electors of the county. A petition to amend or repeal a home rule charter must be submitted to the governing body of the county. Within thirty days of receipt of a valid petition or approval of a proposal to amend or repeal a home rule charter, the governing body of the county shall publish any proposed amendment or repeal of a home rule charter once in the official newspaper of the county. At least sixty days after publication, the proposed amendment or repeal must be submitted to a vote of the qualified electors of the county at the next primary or general election. The electors may accept or reject any amendment or a repeal by a majority vote of qualified electors voting on the question at the election.

SECTION 2. A new section to chapter 11-09.1 of the North Dakota Century Code is created and enacted as follows:

Conformance with statute or court order - Amendment.

1. When a portion of a home rule charter is preempted, superseded, or invalidated by a legislative act or a court order, the county may amend portions of the home rule charter by a resolution adopted by the governing body of the county. The resolution must reference the authority supporting the amendment.
2. A resolution passed under subsection 1 is effective after adoption by the governing body of the county. A petition, approval, or vote by the electors of the county is not required to amend a county's home rule charter under this section. Within thirty days after adoption of the resolution, the county shall publish the resolution once in the official newspaper of the county or on the official county website.

3. An amendment to a charter of a home rule county intended to add any power enumerated in section 11-09.1-05, which was not included in the county's original home rule charter, may not be amended under this section and must be amended under section 11-09.1-06. The county auditor shall file a copy of an amendment to a charter of a home rule county with the secretary of state.

SECTION 3. AMENDMENT. Section 40-05.1-07 of the North Dakota Century Code is amended and reenacted as follows:

40-05.1-07. Amendment or repeal.

~~The~~Except as provided in section 4 of this Act, the home rule charter adopted by any city may be amended or repealed by proposals submitted to and ratified by the qualified electors of the city in the same general manner provided in sections 40-05.1-02 and 40-05.1-04 for the adoption of the charter. Amendments may be proposed by the governing body of the city or by petition of the number of electors provided in section 40-05.1-02 and submitted to the voters at the same election. The voters may at their option accept or reject any or all of the amendments by a majority vote of qualified electors voting on the question at the election. A proposal to repeal a home rule charter that has been adopted must likewise be submitted to the electors of the city as set forth in this section. One copy of a ratified amendment or a repeal of a home rule charter must be filed with the secretary of state and one with the city auditor. Upon proper filing of the amendment or repeal, the courts shall take judicial notice of the amendment or repeal.

SECTION 4. A new section to chapter 40-05.1 of the North Dakota Century Code is created and enacted as follows:

Conformance with statute or court order - Amendment.

1. When a portion of a home rule charter is preempted, superseded, or invalidated by a legislative act or a court order, the city may amend portions of the home rule charter by a resolution adopted by the governing body of the city. The resolution must reference the authority supporting the amendment.
2. A resolution passed under subsection 1 is effective after adoption by the governing body of the city. A petition, approval, or vote by the electors of the city is not required to amend a city's home rule charter under this section. Within thirty days after adoption of the resolution, the city shall publish the resolution once in the official newspaper of the city or on the website of the city.
3. An amendment to a charter of a home rule city intended to add any power enumerated in section 40-05.1-06, which was not included in the city's original home rule charter, may not be amended under this section and must be amended under section 40-05.1-07. The city auditor shall file a copy of an amendment to a charter of a home rule city with the secretary of state.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 106

SENATE BILL NO. 2329

(Senators Lee, Bekkedahl, Erbele)
(Representative Fegley)

AN ACT to create and enact a new section to chapter 11-10 and a new section to chapter 58-03 of the North Dakota Century Code, relating to the maintenance or vacating of streets and alleys in a dissolved city and the care of property in a dissolved city; and to amend and reenact section 40-53.1-07 of the North Dakota Century Code, relating to dissolution, care of property, management, and disposition of funds in a dissolved city.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 11-10 of the North Dakota Century Code is created and enacted as follows:

When a county may maintain or vacate streets in a dissolved city.

If a dissolved city is located in an unorganized township, the county may choose to maintain or vacate, under chapter 40-39, the streets and alleys in the dissolved city.

SECTION 2. AMENDMENT. Section 40-53.1-07 of the North Dakota Century Code is amended and reenacted as follows:

40-53.1-07. Dissolution - Care of property - Manager - Disposition of funds.

If a city is dissolved, the board of county commissioners shall assume control of all property belonging to the dissolved city and, except for streets and alleys if an organized township chooses to maintain or vacate streets or alleys in the dissolved city under section 3 of this Act. The county shall employ a qualified person to manage and operate the property and to collect all charges due from the operation of such property or dispose of the property in accordance with chapter 11-27. The person employed shall execute a bond to the county in an amount determined by the board of county commissioners, conditioned that that person will faithfully perform that person's duties and will promptly pay all money that person receives to the county treasurer monthly on the first day of each month. The bond shall be executed by the person employed and a surety company authorized to do business in the state. The premium on the bond shall be paid by the board of county commissioners from city funds, if any, and if none, from county funds.

SECTION 3. A new section to chapter 58-03 of the North Dakota Century Code is created and enacted as follows:

When a township may maintain or vacate streets in a dissolved city.

If a dissolved city is located in an organized township, the township may choose to maintain or vacate, under chapter 40-39, the streets and alleys in the dissolved city.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 107

SENATE BILL NO. 2027

(Legislative Management)
(Agriculture and Natural Resources Committee)

AN ACT to create and enact a new section to chapter 11-11, a new subsection to section 11-11-14, a new section to chapter 40-05, a new section to chapter 58-06, a new subsection to section 58-06-01, and a new section to chapter 61-16.2 of the North Dakota Century Code, relating to floodplain management powers and ordinances for counties, cities, and townships; and to amend and reenact subsection 2 of section 11-33-03, subsection 67 of section 40-05-01, subsection 2 of section 40-47-03, and sections 58-03-12 and 61-16.2-02 of the North Dakota Century Code, relating to county, city, and township floodplain management ordinances and to provide definitions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 11-11 of the North Dakota Century Code is created and enacted as follows:

Floodplain management ordinances - Requirements - Limitations - Definitions - Enforcement.

1. As used in this chapter:
 - a. "Floodplain management" has the same meaning as in section 61-16.2-02.
 - b. "Floodplain management ordinance" has the same meaning as in section 61-16.2-02.
 - c. "Indian country" means all:
 - (1) Land within the limits of any Indian reservation that is under the jurisdiction of the United States government and located within this state, notwithstanding the issuance of any patent, and, including rights of way running through the reservation;
 - (2) Dependent Indian communities within this state whether within the original or subsequently acquired territory of the state; and
 - (3) Indian allotments within this state, the Indian titles to which have not been extinguished, including rights of way running through the allotted lands.
2. A board of county commissioners may undertake floodplain management as provided in chapter 61-16.2. If a board of county commissioners undertakes floodplain management under this section, the board of county commissioners shall enact a floodplain management ordinance applying to all persons and property within the boundaries of the county, except for persons and property within a city's zoning jurisdiction as provided under chapter 40-47 or within the exterior boundaries of Indian country.

3. Notwithstanding subsection 2, if a board of township supervisors approves by a written resolution that the township desires to undertake floodplain management under chapter 61-16.2, the board of township supervisors shall avail itself the authority to regulate floodplain management. Upon the adoption of the resolution, the board of township supervisors has exclusive authority to regulate floodplain management under chapter 61-16.2. If a board of township supervisors undertakes floodplain management under this section, the board of township supervisors shall enact a floodplain management ordinance applying to all persons and property within the boundaries of the township, except for persons and property within a city's zoning jurisdiction as provided under chapter 40-47 or within the exterior boundaries of Indian country. The township clerk shall forward a copy of the written resolution to the county auditor of the county in which the township is located and the department of water resources for inclusion in the central repository established under section 10 of this Act.
4. After acquiring floodplain management authority from the county under subsection 3, the township may relinquish its floodplain management authority back to the county upon execution of a written agreement signed by the board of county commissioners and the board of township supervisors. The county may not require the township to convey an additional authority legally afforded to the township in exchange for the written agreement. The relinquishment of authority may not become effective sooner than sixty days after the board of township supervisors delivers a written notice of proposed relinquishment to the appropriate board of county commissioners.
5. If a township previously exercised floodplain management authority and becomes subject to county floodplain management authority under this section, the township shall defend, indemnify, and hold harmless the county and its agents, officers, and employees from and against a claim for damages arising from a township's noncompliance with chapter 61-16.2 and the national flood insurance program [42 U.S.C. 4001 et seq.].
6. Upon enactment of a floodplain management ordinance by a county under this section, the county auditor shall forward the ordinance to the department of water resources for inclusion in the central repository established under section 10 of this Act.
7. The county auditor of a county exercising floodplain management authority shall certify to the department of water resources by March thirty-first of each year a list of the jurisdictions over which the county is exercising floodplain management authority under chapter 61-16.2.
8. A county exercising floodplain management authority is not required to activate its zoning authority under chapter 11-33 before enacting a floodplain management ordinance.
9. In a county exercising floodplain management, the board of county commissioners shall enforce an ordinance or regulation enacted under this section. The board of county commissioners may impose enforcement duties on an officer, department, agency, or employee of the county.

SECTION 2. A new subsection to section 11-11-14 of the North Dakota Century Code is created and enacted as follows:

To undertake floodplain management activities in the manner provided under section 1 of this Act.

SECTION 3. AMENDMENT. Subsection 2 of section 11-33-03 of the North Dakota Century Code is amended and reenacted as follows:

2. To provide for emergency management, including floodplain management as provided under section 1 of this Act. "Emergency management" means a comprehensive integrated system at all levels of government and in the private sector which provides for the development and maintenance of an effective capability to mitigate, prepare for, respond to, and recover from known and unforeseen hazards or situations, caused by an act of nature or man, which may threaten, injure, damage, or destroy lives, property, or our environment.

SECTION 4. AMENDMENT. Subsection 67 of section 40-05-01 of the North Dakota Century Code is amended and reenacted as follows:

67. Flood control projects, including floodplain management as provided under section 5 of this Act. To acquire, construct, maintain, operate, finance, and control flood control projects, both within and adjacent to such municipality, and for such purpose to acquire the necessary real property and easements therefor by purchase and eminent domain, in accordance with chapter 32-15, and to adopt such ordinances as may reasonably be required to regulate the same.

SECTION 5. A new section to chapter 40-05 of the North Dakota Century Code is created and enacted as follows:

Floodplain management ordinances - Requirements - Limitations - Definitions - Enforcement.

1. As used in this chapter:
 - a. "Floodplain management" has the same meaning as in section 61-16.2-02.
 - b. "Floodplain management ordinance" has the same meaning as in section 61-16.2-02.
 - c. "Indian country" means:
 - (1) Land within the limits of any Indian reservation that is under the jurisdiction of the United States government and located within this state, notwithstanding the issuance of any patent, and, including rights of way running through the reservation;
 - (2) Dependent Indian communities within this state whether within the original or subsequently acquired territory of the state; and
 - (3) Indian allotments within this state, the Indian titles to which have not been extinguished, including rights of way running through the allotted land.
2. The governing body of a city may exercise floodplain management authority under chapter 61-16.2. If a governing body of a city undertakes floodplain management, the governing body of a city shall enact a floodplain

management ordinance over all persons and property within the boundaries of the city's zoning jurisdiction as provided under chapter 40-47 or within the exterior boundaries of Indian country.

3. Upon enactment of a floodplain management ordinance by a city under this section, the city auditor shall forward the ordinance to the department of water resources for inclusion in the central repository established under section 10 of this Act.
4. The city auditor of a city exercising floodplain management authority shall certify to the department of water resources by March thirty-first of each year that the city is undertaking floodplain management activities under chapter 61-16.2.
5. A city exercising floodplain management authority is not required to activate its zoning authority under chapter 40-47 before enacting a floodplain management ordinance.
6. In a city exercising floodplain management, the governing body of the city shall enforce an ordinance or regulation enacted under this section. The governing body of the city may impose enforcement duties on an officer, department, agency, or employee of the city.

SECTION 6. AMENDMENT. Subsection 2 of section 40-47-03 of the North Dakota Century Code is amended and reenacted as follows:

2. Provide for emergency management, including floodplain management as provided under section 5 of this Act. "Emergency management" means a comprehensive integrated system at all levels of government and in the private sector which provides for the development and maintenance of an effective capability to mitigate, prepare for, respond to, and recover from known and unforeseen hazards or situations, caused by an act of nature or man, which may threaten, injure, damage, or destroy lives, property, or our environment;

SECTION 7. AMENDMENT. Section 58-03-12 of the North Dakota Century Code is amended and reenacted as follows:

58-03-12. Basis for township zoning regulations and restrictions.

1. The regulations and restrictions established in any township zoning district must be made in accordance with a comprehensive plan with reasonable consideration as to the character of such district, its peculiar suitability for particular uses, the normal growth of the municipality, and the various types of occupations, industries, and land uses within the area, and must be designed to facilitate traffic movement, encourage orderly growth and development of the municipality and adjacent areas, promote health, safety, and general welfare, and provide for emergency management, including and subject to floodplain management as provided under section 8 of this Act.
2. "Emergency management" means a comprehensive integrated system at all levels of government and in the private sector which provides for the development and maintenance of an effective capability to mitigate, prepare for, respond to, and recover from known and unforeseen hazards or situations, caused by an act of nature or man, which may threaten, injure, damage, or destroy lives, property, or our environment. The comprehensive plan must be

a statement in documented text setting forth explicit goals, objectives, policies, and standards of the jurisdiction to guide public and private development within its control.

SECTION 8. A new section to chapter 58-06 of the North Dakota Century Code is created and enacted as follows:

Floodplain management ordinances - Requirements - Limitations - Definitions - Enforcement.

1. As used in this chapter:
 - a. "Floodplain management" has the same meaning as in section 61-16.2-02.
 - b. "Floodplain management ordinance" has the same meaning as in section 61-16.2-02.
 - c. "Indian country" means:
 - (1) Land within the limits of any Indian reservation that is under the jurisdiction of the United States government and located within this state, notwithstanding the issuance of any patent, and, including rights of way running through the reservation;
 - (2) Dependent Indian communities within this state whether within the original or subsequently acquired territory of the state; and
 - (3) Indian allotments within this state, the Indian titles to which have not been extinguished, including rights of way running through the allotted land.
2. A board of township supervisors by written resolution may exercise floodplain management under chapter 61-16.2. Upon the adoption of the resolution, the board of township supervisors has exclusive authority to regulate floodplain management and shall enact a floodplain management ordinance applying to all persons and property within the boundaries of the township, except for persons and property within a city's zoning jurisdiction as provided under chapter 40-47 or within the exterior boundaries of Indian country. The township clerk shall forward a copy of the written resolution to the county auditor of the county where the township is located and the department of water resources for inclusion in the central repository established under section 10 of this Act.
3. A township not exercising its floodplain management authority under this section is subject to the floodplain management authority of the county under section 1 of this Act.
4. After acquiring floodplain management authority from the county under subsection 2, the township may relinquish its floodplain management authority back to the county upon execution of a written agreement signed by the board of county commissioners and the board of township supervisors. The county may not require the township to convey an additional authority legally afforded to the township in exchange for the written agreement. The relinquishment of authority may not become effective sooner than sixty days after the board of township supervisors delivers a written notice of proposed relinquishment to the appropriate board of county commissioners.

5. If a township previously exercised floodplain management authority and becomes subject to county floodplain management authority under this section, the township shall defend, indemnify, and hold harmless the county and its agents, officers, and employees from and against a claim for damages arising from a township's noncompliance with chapter 61-16.2 and the national flood insurance program [42 U.S.C. 4001 et seq.].
6. Upon enactment of a floodplain management ordinance by a township under this section, the township clerk shall forward the ordinance to the department of water resources for inclusion in the central repository established under section 10 of this Act.
7. The township clerk of a township exercising floodplain management authority shall certify to the department of water resources by April thirtieth of each year the names of the township supervisors and officers and that the township is undertaking floodplain management activities under chapter 61-16.2.
8. A township exercising floodplain management authority is not required to activate its zoning authority under chapter 58-03 before enacting a floodplain management ordinance.
9. In a township exercising floodplain management, the board of township supervisors shall enforce an ordinance or regulation enacted under this section. The board of township supervisors may impose enforcement duties on an officer, department, agency, or employee of the township.

SECTION 9. A new subsection to section 58-06-01 of the North Dakota Century Code is created and enacted as follows:

If the township activates its floodplain management authority under section 8 of this Act, to exercise floodplain management authority by enacting a floodplain management ordinance.

SECTION 10. A new section to chapter 61-16.2 of the North Dakota Century Code is created and enacted as follows:

Central repository - Floodplain management authority - Accessible to the public.

The department shall establish, operate, and maintain a publicly accessible electronic central repository for local floodplain management ordinances, local floodplain management agreements, and all annual certifications received by the department. The repository must reflect which cities, townships, and counties have reported undertaking floodplain management within the state. The department shall update the central repository by May thirty-first of each year.

SECTION 11. AMENDMENT. Section 61-16.2-02 of the North Dakota Century Code is amended and reenacted as follows:

61-16.2-02. Definitions.

1. In this chapter, unless the context or subject matter otherwise provides:
 - a. "Commission" means state water commission.

- b. "Community" means any political subdivision that has the authority to zone.
 - c. "Conveyance" or "hydraulic conveyance" means a geometric characteristic of a river or watercourse at a given point that determines the flow-carrying capacity at that point.
 - d. "Department" means the department of water resources.
 - e. "District" means a water resource district, as defined in chapter 61-16.1.
 - f. "Flood fringe" means that portion of a floodplain outside of the floodway.
 - g. "Floodplain management" means a community-based effort to prevent or reduce the risk of flooding. Floodplain management may be associated generally with the national flood insurance program [42 U.S.C. 4001 et seq.].
 - h. "Floodplain management ordinance" means a building code, zoning, subdivision, health, or special purpose ordinance, and any other use of police power, which provide standards for communities to manage known flood hazards in all official actions relating to land management and use. A floodplain management ordinance may be associated with the national flood insurance program [42 U.S.C. 4001 et seq.] to ensure participating communities meet state and federal minimum standards.
 - i. "Floodway" or "regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot [30.48 centimeters].
 - ~~h.~~j. "Person" means any person, firm, partnership, association, corporation, limited liability company, agency, or any other private or governmental organization, which includes any agency of the United States, a state agency, or any political subdivision of the state.
2. For the purposes of this chapter, the department shall follow the definitions in this section and the definitions under the national flood insurance program [42 U.S.C. 4001 et seq.] and implementing regulations.

Approved March 28, 2025

Filed March 31, 2025

CHAPTER 108

SENATE BILL NO. 2152

(Senators Rummel, Cory)
(Representative Vetter)

AN ACT to amend and reenact subsection 6 of section 11-18-02.2 of the North Dakota Century Code, relating to statements of full consideration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 11-18-02.2 of the North Dakota Century Code is amended and reenacted as follows:

6. This section does not apply to deeds transferring title to the following types of property, or to deeds relating to the following transactions:
 - a. Property owned or used by public utilities.
 - b. Property classified as personal property.
 - c. A sale when the grantor and the grantee are of the same family or corporate affiliate, if known.
 - d. A sale that resulted as a settlement of an estate.
 - e. All forced sales, mortgage foreclosures, and tax sales.
 - f. All sales to or from religious, charitable, or nonprofit organizations.
 - g. All sales when there is an indicated change of use by the new owners.
 - h. All transfer of ownership of property for which is given a quitclaim deed.
 - i. Sales of property not assessable by law.
 - j. ~~Agricultural lands of less than eighty acres [32.37 hectares].~~

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 109

HOUSE BILL NO. 1246

(Representatives Christianson, Bahl, Hendrix, Vetter, Dockter)
(Senators Barta, Cory)

AN ACT to amend and reenact section 11-19.1-06 of the North Dakota Century Code, relating to individuals authorized to act in the absence of a coroner.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-19.1-06 of the North Dakota Century Code is amended and reenacted as follows:

11-19.1-06. Individuals authorized to act in absence of coroner.

In those counties in which a coroner does not reside or is not available, the duties of a coroner must be performed by the sheriff, ~~the~~ state highway patrol, or any special agent of the bureau of criminal investigation. The sheriff, ~~the~~ state highway patrol, or special agent shall call upon ~~the nearest~~ a coroner or deputy coroner from ~~an adjacent~~ another county to investigate the medical cause of death of all coroner cases within ~~said the~~ county. In those situations in which, because of distance or adverse conditions, a coroner is not available, the sheriff, ~~the~~ state highway patrol, or special agent shall request the state forensic examiner or the forensic examiner's designee to investigate and certify as to the medical cause of death.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 110

SENATE BILL NO. 2358

(Senators Dever, Cleary, Roers)
(Representative Weisz)

AN ACT to amend and reenact section 11-28.3-06 of the North Dakota Century Code, relating to rural ambulance board compensation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-28.3-06 of the North Dakota Century Code is amended and reenacted as follows:

11-28.3-06. Organization - Board of directors.

1. At the time and place fixed by the county auditor for the public meeting as provided in section 11-28.3-05, the qualified electors present who reside within the boundaries of the district shall proceed to organize the district. Permanent organization must be effected by the election of a board of directors consisting of not less than five nor more than ten residents of the district. The board of directors shall meet as soon after the organizational meeting as possible to elect a president, a vice president, and a secretary-treasurer.
2. All directors and officers must be elected for two years and hold office until their successors have been elected and qualified, except that at the first election the vice president must be elected as provided in this section for a one-year term, and one-half, or as close to one-half as possible depending upon the total number of directors, of the directors elected at the first election after July 1, 1977, must be selected by lot in the presence of a majority of such directors to serve one-year terms.
3. A district may specify in its bylaws a specified number of directors within the limitations in this section, provided each township or group of townships receives equal representation on the board with respect to the regions. The bylaws also may allow for a combination of regional directors and at-large directors.
4. If a vacancy occurs in a board position due to a resignation, a special meeting must be called and held within sixty days of the resignation for the purpose of electing a director to serve the remainder of the term. ~~All officers and directors shall serve without pay, except the secretary treasurer, who may be paid a salary determined by the board of directors.~~ Board members may receive compensation at a rate set by the board of directors. No more than two elected members of the board may be members of the licensed ambulance service serving the district territory and those board members must meet the definition of volunteer in section 23-27-04.1.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 111

SENATE BILL NO. 2174

(Senators Thomas, Conley, Lemm, Weston)
(Representatives Beltz, Hauck)

AN ACT to amend and reenact sections 11-33-02.1 and 58-03-11.1 of the North Dakota Century Code, relating to the regulation of odors in an animal feeding operation and zoning authority over animal feeding operations in counties and townships; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-33-02.1 of the North Dakota Century Code is amended and reenacted as follows:

11-33-02.1. Farming and ranching regulations - Requirements - Limitations - Definitions.

1. For purposes of this section:

- a. "Animal feeding operation" means a lot or facility, other than normal wintering operations for cattle and an aquatic animal production facility, where the following conditions are met:
 - (1) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for at least forty-five days in a twelve-month period; and
 - (2) Crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.
- b. "Farming or ranching" means cultivating land for the production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include:
 - (1) The production of timber or forest products; or
 - (2) The provision of grain harvesting or other farm services by a processor or distributor of farm products or supplies in accordance with the terms of a contract.
- c. "Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, bison, elk, fur animals raised for their pelts, and any other animals that are raised, fed, or produced as a part of farming or ranching activities.
- d. "Location" means the setback distance between a structure, fence, or other boundary enclosing an animal feeding operation, including its animal waste collection system, and the nearest occupied residence, the nearest buildings used for nonfarm or nonranch purposes, or the nearest land zoned for residential, recreational, or commercial purposes. The term does

not include the setback distance for the application of manure or for the application of other recycled agricultural material under a nutrient management plan approved by the department of environmental quality.

2. For purposes of this section, animal units are determined as provided in subdivision c of subsection 7 of section 23.1-06-15.
3. A board of county commissioners may not prohibit or prevent the use of land or buildings for farming or ranching and may not prohibit or prevent any of the normal incidents of farming or ranching.
4. Except as provided in this section, a board of county commissioners may not preclude the development of an animal feeding operation in the county.
5. A board of county commissioners may not prohibit the reasonable diversification or expansion of a farming or ranching operation.
6. A board of county commissioners may adopt regulations that establish different standards for the location of animal feeding operations based on the size of the operation and the species and type being fed.
7. If a regulation would impose a substantial economic burden on an animal feeding operation in existence before the effective date of the regulation, the board of county commissioners shall declare ~~that~~ the regulation is ineffective with respect to any animal feeding operation in existence before the effective date of the regulation.
8.
 - a. A board of county commissioners may establish high-density agricultural production districts in which setback distances for animal feeding operations and related agricultural operations are less than those in other districts.
 - b. A board of county commissioners may establish, around areas zoned for residential, recreational, or nonagricultural commercial uses, low-density agricultural production districts in which setback distances for animal feeding operations and related agricultural operations are greater than those in other districts; provided, the low-density agricultural production districts may not extend more than one and one-half miles [2.40 kilometers] from the edge of the area zoned for residential, recreational, or nonagricultural commercial uses.
 - c. A board of county commissioners may not adopt or enforce setbacks applicable to animal feeding operations that exceed the setback distances provided in subsection 7 of section 23.1-06-15, except setback distances may be reduced or extended based on the results of the odor footprint tool developed by the agriculture commissioner. A county may not use an odor annoyance free percentage exceeding ninety-four percent.
 - d. For purposes of this subsection, a "related agricultural operation" means a facility that produces a product or byproduct used by an animal feeding operation.
9. a. A person intending to construct an animal feeding operation may petition the board of county commissioners for a determination whether the animal feeding operation would comply with zoning regulations adopted under this section and filed with the department of environmental quality under section 11-33-22 before the date the petition was received by the county.

- b. The petition must contain a description of the nature, scope, and location of the proposed animal feeding operation and a site map showing road access, the location of any structure, and the distance from each structure to the nearest section line.
- c. If the board of county commissioners does not validly object to the petition within sixty days of receipt, the animal feeding operation is deemed in compliance with the county zoning regulations. If the county allows animal feeding operations as a conditional use, the conditional use regulations must be limited to the board's authority under this section, and the approval process must comply with this section. The county shall make a valid determination on the application within sixty days of the receipt of a complete conditional use permit application.
- d. If the board of county commissioners determines the animal feeding operation would comply with zoning regulations or fails to object under this section, the county may not impose additional zoning regulations relating to the nature, scope, or location of the animal feeding operation later, provided an application is submitted promptly to the department of environmental equality, the department issues a final permit, and construction of the animal feeding operation commences within three years from the date the department issues its final permit and any permit appeals are exhausted. Any objection or determination that subsequently is reversed, set aside, or invalidated by a court of this state, is not a valid objection or decision for the purpose of calculating a procedural timeline under this section.
- e. A procedural timeline imposed by this section continues to be in effect during the pendency of any appeal of a county action or determination.
- f. A board of county commissioners may not:

 - a- (1) Regulate or impose zoning restrictions or requirements on animal feeding operations or other agricultural operations except as expressly permitted under this section;
 - b- (2) Impose water quality, closure, site security, lagoon, or nutrient plan regulations or requirements on animal feeding operations;
 - c- (3) Charge fees or expenses of any kind totaling, in the aggregate, more than five hundred dollars in connection with any permit, petition, application, or other request relating to animal feeding operations; or
 - d- (4) Require an existing animal feeding operation to have a permit for improvements or other modifications of an operation that is in current compliance with state and federal regulations or require an existing operation to have a permit for improvements or other modifications that bring the operation into compliance with state or federal regulations, if the modifications or improvements do not cause the operation to exceed animal numbers of the setback requirement.
10. If a party challenges the validity of a county ordinance, determination, decision, or objection related to animal feeding operations, the court shall award the prevailing party actual attorney's fees, costs, and expenses.

SECTION 2. AMENDMENT. Section 58-03-11.1 of the North Dakota Century Code is amended and reenacted as follows:

58-03-11.1. Farming and ranching regulations - Requirements - Limitations - Definitions.

1. For purposes of this section:

a. "Animal feeding operation" means a lot or facility, other than normal wintering operations for cattle and an aquatic animal production facility, where the following conditions are met:

(1) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and

(2) Crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.

b. "Farming or ranching" means cultivating land for the production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include:

(1) The production of timber or forest products; or

(2) The provision of grain harvesting or other farm services by a processor or distributor of farm products or supplies in accordance with the terms of a contract.

c. "Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, bison, elk, fur animals raised for their pelts, and any other animals that are raised, fed, or produced as a part of farming or ranching activities.

d. "Location" means the setback distance between a structure, fence, or other boundary enclosing an animal feeding operation, including its animal waste collection system, and the nearest occupied residence, the nearest buildings used for nonfarm or nonranch purposes, or the nearest land zoned as a residential, recreational, or commercial zoning district. The term does not include the setback distance for the application of manure or for the application of other recycled agricultural material under a nutrient management plan approved by the department of environmental quality.

2. For purposes of this section, animal units are determined as provided under subdivision c of subsection 7 of section 23.1-06-15.

3. A board of township supervisors may not prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming or ranching.

4. A~~Except as provided in this section, a~~ regulation may not preclude the development of an animal feeding operation in the township.

5. A board of township supervisors may not prohibit the reasonable diversification or expansion of a farming or ranching operation.

6. A board of township supervisors may adopt regulations that establish different standards for the location of animal feeding operations based on the size of the operation and the species and type being fed.
7. If a regulation would impose a substantial economic burden on an animal feeding operation in existence before the effective date of the regulation, the board of township supervisors shall declare that the regulation is ineffective with respect to any animal feeding operation in existence before the effective date of the regulation.
8.
 - a. A board of township supervisors may establish high-density agricultural production districts in which setback distances for animal feeding operations and related agricultural operations are less than those in other districts.
 - b. A board of township supervisors may establish, around areas zoned for residential, recreational, or nonagricultural commercial uses, low-density agricultural production districts in which setback distances for animal feeding operations and related agricultural operations are greater than those in other districts; provided, the low-density agricultural production districts may not extend more than one-half mile [0.80 kilometer] from the edge of the area zoned for residential, recreational, or nonagricultural commercial uses.
 - c. A board of township supervisors may not adopt or enforce setbacks applicable to animal feeding operations that exceed the setback distances provided in subsection 7 of section 23.1-06-15, except setback distances may be reduced or extended based on the results of the odor footprint tool developed by the agriculture commissioner. A township may not use an odor annoyance free percentage exceeding ninety-four percent.
 - d. For purposes of this subsection, a "related agricultural operation" means a facility that produces a product or byproduct used by an animal feeding operation.
9.
 - a. A person intending to construct an animal feeding operation may petition the board of township supervisors for a determination whether the animal feeding operation would comply with zoning regulations adopted under this section and filed with the department of environmental quality under section 58-03-17 before the date the petition was received by the township.
 - b. The petition must contain a description of the nature, scope, and location of the proposed animal feeding operation and a site map showing road access, the location of any structure, and the distance from each structure to the nearest section line.
 - c. If the board of township supervisors does not validly object to the petition within sixty days of receipt, the animal feeding operation is deemed in compliance with the township zoning regulations. If the township allows animal feeding operations as a conditional use, the conditional use regulations must be limited to the board's authority under this section, and the approval process must comply with this section. The township shall make a valid determination on the application within sixty days of the receipt of a complete conditional use permit application.

CHAPTER 112

HOUSE BILL NO. 1500

(Representatives Koppelman, J. Johnson, Louser, D. Ruby, Steiner, Vetter)
(Senators Clemens, Cory, Dwyer, Kessel, Meyer)

AN ACT to create and enact sections 11-33-17.1, 40-47-05.1, and 58-03-14.1 of the North Dakota Century Code, relating to nonconforming structures in counties, cities, and townships.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 11-33-17.1 of the North Dakota Century Code is created and enacted as follows:

11-33-17.1. Zoning - Nonconforming structure.

1. Notwithstanding any other provision of law or zoning ordinance, a nonconforming structure devoted to residential use and located in a residential zoning district may be repaired, replaced, improved, maintained, restored, or rebuilt in its entirety even though the structure is damaged beyond fifty percent of its value if:
 - a. An application for a building permit is submitted within six months of the date the damage occurs;
 - b. Restoration begins within one year of the date the damage occurred;
 - c. The lot or parcel upon which the structure dedicated to residential use is located abuts a public right of way; and
 - d. The new structure will not:
 - (1) Occupy a portion of the lot which was not occupied by the damaged structure;
 - (2) Have more square footage than the damaged structure;
 - (3) Exceed the height or number of stories of the damaged structure;
 - (4) Diminish the number of off-street parking spaces located on the property from the number of spaces before the damage;
 - (5) Violate existing building and fire codes;
 - (6) Violate existing sanitary or health standards imposed by the local health district;
 - (7) Pose a risk to public health or safety;
 - (8) Encroach upon a public right of way; or

- (9) Encroach upon any neighboring property.
2. Under subsection 1, expansion of a nonconforming structure is prohibited unless the expansion is in compliance with applicable zoning ordinances and state laws and rules. The zoning authority shall determine whether a proposed expansion is in compliance.
 3. Under subsection 1, a nonconforming structure may not be moved unless the movement or relocation will bring the structure into compliance with all applicable zoning ordinances.
 4. Notwithstanding subsection 1, the zoning authority shall regulate the repair, replacement, improvement, maintenance, restoration, rebuilding, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the national flood insurance program and adhere fully to all applicable floodplain management ordinances without increasing flood damage potential or increasing the degree of obstruction to floodflows in the floodway.
 5. Notwithstanding subsections 1, 2, and 3, the zoning authority may create a less restrictive ordinance or regulation.
 6. Unless the county determines the repair, replacement, improvement, maintenance, restoration, rebuilding, of a nonconforming structure will violate subdivision d of subsection 1, the county shall issue a building permit to a property owner that meets the qualifications under subsection 1.
 7. For purposes of this section, "nonconforming structure" means a structure that was legal before a change in ordinance made the structure nonconforming.

SECTION 2. Section 40-47-05.1 of the North Dakota Century Code is created and enacted as follows:

40-47-05.1. Zoning - Nonconforming structure.

1. Notwithstanding any other provision of law or zoning ordinance, a nonconforming structure devoted to residential use and located in a residential zoning district may be repaired, replaced, improved, maintained, restored, or rebuilt in its entirety even though the structure is damaged beyond fifty percent of its value if:
 - a. An application for a building permit is submitted within six months of the date the damage occurs;
 - b. Restoration begins within one year of the date the damage occurred;
 - c. The lot or parcel upon which the structure dedicated to residential use is located abuts a public right of way; and
 - d. The new structure will not:
 - (1) Occupy a portion of the lot which was not occupied by the damaged structure;
 - (2) Have more square footage than the damaged structure;

- (3) Exceed the height or number of stories of the damaged structure;
 - (4) Diminish the number of off-street parking spaces located on the property from the number of spaces before the damage;
 - (5) Violate existing building and fire codes;
 - (6) Violate existing sanitary or health standards imposed by the local health district;
 - (7) Pose a risk to public health or safety;
 - (8) Encroach upon a public right of way; or
 - (9) Encroach upon any neighboring property.
2. Under subsection 1, expansion of a nonconforming structure is prohibited unless the expansion is in compliance with applicable zoning ordinances and state laws and rules. The zoning authority shall determine whether a proposed expansion is in compliance.
3. Under subsection 1, a nonconforming structure may not be moved unless the movement or relocation will bring the structure into compliance with all applicable zoning ordinances.
4. Notwithstanding subsection 1, the zoning authority shall regulate the repair, replacement, improvement, maintenance, restoration, rebuilding, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the national flood insurance program and adhere fully to all applicable floodplain management ordinances without increasing flood damage potential or increasing the degree of obstruction to floodflows in the floodway.
5. Notwithstanding section 40-47-13 and subsections 1, 2, and 3, the zoning authority may create a less restrictive ordinance or regulation.
6. Unless the city determines that the repair, replacement, improvement, maintenance, restoration, rebuilding, of a nonconforming structure will violate subdivision d of subsection 1, the city shall issue a building permit to a property owner that meets the qualifications under subsection 1.
7. For purposes of this section, "nonconforming structure" means a structure that was legal before a change in ordinance made the structure nonconforming.

SECTION 3. Section 58-03-14.1 of the North Dakota Century Code is created and enacted as follows:

58-03-14.1. Zoning - Nonconforming structure.

1. Notwithstanding any other provision of law or zoning ordinance, a nonconforming structure devoted to residential use and located in a residential zoning district may be repaired, replaced, improved, maintained, restored, or rebuilt in its entirety even though the structure is damaged beyond fifty percent of its value if:

- a. An application for a building permit is submitted within six months of the date the damage occurs;
- b. Restoration begins within one year of the date the damage occurred;
- c. The lot or parcel upon which the structure dedicated to residential use is located abuts a public right of way; and
- d. The new structure will not:
 - (1) Occupy a portion of the lot which was not occupied by the damaged structure;
 - (2) Have more square footage than the damaged structure;
 - (3) Exceed the height or number of stories of the damaged structure;
 - (4) Diminish the number of off-street parking spaces located on the property from the number of spaces before the damage;
 - (5) Violate existing building and fire codes;
 - (6) Violate existing sanitary or health standards imposed by the local health district;
 - (7) Pose a risk to public health or safety;
 - (8) Encroach upon a public right of way; or
 - (9) Encroach upon any neighboring property.
- 2. Under subsection 1, expansion of a nonconforming structure is prohibited unless the expansion is in compliance with applicable zoning ordinances and state laws and rules. The zoning authority shall determine whether a proposed expansion is in compliance.
- 3. Under subsection 1, a nonconforming structure may not be moved unless the movement or relocation will bring the structure into compliance with all applicable zoning ordinances.
- 4. Notwithstanding subsection 1, the zoning authority shall regulate the repair, replacement, improvement, maintenance, restoration, rebuilding, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the national flood insurance program and adhere fully to all applicable floodplain management ordinances without increasing flood damage potential or increasing the degree of obstruction to floodflows in the floodway.
- 5. Notwithstanding subsections 1, 2, and 3, the zoning authority may create a less restrictive ordinance or regulation.
- 6. Unless the township determines that the repair, replacement, improvement, maintenance, restoration, rebuilding, of a nonconforming structure will violate subdivision d of subsection 1, the township shall issue a building permit to a property owner that meets the qualifications under subsection 1.

7. For purposes of this section, "nonconforming structure" means a structure that was legal before a change in ordinance made the structure nonconforming.

Approved April 15, 2025

Filed April 17, 2025

CORRECTIONS, PAROLE, AND PROBATION

CHAPTER 113

HOUSE BILL NO. 1549

(Representatives Klemin, Hanson, Stemen)
(Senators Larson, Davison)

AN ACT to create and enact a new section to chapter 12-44.1 and two new sections to chapter 54-23.3 of the North Dakota Century Code, relating to the correctional facility grant program, housing task force, and criminal justice data collection; to amend and reenact section 12-47-31 of the North Dakota Century Code, relating to offenders released from the department of corrections and rehabilitation; to provide for a statement of legislative intent; to provide for a legislative management study; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 12-44.1 of the North Dakota Century Code is created and enacted as follows:

Correctional facility grant committee - Correctional facility grant program - Report.

1. The department of corrections and rehabilitation shall establish a correctional facility grant committee consisting of two members appointed by the director of the department of corrections and rehabilitation, two members appointed by the North Dakota association of counties, the commissioner of recovery and re-entry, and the director of the behavioral health division of the department of health and human services. The director of the department of corrections and rehabilitation shall choose one member to serve as chairman. The committee shall:
 - a. Establish criteria for the evaluation of existing re-entry programs, including educational and counseling programs used by existing re-entry programs;
 - b. Establish criteria for the evaluation of grant applications;
 - c. Establish policies for screening and implementing grants under this section;
 - d. Establish criteria and policies for evaluating programs funded under this section;
 - e. Establish criteria and policies necessary for the successful administration and management of the grant program;
 - f. Administer grants to county, regional, or tribal correctional facilities; and

- g. Provide annual reports to the department of corrections and rehabilitation regarding the status of the correctional facility grant program.
2. The correctional facility grant committee shall administer a grant program to expand access to evidence-based programming in county, regional, and tribal correctional facilities.
3. Grants awarded under this section must prioritize county, regional, or tribal correctional facilities with no existing re-entry, educational, counseling, or other evidence-based programs. Grants may be awarded to support access to culturally responsive treatment alternative programs.

SECTION 2. AMENDMENT. Section 12-47-31 of the North Dakota Century Code is amended and reenacted as follows:

12-47-31. Discharge of offenders —Clothing—Transportation.

1. The department of corrections and rehabilitation, in coordination with the department of transportation, shall facilitate a process for offenders applying for photo identification, including a driver's license, nondriver identification card, temporary driver's license, or temporary nondriver identification card.
2. The department of corrections and rehabilitation shall provide an offender released from the department appropriate clothing and transportation to a reasonable point as specified in the release plan, based upon need.
3. The department of corrections and rehabilitation, in cooperation with the department of health and human services, shall connect all eligible offenders to Medicaid assistance or other health and human services programs before the offender is released from the department.

SECTION 3. A new section to chapter 54-23.3 of the North Dakota Century Code is created and enacted as follows:

Housing task force - Report to legislative management.

1. The department of corrections and rehabilitation shall establish a task force on housing to address barriers to accessing housing for probationers, parolees, and other individuals released from the custody of the department. The housing task force must include representation from the division of adult services, including parole and probation services, the housing finance agency, the department of health and human services, and community housing providers.
2. The task force shall provide an annual report to the legislative management relating to:
 - a. The implementation of a housing assistance program to provide monetary assistance to eligible probationers, parolees, and other individuals released from the custody of the department of corrections and rehabilitation. The program may include expanding eligibility requirements for housing assistance programs to include individuals released from incarceration.
 - b. The implementation of a housing assistance program for eligible sexual offenders, including the desirability and feasibility of using master leases to improve accessibility.

- c. Procedures for improving awareness regarding available housing options and improving coordination among housing providers, the department of health and human services, and the department of corrections and rehabilitation.
- d. The capacity of sober housing and low barrier housing for individuals released from the custody of the department of corrections and rehabilitation.

SECTION 4. A new section to chapter 54-23.3 of the North Dakota Century Code is created and enacted as follows:

Criminal justice data - Report to legislative management.

- 1. The department of corrections and rehabilitation, in cooperation with the behavioral health division of the department of health and human services, representatives from each judicial district, and representatives from the adult services division, including parole and probation services and local or regional jails, shall examine criminal justice data, including data collection, retention, and dissemination.
- 2. The department shall provide a report to the legislative management relating to procedures for:
 - a. Tracking uniform data points;
 - b. Standardizing and automating criminal justice data collection, retention, and dissemination; and
 - c. Improving data connectivity between system partners, including a proposal to develop a data sharing portal to alert the department of health and human services of changes to the Medicaid status of offenders in custody with the department of corrections and rehabilitation.

SECTION 5. LEGISLATIVE INTENT - FEDERAL GRANTS. It is the intent of the sixty-ninth legislative assembly that the department of corrections and rehabilitation apply for federal grants from the United States department of justice to fund a temporary justice reinvestment coordinator position and to support the general funds required for the implementation of re-entry programs.

SECTION 6. LEGISLATIVE MANAGEMENT STUDY - EXPANDING ACCESS TO CRIMINAL RECORD SEALING. During the 2025-26 interim, the legislative management shall consider studying expanding access to criminal record sealing. The study must include the automation of record sealing for individuals eligible to file a petition to seal a criminal record under section 12-60.1-02, the expansion of eligibility for record sealing, and the potential costs and benefits of creating processes for criminal record expungement alongside, or in lieu of, avenues for criminal record sealing. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 114

HOUSE BILL NO. 1075

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

AN ACT to create and enact a new subdivision to subsection 2 of section 12-60-24 and a new section to chapter 37-17.1 of the North Dakota Century Code, relating to criminal history record checks by the department of emergency services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

³² **SECTION 1.** A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The department of emergency services for a final employment applicant under chapter 37-17.1.

SECTION 2. A new section to chapter 37-17.1 of the North Dakota Century Code is created and enacted as follows:

Criminal history record checks.

The department of emergency services may require a final applicant for employment to submit to statewide and nationwide criminal history record checks. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24.

Approved March 14, 2025

Filed March 14, 2025

³² Section 12-60-24 was also amended by section 1 of Senate Bill No. 2042, chapter 407, and section 1 of Senate Bill No. 2073, chapter 115.

CHAPTER 115

SENATE BILL NO. 2073

(State and Local Government Committee)
(At the request of the State Treasurer)

AN ACT to amend and reenact subdivision xx of subsection 2 of section 12-60-24 and section 54-11-16 of the North Dakota Century Code, relating to criminal history record checks by the state treasurer for individuals with access to federal tax information.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

³³ **SECTION 1. AMENDMENT.** Subdivision xx of subsection 2 of section 12-60-24 of the North Dakota Century Code is amended and reenacted as follows:

- xx. The office of state treasurer for ~~each individual~~ an applicant or employee who has access to federal tax information under chapter 54-11-16.

SECTION 2. AMENDMENT. Section 54-11-16 of the North Dakota Century Code is amended and reenacted as follows:

54-11-16. Criminal history record checks.

The state treasurer shall require any applicant, or employee, ~~or independent contractor~~ who has access to federal tax information to submit to a statewide and nationwide criminal history record check, and subsequent recheck within ~~ten~~ five years from the date of the previous criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24.

Approved March 18, 2025

Filed March 18, 2025

³³ Section 12-60-24 was also amended by section 1 of House Bill No. 1075, chapter 114, and section 1 of Senate Bill No. 2042, chapter 407.

CHAPTER 116

HOUSE BILL NO. 1166

(Representatives Pyle, O'Brien, Vetter, Berg)
(Senators Larson, Myrdal)

AN ACT to create and enact a new section to chapter 12-60.1 of the North Dakota Century Code, relating to closing certain criminal records; and to amend and reenact sections 12-60.1-01 and 12-60.1-02 of the North Dakota Century Code, relating to closed records and grounds to file a petition to seal a criminal record.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-60.1-01 of the North Dakota Century Code is amended and reenacted as follows:

12-60.1-01. Definitions.

As used in this chapter:

1. "Closed" means subject to examination only by a clerk of court, a judge of the court, the juvenile commission, a criminal justice agency, the defendant, the defendant's counsel, a state's attorney, or any person upon written order of a judge of the court.
2. "Court record" includes:
 - a. Any document or information collected, received, or maintained by court personnel in connection with a judicial proceeding;
 - b. Any index, calendar, docket, register of actions, official record of the proceedings, order, decree, judgment, minute, and any information in a case management system created or prepared by court personnel relating to a judicial proceeding; and
 - c. Information maintained by court personnel pertaining to the administration of the court or clerk of court office and not associated with a particular case.
- ~~2-3.~~ "Criminal justice agency" has the same meaning as in section 12-60-16.1.
- ~~4.~~ "Criminal record" means court and prosecution records subject to sealing under this chapter. A criminal record does not include criminal history record information as defined in subsection 5 of section 12-60-16.1 or criminal justice data information maintained in the criminal justice data information sharing system under section 54-12-34.
- ~~3-5.~~ "Prosecutor" means the office or agency with jurisdiction over the offense for purposes of postconviction proceedings.
- ~~4-6.~~ "Nonconviction" means dismissal of all criminal charges in a case or acquittal of all criminal charges in a case.

7. "Seal" means to prohibit the disclosure of the existence or contents of court or prosecution records unless authorized by court order.

SECTION 2. AMENDMENT. Section 12-60.1-02 of the North Dakota Century Code is amended and reenacted as follows:

12-60.1-02. Grounds to file petition to seal criminal record.

1. An individual may file a petition to seal a criminal record if:
 - a. The individual pled guilty to or was found guilty of a misdemeanor offense and the individual has not been convicted of a new crime for at least three years before filing the petition; ~~or~~
 - b. The individual pled guilty to or was found guilty of a felony offense and the individual has not been convicted of a new crime for at least five years before filing the petition; or
 - c. The individual was granted an unconditional pardon of the criminal conviction by the governor.
2. ~~This~~Except as provided under section 3 of this Act, this chapter does not apply to:
 - a. A felony offense involving violence or intimidation during the period in which the offender is ineligible to possess a firearm under subdivision a of subsection 1 of section 62.1-02-01; or
 - b. An offense for which an offender has been ordered to register under section 12.1-32-15.

SECTION 3. A new section to chapter 12-60.1 of the North Dakota Century Code is created and enacted as follows:

Closing nonconviction records.

1. If a court enters an order of nonconviction on or after August 1, 2025, the court shall close the court record upon the expiration of sixty-one days.
2. The defendant may file a petition to the court to have the court record closed if the court entered an order of nonconviction for a case disposed of before August 1, 2025. If the defendant meets the requirements of this section, the court shall enter an order closing the court record within ten days of the petition being filed.
3. This section does not apply if:
 - a. The dismissal was the result of a plea agreement involving a conviction on another offense;
 - b. The case was dismissed due to a finding the individual was not fit to proceed under chapter 12.1-04;
 - c. The case resulted in a verdict of not guilty due to a lack of criminal responsibility under chapter 12.1-04.1; or

d. The case was appealed.

4. A filing fee may not be charged for a petition filed under this section.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 117

HOUSE BILL NO. 1263

(Representatives Christianson, Hendrix, Holle, D. Johnston)
(Senator Cory)

AN ACT to amend and reenact section 12-60.1-04 of the North Dakota Century Code, relating to hearings on petitions to seal a criminal record.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-60.1-04 of the North Dakota Century Code is amended and reenacted as follows:

12-60.1-04. Hearing on petition.

1. The court may grant a petition to seal a criminal record if the court determines by clear and convincing evidence:
 - a. The petitioner has shown good cause for granting the petition;
 - b. The benefit to the petitioner outweighs the presumption of openness of the criminal record;
 - c. The petitioner has completed all terms of imprisonment and probation for the offense;
 - d. The petitioner has paid all restitution ordered by the court for commission of the offense;
 - e. The petitioner has demonstrated reformation warranting relief; and
 - f. The petition complies with the requirements of this chapter.
2. In determining whether to grant a petition, the court shall consider:
 - a. The nature and severity of the underlying crime that would be sealed;
 - b. The risk the petitioner poses to society;
 - c. The length of time since the petitioner committed the offense;
 - d. The petitioner's rehabilitation since the offense;
 - e. Aggravating or mitigating factors relating to the underlying crime, including factors outlined in section 12.1-32-04;
 - f. The petitioner's criminal record, employment history, and community involvement;
 - g. The recommendations of law enforcement, prosecutors, corrections officials, and those familiar with the petitioner and the offense; and

h. The recommendations of victims of the offense.

3. A hearing on the petition may not be held earlier than forty-five days following the filing of the petition.
4. To the extent practicable, upon receipt of a petition to seal a criminal record, the prosecutor shall notify and seek input from law enforcement, witnesses, victims, and correctional authorities familiar with the petitioner and the offense.
5. This section does not prohibit a prosecutor from stipulating to seal a criminal record without a hearing or more expeditiously than provided in this section.
6. ~~An individual may not appeal a denial of a petition from a district judge or magistrate.~~
7. An individual aggrieved by denial of a petition in a municipal court may appeal the denial to the district court for de novo review without payment of a filing fee. A petition denied by the district court may ~~not~~ be appealed.
- ~~8-7.~~ Except as provided in this section and if good cause is shown, a district court denying a petition may prohibit a petitioner from filing a subsequent petition to seal a criminal record for up to ~~three years~~one year following the denial. The order denying the petition must provide the reasons establishing good cause for prohibiting the petition.
- ~~9-8.~~ If a court grants a petition to seal a criminal record, the court shall state in the court order that the petitioner is sufficiently rehabilitated but is subject to the provisions of section 12.1-33-02.1, and shall release the information when an entity has a statutory obligation to conduct a criminal history background check.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 118

SENATE BILL NO. 2165

(Senators Rummel, Cory, Sickler, Larson)
(Representative Heinert)

AN ACT to amend and reenact subsection 2 of section 12-63-04 and sections 12-63-05 and 12-63-12 of the North Dakota Century Code, relating to the powers and duties of the peace officer standards and training board and peace officer licensing fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 12-63-04 of the North Dakota Century Code is amended and reenacted as follows:

2. The board shall keep records and minutes necessary to carry out its functions. The board may:
 - a. Issue subpoenas, examine witnesses, administer oaths, and investigate allegations of practices violating the provisions of this chapter or rules adopted by the board.
 - b. If the board deems an examination to be in the best interest of public safety, require, with cause, any licensed peace officer complete a physical or psychological examination, or both, by a psychologist, licensed physician, or other qualified evaluation professional selected by the board to determine mental and physical competency.
 - c. Examine and review any medical or psychological records, including test results relative to the examination or treatment of the licensed police officer under subdivision b. A written request from the board is legal authorization to release medical and psychological information pertinent to peace officer licensure. The medical or psychological information provided to the board is not subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota.
 - d. Examine, under oath, any applicant for licensing.
 - e-e. Examine, under oath, any licensed peace officer during a hearing to suspend, revoke, or to not renew a license of a peace officer.
 - d-f. Adopt rules relating to the professional conduct of peace officers and to implement the requirements of this chapter, including rules relating to professional licensure, continuing education, and ethical standards of practice, for persons holding a license to practice peace officer duties.
 - e-g. Expend funds to sponsor training for instruction of licensees, including up to fifty thousand dollars annually from fees collected by the board.

SECTION 2. AMENDMENT. Section 12-63-05 of the North Dakota Century Code is amended and reenacted as follows:

12-63-05. Fees.

The board shall prescribe by rule the fee for application for examination, for an initial license, for renewal of a license, for suspension of a license, for reinstatement of a license after revocation, for a duplicate license, for a late sidearm qualification, for late instructor renewal, and for late renewal of a license. The board shall administer fees received under this chapter in accordance with section 54-44-12.

SECTION 3. AMENDMENT. Section 12-63-12 of the North Dakota Century Code is amended and reenacted as follows:

12-63-12. Grounds for denial, revocation, or suspension of license - Adverse license action - Appeal.

1. The board shall deny a license, refuse to renew a license, suspend a license, revoke a license, or impose probationary conditions if the individual has been convicted or pled guilty or nolo contendere before a court of competent jurisdiction in any state, or before any court, of a felony offense.
2. The board may deny a license, refuse to renew a license, suspend a license, or revoke a license, or may impose probationary conditions if the individual:
 - a. Has been convicted or pled guilty or nolo contendere before a court of competent jurisdiction in any state, or before any court, of an offense involving domestic violence or violation of a domestic violence restraining order, an offense involving child abuse or neglect, an offense involving firearms under title 12.1 or title 62.1, or another criminal offense determined by the board to have a direct bearing upon an individual's ability to serve as a peace officer, or the board determines, following a conviction or adjudication, that the individual is not rehabilitated under section 12.1-33-02.1.
 - b. Has used unjustified deadly force in the performance of the duties as a peace officer as described in section 12.1-05-07.
 - c. Has made a false material statement under oath to the board.
 - d. Has made a false material statement to the board while obtaining or renewing a license or permit.
 - e. Has a psychological or physical condition and the individual is deemed unable to safely and competently perform the duties of a peace officer.
 - f. Has violated a provision of this chapter or a rule of the board.
3. Denial, refusal to renew, suspension, revocation, or imposition of probationary condition on a license may be ordered by the board after a hearing in accordance with chapter 28-32. An application for reinstatement may be made to the board one year from the date of the refusal to renew or the revocation of the license. The board may accept or reject an application for reinstatement and may hold a hearing to consider the reinstatement. The board may require an applicant complete a physical or psychological examination, or both, by a psychologist, licensed physician, or other qualified evaluation professional selected by the board before reinstatement. The board may examine and review any relevant medical or psychological records associated with the applicant's examination. A written request from the board is legal authorization

to release medical or psychological information pertinent to peace officer licensure. The board shall deny licensure or reinstatement of an applicant if the applicant refuses to release requested medical or psychological information. The medical or psychological information provided to the board is not subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota. In the case of a denial of an application, the applicant may not reapply for a period of one year from the date of the order of denial.

4. An appeal from the final decision of the board to refuse to issue, to not renew, to suspend, or to revoke a license may be made to the district court. Venue is the county in which the aggrieved individual resides. The appeal must be made within thirty days from the service of the decision on the individual.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 119

HOUSE BILL NO. 1425

(Representatives Klemm, Hanson, Stemen)
(Senators Davison, Larson)

AN ACT to create and enact a new section to chapter 11-16, a new chapter to title 12, and two new sections to chapter 54-23.3 of the North Dakota Century Code, relating to prosecution-led diversion programs, deflection process, and supervision for presentence programs; to provide for a legislative management study; to provide for a legislative management report; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 11-16 of the North Dakota Century Code is created and enacted as follows:

Prosecution-led diversion program.

1. The state's attorney for each county may create and administer a prosecution-led diversion program if, after due consideration of any crime victim's rights and subject to approval from the court, the prosecuting attorney and the defendant agree to suspend prosecution for a period of time after which the case will be dismissed under rule 32.2 of the North Dakota Rules of Criminal Procedure on condition that the defendant not commit any new criminal offense during the period of the agreement.
2. Each county that establishes a prosecution-led diversion program shall establish written guidelines for the program and minimum eligibility criteria.

SECTION 2. A new chapter to title 12 of the North Dakota Century Code is created and enacted as follows:

Definition.

As used in this chapter, "deflection process" means a procedure for facilitating an assessment, service, or treatment in lieu of incarceration, criminal charges, or unnecessary admissions to the emergency department if a peace officer or first responder is directed to intervene with an individual with a behavioral health condition, including a substance use disorder or mental health disorder, with or without the presence of criminal activity, unless the criminal activity involves bodily injury to another human or damage to personal property.

Individual with a behavioral health condition - Assistance - Medical care.

A peace officer, as defined under section 12-63-01, may transport or refer an individual to a local hospital, detoxification center, community behavioral health center, or other appropriate treatment facility. A tier 1b mental health professional, as defined under section 25-01-01, of a local hospital may hold that individual for treatment up to seventy-two hours.

Deflection process - Regional authority and planning.

1. A local government, law enforcement agency, or other first responder agency may establish a deflection process in partnership with one or more licensed providers of behavioral health services or substance use disorder treatment services, subject to the provisions of this section. A deflection process must include participation from a law enforcement agency and behavioral health service provider.
2. A deflection process must include procedures for:
 - a. The identification, screening, and assessment of its participants.
 - b. Case management and treatment facilitation.
 - c. Participant followups.
 - d. Law enforcement, first responder, and treatment provider training.
 - e. The collection and evaluation of data for:
 - (1) Demographics of program participants;
 - (2) The number of law enforcement interactions that result in a treatment referral; and
 - (3) The time between initial law enforcement interaction and treatment service.
3. A deflection process must include a performance management system with key performance indicators. Key performance indicators may include the:
 - a. Rate of treatment engagement within thirty days of initial contact;
 - b. Duration of treatment involvement; and
 - c. Number of subsequent law enforcement interactions for individuals referred to treatment.

SECTION 3. A new section to chapter 54-23.3 of the North Dakota Century Code is created and enacted as follows:

Supervision for presentence programs.

The department of corrections and rehabilitation has the authority to supervise a defendant while the defendant is participating in a prosecution-led, or pretrial diversion program under section 1 of this Act or rule 32.2 of the North Dakota Rules of Criminal Procedure, or any other pretrial services program.

SECTION 4. A new section to chapter 54-23.3 of the North Dakota Century Code is created and enacted as follows:

Prosecution-led diversion supervision pilot program - Report.

1. The department of corrections and rehabilitation shall establish a prosecution-led diversion supervision program as a pilot project in three counties in the state during the biennium beginning July 1, 2025, and ending June 30, 2027.

2. Beginning July 1, 2025, the department shall collaborate with the department of health and human services, North Dakota association of counties, county state's attorneys, the commission on legal counsel for indigents, county and regional correctional facilities, and public and private treatment providers to develop guidelines and procedures for the administration of the prosecution-led diversion supervision program.
3. The department of corrections and rehabilitation shall select three counties for a pilot project and enter contracts with third-party providers in partnership with the pilot counties to provide supervision, including monitoring and connection to services.
4. The department of corrections and rehabilitation shall implement the program no later than January 1, 2026.
5. Before January 1, 2027, the department, in collaboration with the three pilot counties, shall report to legislative management regarding the process and outcome of the prosecution-led diversion program and any recommendations for future legislation.

SECTION 5. LEGISLATIVE MANAGEMENT STUDY - PRETRIAL SERVICE PROGRAMS. During the 2025-26 interim, the legislative management shall consider studying costs and savings associated with pretrial service programs operating in the state and opportunities to reinvest savings to improve re-entry outcomes. The study must include the effect of pretrial services on admissions to county jail, detention facilities, medical costs of participants, rate of failure to appear in court, rate of recidivism, and rate of participation in treatment programs. The study must identify opportunities for counties, courts, and state agencies to invest cost-savings associated with pretrial services in programs, treatment, and services that will further reduce recidivism and promote public health. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 6. APPROPRIATION - DEPARTMENT OF CORRECTIONS AND REHABILITATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - PROSECUTION-LED DIVERSION SUPERVISION PILOT PROGRAM - FULL-TIME EQUIVALENT POSITIONS - ONE-TIME FUNDING. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of hiring one full-time equivalent position and contracting with third-party providers for a prosecution-led diversion supervision pilot program, for the biennium beginning July 1, 2025, and ending June 30, 2027. The personnel hired pursuant to this section must prioritize the prosecution-led diversion supervision pilot program. The appropriation provided under this section is considered a one-time funding item.

SECTION 7. APPROPRIATION - DEPARTMENT OF CORRECTIONS AND REHABILITATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - PRETRIAL SERVICE PROGRAMS COST-SAVINGS STUDY - ONE-TIME FUNDING. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$55,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of contracting for consulting services for the study provided in section 5 of this Act, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation provided under this section is considered a one-time funding item.

SECTION 8. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - PROSECUTION-LED DIVERSION TREATMENT SERVICES - ONE-TIME FUNDING. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$750,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of providing treatment services for participants in the prosecution-led diversion program, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation provided under this section is considered a one-time funding item.

Approved April 29, 2025

Filed April 29, 2025

CRIMINAL CODE

CHAPTER 120

HOUSE BILL NO. 1417

(Representatives Klemin, Stemen, Hanson)
(Senators Davison, Larson)

AN ACT to amend and reenact sections 12-59-15 and 12.1-01-04, subdivision b of subsection 3 of section 12.1-22-01, and sections 12.1-32-07, 12.1-32-08, and 29-07-01.1 of the North Dakota Century Code, relating to parole and probation violations and court fees; to provide for a legislative management study; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-59-15 of the North Dakota Century Code is amended and reenacted as follows:

12-59-15. Breach of parole - Hearings - Order of recommitment.

1. When it is alleged that a parolee has violated any of the terms or conditions of parole established by the parole board or by the department of corrections and rehabilitation, the director of the department of corrections and rehabilitation may issue a warrant for the arrest of the parolee.
2. Upon issuance of a warrant of arrest for a parole violation, the running of the time period of parole must be suspended until the parole board issues a final order under this section. The parolee is entitled to credit for time spent in physical custody from the time of arrest until the time the parole board issues a final order.
3. The parolee is entitled to a preliminary hearing, as promptly as is convenient after the arrest and reasonably near the place of the alleged violation or arrest, to determine whether there is probable cause to find that the parolee violated any of the terms and conditions of parole established by the board or by the department of corrections and rehabilitation.
4. The preliminary hearing must be conducted before the director of the department of corrections and rehabilitation or other hearing officer authorized by the director. The preliminary hearing must be conducted by a disinterested hearing officer not directly involved in the supervision of the parolee or by the person bringing the allegation of a parole violation.
5. If the hearing officer determines there is probable cause to find that the parolee has violated any of the terms and conditions of parole established by the board or by the department of corrections and rehabilitation, the board may redetermine the time remaining in the period of parole to reflect any portion of the period during which the parolee was not under supervision or not in the custody of law enforcement personnel in the state.

6. If the hearing officer determines there is probable cause to find that the parolee has violated any of the terms and conditions of parole established by the board or by the department of corrections and rehabilitation, the parolee must be returned to the physical custody of the department of corrections and rehabilitation, transferred to another correctional facility or the state hospital, or released from actual custody pursuant to such terms and conditions as may be established by the parole board or the department of corrections and rehabilitation, pending a final revocation hearing before the parole board. If the board determines at the final revocation hearing that the parolee has violated any of the terms and conditions of parole established by the board or by the department of corrections and rehabilitation, ~~if the board~~ may order ~~that~~ the parolee be recommitted to the physical custody of the department of corrections and rehabilitation to serve all or part of the remaining time of the sentence that has not been served in custody.
7. At any hearing pursuant to this section a record must be made and the parolee shall have:
 - a. Written notice of the purpose of the hearing and the alleged violations.
 - b. The opportunity to be heard in person and present witnesses and documentary evidence.
 - c. The opportunity to confront and cross-examine adverse witnesses, unless the hearing officer determines that confrontation would create a risk of harm to the witness.
 - d. A written statement as to the reasons for the decision.
8. ~~When~~ If the board determines the parolee has absconded, as defined in section 12.1-01-04, from supervision, the board may order the parolee to pay the costs of being returned to the board. Moneys recovered under this subsection must be remitted to the department of corrections and rehabilitation.

SECTION 2. AMENDMENT. Section 12.1-01-04 of the North Dakota Century Code is amended and reenacted as follows:

12.1-01-04. General definitions.

As used in this title, unless a different meaning plainly is required:

1. "Absconded" means when a probationer, parolee, participant in a pretrial services program, or participant in a prosecution-led diversion program willfully avoids supervision by making their whereabouts unknown or fails to report to a supervising authority.
2. "Act" or "action" means a bodily movement, whether voluntary or involuntary.
- ~~2-3.~~ "Acted", "acts", and "actions" include, where relevant, "omitted to act" and "omissions to act".
- ~~3-4.~~ "Actor" includes, where relevant, a person guilty of an omission.
- ~~4-5.~~ "Bodily injury" means any impairment of physical condition, including physical pain.

- ~~5-6.~~ "Court" means any of the following courts: the supreme court, a district court, and where relevant, a municipal court.
- ~~6-7.~~ "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, or dagger; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slingshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or ~~CO2~~ CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance.
- ~~7-8.~~ "Destructive device" means any explosive, incendiary or poison gas bomb, grenade, mine, rocket, missile, or similar device.
- ~~8-9.~~ "Explosive" means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuses (other than electric circuit breakers), detonators and other detonating agents, smokeless powders, and any chemical compounds, mechanical mixture, or other ingredients in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound, or material, or any part thereof may cause an explosion.
- ~~9-10.~~ "Firearm" means any weapon that will expel, or is readily capable of expelling, a projectile by the action of an explosive and includes any such weapon, loaded or unloaded, commonly referred to as a pistol, revolver, rifle, gun, machine gun, shotgun, bazooka, or cannon.
- ~~10-11.~~ "Force" means physical action.
- ~~11-12.~~ "Government" means:
- The government of this state or any political subdivision of this state;
 - Any agency, subdivision, or department of the state or any political subdivision of the state, including the executive, legislative, and judicial branches;
 - Any corporation or other entity established by law to carry on any governmental function; and
 - Any commission, corporation, or agency established by statute, compact, or contract between or among governments for the execution of intergovernmental programs.
- ~~12-13.~~ "Governmental function" includes any activity that one or more public servants are legally authorized to undertake on behalf of government.
- ~~13-14.~~ "Harm" means loss, disadvantage, or injury to the person affected, and includes loss, disadvantage, or injury to any other person in whose welfare the person affected is interested.
- ~~14-15.~~ "Included offense" means an offense:

- a. That is established by proof of the same or less than all the facts required to establish commission of the offense charged;
- b. That consists of criminal facilitation of or an attempt or solicitation to commit the offense charged; or
- c. That differed from the offense charged only in that it constitutes a less serious harm or risk of harm to the same person, property, or public interest, or because a lesser degree of culpability suffices to establish its commission.

~~45-16.~~ "Includes" should be read as if the phrase "but is not limited to" were also set forth.

~~46-17.~~ "Law enforcement officer" or "peace officer" means a public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations or prosecutions for violations of law.

~~47-18.~~ "Local" means of or pertaining to any political subdivision of the state.

~~48-19.~~ "Manifest injustice" means a specific finding by the court that the imposition of sentence is unreasonably harsh or shocking to the conscience of a reasonable individual, with due consideration of the totality of circumstances.

~~49-20.~~ "Offense" means conduct for which a term of imprisonment or a fine is authorized by statute after conviction.

~~20-21.~~ "Official action" includes a decision, opinion, recommendation, vote, or other exercise of discretion by any government agency.

~~21-22.~~ "Official proceeding" means a proceeding heard or which may be heard before any government agency or branch or public servant authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with any such proceeding.

~~22-23.~~ "Omission" means a failure to act.

~~23-24.~~ As used in this title and in sections outside this title which define offenses, "person" includes, where relevant, a corporation, limited liability company, partnership, unincorporated association, or other legal entity. When used to designate a party whose property may be the subject of action constituting an offense, the word "person" includes a government that may lawfully own property in this state.

~~24-25.~~ "Political subdivision" as used in this title and in any statute outside this title which defines an offense means a county, city, school district, township, and any other local governmental entity created by law.

~~25-26.~~ "Possesses" means an individual has:

- a. Direct physical control of something on or around the individual's person;
or

- b. The power and intention to exercise control over something accessible to but not on or around the individual's person.

~~26-27.~~ "Public servant" as used in this title and in any statute outside this title which defines an offense means any officer or employee of government, including law enforcement officers, whether elected or appointed, and any person participating in the performance of a governmental function. The term does not include witnesses.

~~27-28.~~ "Responsivity factors" means characteristics of an individual which affect the individual's ability to respond favorably or unfavorably to a treatment goal.

~~29.~~ "Risk assessment" means an initial phase with a secondary process approved by the department of health and human services for the evaluation of the likelihood a person that committed an offense will commit another similar offense; a validated, standardized actuarial tool used to identify potential risk factors that increase the likelihood an individual will reoffend and responsivity factors that, when addressed, reduce the likelihood an individual will reoffend. The initial phase is an assessment tool that is administered by a trained probation and parole officer/corrections professional. A predetermined score on the initial phase initiates the secondary process, approved by the department of health and human services, that includes may include a clinical interview, psychological testing, and verification through collateral information or psychophysiological testing, or both. The department of health and human services shall perform the secondary process of the risk assessment.

~~28-30.~~ "Serious bodily injury" means bodily injury that creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme pain, permanent loss or impairment of the function of any bodily member or organ, a bone fracture, or impediment of air flow or blood flow to the brain or lungs.

~~29-31.~~ "Signature" includes any name, mark, or sign written or affixed with intent to authenticate any instrument or writing.

~~30-32.~~ "Substantial bodily injury" means a substantial temporary disfigurement, loss, or impairment of the function of any bodily member or organ.

~~31-33.~~ "Thing of value" or "thing of pecuniary value" means a thing of value in the form of money, tangible or intangible property, commercial interests, or anything else the primary significance of which is economic gain to the recipient.

~~32-34.~~ "Tier 1 mental health professional" has the same meaning as provided under section 25-01-01.

SECTION 3. AMENDMENT. Subdivision b of subsection 3 of section 12.1-22-01 of the North Dakota Century Code is amended and reenacted as follows:

- b. "Dangerous weapon" means a weapon defined in ~~subsection 6 of~~ section 12.1-01-04 or a weapon the possession of which under the circumstances indicates an intent or readiness to inflict serious bodily injury.

SECTION 4. AMENDMENT. Section 12.1-32-07 of the North Dakota Century Code is amended and reenacted as follows:

12.1-32-07. Supervision of probationer - Conditions of probation - Revocation.

1. When the court imposes probation upon conviction for a felony offense subject to section 12.1-32-09.1 or 12.1-32-02.1, a second or subsequent violation of section 12.1-17-07.1, a second or subsequent violation of any domestic violence protection order, a violation of chapter 12.1-41, a violation of section 14-09-22, or a felony offense under chapter 39-08, the court shall place the defendant under the supervision and management of the department of corrections and rehabilitation. When the court imposes probation upon conviction or order of disposition in all other felony cases, the court may place the defendant under the supervision and management of the department of corrections and rehabilitation. In class A misdemeanor cases, the court may place the defendant under the supervision and management of the department of corrections and rehabilitation or other responsible party. In all other cases, the court may place the defendant under the supervision and management of a community corrections program other than the department of corrections and rehabilitation. A community corrections program means a program for the supervision of a defendant, including monitoring and enforcement of terms and conditions of probation set by the court.
2. ~~The conditions of probation must be such as the court in its discretion deems reasonably necessary to ensure that the defendant will lead a law abiding life or to assist the defendant to do so. The court shall provide as an explicit condition of every probation that the defendant not commit another offense during the period for which the probation remains subject to revocation. The court shall order supervision costs and fees of not less than fifty-five dollars per month unless the court makes a specific finding on record that the imposition of fees will result in an undue hardship. If the offender has not paid the full amount of supervision fees and costs before completion or termination of probation, the court may issue an order, after opportunity for hearing, to determine the amount of supervision fees and costs that are unpaid. The order may be filed, transcribed, and enforced by the department of corrections and rehabilitation in the same manner as civil judgments rendered by a district court of this state. The department of corrections and rehabilitation may administer a risk assessment for the evaluation of each defendant placed under the supervision and management of the department of corrections and rehabilitation. The results of the risk assessment may be used to set a level of supervision and management and develop an individualized case plan for the defendant. The case plan may include a list of responsivity factors and a plan to address any risk factors identified in the risk assessment.~~
3. The court shall provide as an explicit condition of every probation that the defendant may not possess a firearm, destructive device, or other dangerous weapon while the defendant is on probation. Except when the offense is a misdemeanor offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-05, or 12.1-17-07.1, or chapter 14-07.1, the court may waive this condition of probation if the defendant has pled guilty to, or has been found guilty of, a misdemeanor or infraction offense, the misdemeanor or infraction is the defendant's first offense, and the court has made a specific finding on the record before imposition of a sentence or a probation that there is good cause to waive the condition. The court may not waive this condition of probation if the court places the defendant under the supervision and management of the department of corrections and rehabilitation. The court shall provide as an explicit condition of probation that the defendant may not

willfully defraud a urine test administered as a condition of probation. Unless waived on the record by the court, the court shall also provide as a condition of probation that the defendant undergo various agreed-to community constraints and conditions as intermediate measures of the department of corrections and rehabilitation to avoid revocation, which may include:

- a. Community service;
 - b. Day reporting;
 - c. Curfew;
 - d. Home confinement;
 - e. House arrest;
 - f. Electronic monitoring;
 - g. Residential halfway house;
 - h. Intensive supervision program;
 - i. Up to five nonsuccessive periods of incarceration during any twelve-month period, each of which may not exceed forty-eight consecutive hours;
 - j. Participation in the twenty-four seven sobriety program; or
 - k. One period of incarceration during a period of probation not to exceed thirty consecutive days in lieu of a petition for revocation of probation.
4. When imposing a sentence to probation, probation in conjunction with imprisonment, or probation in conjunction with suspended execution or deferred imposition of sentence, the court may impose such conditions as it deems appropriate and may include any one or more of the following:
- a. Work faithfully at a suitable employment or faithfully pursue a course of study or of career and technical education training that will equip the defendant for suitable employment.
 - b. Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.
 - c. Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.
 - d. Support the defendant's dependents and meet other family responsibilities.
 - e. Make restitution or reparation to the victim of the defendant's conduct for the damage or injury which was sustained or perform other reasonable assigned work. When restitution, reparation, or assigned work is a condition of probation, the court shall proceed as provided in subsection 1 or 2, as applicable, of section 12.1-32-08.
 - f. Pay a fine imposed after consideration of the provisions of section 12.1-32-05.

- g. Refrain from excessive use of alcohol or any use of narcotics or of another dangerous or abusable drug without a prescription.
 - h. Permit the probation officer to visit the defendant at reasonable times at the defendant's home or elsewhere.
 - i. Remain within the jurisdiction of the court, unless granted permission to leave by the court or the probation officer.
 - j. Answer all reasonable inquiries by the probation officer and promptly notify the probation officer of any change in address or employment.
 - k. Report to a probation officer at reasonable times as directed by the court or the probation officer.
 - l. Submit to a medical examination or other reasonable testing for the purpose of determining the defendant's use of narcotics, marijuana, or other controlled substance whenever required by a probation officer.
 - m. Refrain from associating with known users or traffickers in narcotics, marijuana, or other controlled substances.
 - n. Submit the defendant's person, place of residence, or vehicle to search and seizure by a probation officer at any time of the day or night, with or without a search warrant.
 - o. Serve a term of imprisonment of up to one-half of the maximum term authorized for the offense of which the defendant was convicted.
 - p. Reimburse the costs and expenses determined necessary for the defendant's adequate defense when counsel is appointed or provided at public expense for the defendant. When reimbursement of indigent defense costs and expenses is imposed as a condition of probation, the court shall proceed as provided in subsection 4 of section 12.1-32-08.
 - q. Provide community service for the number of hours designated by the court.
 - r. Refrain from any subscription to, access to, or use of the internet.
5. When the court imposes a sentence to probation, probation in conjunction with imprisonment, or probation in conjunction with suspended execution or deferred imposition of sentence, the defendant must be given a certificate explicitly setting forth the conditions on which the defendant is being released.
6. The court, upon notice to the probationer and with good cause, may modify or enlarge the conditions of probation at any time before the expiration or termination of the period for which the probation remains conditional. If the defendant violates a condition of probation at any time before the expiration or termination of the period, the court may continue the defendant on the existing probation, with or without modifying or enlarging the conditions, or may revoke the probation and impose any other sentence that was available under section 12.1-32-02 or 12.1-32-09 at the time of initial sentencing or deferment.

7. The court may continue or modify probation conditions or revoke probation for a violation of probation conditions occurring before the expiration or termination of the period of probation notwithstanding that the order of the court is imposed after the expiration or termination has occurred. The petition for revocation must be issued within sixty days of the expiration or termination of probation.
8. Jurisdiction over a probationer may be transferred from the court that imposed the sentence to another court of this state with the concurrence of both courts. Retransfers of jurisdiction may also occur in the same manner. The court to which jurisdiction has been transferred under this subsection may exercise all powers permissible under this chapter over the defendant.
9. Notwithstanding any other provision of law, the court may authorize the defendant to assist law enforcement officers in an investigation of a criminal offense upon the terms and conditions as the court may require by written order. The court shall hold a hearing in camera before issuing an order under this subsection. The order must be sealed and is subject to inspection only upon order of the court.
10. The department of corrections and rehabilitation shall provide written notice to a defendant who is in the department's physical custody of any untried petition for revocation against the defendant of which the department has notice and of the defendant's right to make a request for final disposition of the petition.
 - a. Upon notice of an untried petition for revocation of probation, the defendant may request final disposition of the petition. The defendant's request must be in writing and name the court in which the petition for revocation of probation is pending and the prosecuting official charged with the duty of prosecuting the petition.
 - b. The defendant shall submit the request to the department. The department shall certify the term of commitment under which the defendant is being held, the time the defendant has served on the sentence, the time remaining to be served, sentence reduction credit the defendant has earned, the defendant's eligibility for parole, and whether the parole board has made a decision regarding the defendant's parole.
 - c. The department shall send by registered mail, return receipt requested, one copy of the request and certificate to the court and one copy to the prosecuting official to whom the request and certificate is addressed.
 - d. The petition for revocation of probation must be brought to the court for hearing within ninety days after the receipt of the request and certificate by the court and prosecuting official. If the petition is not brought to the court for hearing within the ninety days, the court shall dismiss the petition with prejudice.
 - e. The parties may stipulate for a continuance or the court may grant a continuance upon a showing of good cause by either party for a petition under this subsection.
 - f. If the defendant escapes from custody subsequent to the defendant's execution of a request for final disposition of a petition for revocation, the request is considered void.

³⁴ **SECTION 5. AMENDMENT.** Section 12.1-32-08 of the North Dakota Century Code is amended and reenacted as follows:

12.1-32-08. Hearing prior to ordering restitution, reparation, or reimbursement of indigent defense costs and expenses - Conditions - Collection of restitution for insufficient funds checks - Continuing appropriation.

1. The court, when sentencing a person adjudged guilty of criminal activities that have resulted in pecuniary damages, in addition to any other sentence the court may impose, shall order that the defendant make restitution to the victim or other recipient as determined by the court. Restitution must include payment to the owner of real property that is contaminated by the defendant in the manufacturing of methamphetamine for the cost of removing the contamination and returning the property to the property's condition before contamination and to any other person that has incurred costs in decontaminating the property.
2. If the court has retained jurisdiction after the sentencing hearing for claims of restitution, to make a claim for restitution, the victim shall submit information by affidavit or declaration and, as applicable, documentary evidence within the time specified in the order. The information submitted must describe the items or elements of loss, itemize the total dollar amounts of restitution claimed, and present facts and evidence sufficient to support a finding the restitution is directly related to the offense and the amount awarded. The prosecutor shall serve the defendant with a copy of the information submitted by the victim no later than sixty days following sentencing.
3. The defendant may challenge restitution but must do so by requesting a hearing within thirty days of being served with the written notification of the amount of restitution requested. The hearing request must be made in writing and filed with the court. If no hearing is requested, the court may enter a judgment ordering restitution. A defendant may not challenge restitution after the thirty-day time period has passed.
4. In determining the amount of restitution, the court shall take into account the reasonable damages sustained by the victim or victims of the criminal offense, which damages are limited to those directly related to the criminal offense and expenses actually sustained as a direct result of the defendant's criminal action. This can include an amount equal to the cost of necessary and related professional services and devices relating to physical, psychiatric, and psychological care. The defendant may be required as part of the sentence imposed by the court to pay the prescribed treatment costs for a victim of a sexual offense as defined in chapters 12.1-20 and 12.1-27.2. The court shall fix the amount of restitution or reparation and shall fix the manner of performance of any condition or conditions of probation established pursuant to this subsection. The court may order the defendant to disclose income and assets on forms developed by the state court administrator to facilitate the setting of an appropriate payment plan. The court shall order restitution be paid to the division of adult services for any benefits the division has paid or may pay to the victim under chapter 54-23.4 unless the court, on the record, directs otherwise. Any payments made pursuant to the order must be deducted from damages awarded in a civil action arising from the same incident.

³⁴ Section 12.1-32-08 was also amended by section 1 of Senate Bill No. 2057, chapter 297.

5. An order that a defendant make restitution or reparation as a sentence or condition of probation, unless the court directs otherwise, may be filed without filing fee, transcribed, and enforced by the person entitled to the restitution or reparation or by the division of adult services in the same manner as civil judgments rendered by the courts of this state may be enforced. Upon thirty days' written notice to the victim's last known address, the court may order the judgment imposing a duty to pay restitution or reparation be docketed in the same manner as a civil judgment under section 29-26-22.1.
6. When the restitution ordered by the court under subsection 1 is the result of a finding that the defendant issued a check or draft without sufficient funds or without an account, the court shall impose as costs the greater of the sum of ten dollars or an amount equal to twenty-five percent of the amount of restitution ordered. The costs imposed under this subsection, however, may not exceed one thousand dollars. The state-employed clerks of district court shall remit the funds collected as costs under this subsection to the state treasurer for deposit in the restitution collection assistance fund. The funds deposited into the restitution collection assistance fund are appropriated to the judicial branch on a continuing basis for the purpose of defraying expenses incident to the collection of restitution, including operating expenses and the compensation of additional necessary personnel. The state's attorneys and county-employed clerks of district court shall remit the funds collected as costs under this subsection to the county treasurer to be deposited in the county general fund.
7. The court may order the defendant to perform reasonable assigned work as a condition of probation, which assigned work need not be related to the offense charged, but must not be solely for the benefit of a private individual other than the victim.
8. ~~Under section 12-1-32-07, the court may order that the defendant reimburse indigent defense costs and expenses as a condition of probation.~~
 - a. ~~Unless it finds that there is no likelihood that the defendant is or will be able to pay attorney's fees and expenses, the court, in its judgment of conviction, and in any order or amended judgment following a revocation or other postjudgment proceeding, shall notify the defendant, the defendant's probation officer, and the prosecuting attorney of the presumed amount of costs and expenses to be reimbursed, as determined by the commission on legal counsel for indigents, and of the right to a hearing on the reimbursement amount. The reimbursement amount must include an application fee imposed under section 29-07-01.1 if the fee has not been paid before disposition of the case and the court has not waived payment of the fee.~~
 - b. ~~If the defendant or prosecutor requests a hearing within thirty days of receiving notice under this subdivision, the court shall schedule a hearing at which the actual amount of attorney's fees and expenses must be shown. In determining the amount and method of reimbursement, the court shall consider the financial resources of the defendant and the nature of the burden that reimbursement of costs and expenses will impose.~~
 - e. ~~A defendant who is required to reimburse indigent defense costs and expenses as a condition of probation and who is not willfully in default in~~

~~that reimbursement may at any time petition the court that imposed the condition to waive reimbursement of all or any portion of the costs and expenses. If the court is satisfied that reimbursement of the amount due will impose undue hardship on the defendant or the defendant's immediate family, the court may waive reimbursement of all or any portion of the amount due or modify the method of payment.~~

~~d. If at any time the court finds that the defendant is able to reimburse costs and expenses and has willfully failed to do so, the court may continue, modify, or enlarge the conditions of probation or revoke probation as provided in subsection 6 or 7, as applicable, of section 12.1-32-07.~~

- 9- ~~If the court finds that the defendant is unable to pay a fine, supervision fee, reimbursement for indigent defense costs and expenses, or restitution or reparations, the court may order the defendant to perform reasonable assigned work in lieu of all or part of a fine, a supervision fee, reimbursement for indigent defense costs and expenses, or restitution or reparations. The defendant may not perform reasonable assigned work in lieu of restitution or reparations unless the person entitled to restitution or reparations has consented in writing or on the record.~~

³⁵ **SECTION 6. AMENDMENT.** Section 29-07-01.1 of the North Dakota Century Code is amended and reenacted as follows:

29-07-01.1. Payment of expenses for defense of indigents —Reimbursement of indigent defense costs and expenses - Indigent defense administration fund - Continuing appropriation.

1. Lawyers provided to represent indigent persons must be compensated at a reasonable rate to be determined by the commission on legal counsel for indigents. Expenses necessary for the adequate defense of an indigent person prosecuted in district court, other than for a violation of a home rule county's ordinance, when approved by the commission, must be paid by the state. Expenses necessary for the adequate defense of an indigent person prosecuted for violation of a home rule county's ordinance must be paid by the home rule county. Expenses necessary for the adequate defense of an indigent person prosecuted in municipal court, when approved by the judge, must be paid by the city in which the alleged offense took place. The city shall also pay the expenses in any matter transferred to district court pursuant to section 40-18-06.2 or 40-18-15.1, in any appeal taken to district court from a judgment of conviction in municipal court pursuant to section 40-18-19, and in an appeal or postconviction matter seeking relief from a conviction resulting from violation of a municipal ordinance. A defendant requesting representation by counsel at public expense, or for whom counsel provided at public expense without a request is considered appropriate by the court, shall submit an application for indigent defense services. ~~For an application for indigent defense services in the district court, a nonrefundable application fee of thirty-five dollars must be paid at the time the application is submitted. The district court may extend the time for payment of the fee or may waive or reduce the fee if the court determines the defendant is financially unable to pay all or part of the fee. If the application fee is not paid before disposition of the case, the fee amount must be added to the amount to be reimbursed under this section. Application fees collected under this subsection must be forwarded for deposit in the indigent defense administration fund established under subsection 4.~~

³⁵ Section 29-07-01.1 was also amended by section 2 of House Bill No. 1032, chapter 379.

2. ~~A defendant for whom counsel is provided at public expense, subject to this subsection, shall reimburse the state, home rule county, or city such sums as the state, home rule county, or city expends on the defendant's behalf.~~

 - a. ~~At the time counsel is provided for a defendant, the court shall advise the defendant of the defendant's potential obligation to reimburse the appropriate governmental entity the amounts expended on behalf of the defendant.~~
 - b. ~~Unless it finds that there is no likelihood that the defendant is or will be able to pay attorney's fees and expenses, the court, in its judgment of conviction, and in any order or amended judgment entered following a revocation or other postjudgment proceeding, shall order the defendant to reimburse the presumed amount of indigent defense costs and expenses, as determined by the commission, and shall notify the defendant of the right to a hearing on the reimbursement amount. If the defendant or prosecutor requests a hearing within thirty days of receiving notice under this subdivision, the court shall schedule a hearing at which the actual amount of attorney's fees and expenses must be shown. In determining the amount of reimbursement and method of payment, the court shall consider the financial resources of the defendant and the nature of the burden that reimbursement of costs and expenses will impose.~~
 - c. ~~A defendant who is required to reimburse indigent defense costs and expenses and who is not willfully in default in that reimbursement may at any time petition the court to waive reimbursement of all or any portion of the attorney's fees and expenses. If the court is satisfied that reimbursement of the amount due will impose undue hardship on the defendant or the defendant's immediate family, the court may waive reimbursement of all or any portion of the amount due or modify the method of payment.~~
3. ~~The attorney general, the state's attorney of the home rule county, or the prosecuting attorney of the city in which the alleged offense took place, if reimbursement has not been received, shall seek civil recovery of any amounts expended on the defendant's behalf anytime the attorney general, state's attorney, or city attorney determines the person for whom counsel was appointed may have funds to repay the state, home rule county, or city within six years of the date such amount was paid on that person's behalf. A person against whom civil recovery is sought under this subsection is entitled to all exemptions accorded to other judgment debtors. The attorney general, state's attorney, or prosecuting attorney may contract with a private sector collection agency for assistance in seeking recovery of such funds. Before referring the matter to a collection agency, the state's attorney shall notify the person who is the subject of the collection action.~~
4. The indigent defense administration fund is a special fund in the state treasury. The state treasurer shall deposit in the fund all application fees collected under subsection 1. All moneys in the indigent defense administration fund are appropriated on a continuing basis to the commission on legal counsel for indigents to be used in the administration of the indigent defense system.

SECTION 7. LEGISLATIVE MANAGEMENT STUDY - COURT FINES AND FEES. During the 2025-26 interim, the legislative management shall consider studying court fines and fees, including fines and fees relating to travel permits, presentence investigations, the drug court program, electronic monitoring, alcohol monitoring, and the twenty-four seven sobriety program. The study must consider the total amount collected; rate of fees collected, including any money expended to collect the fines and fees; an evaluation of practices in other states; and the overall impacts on a defendant. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 29, 2025

Filed April 29, 2025

CHAPTER 121

SENATE BILL NO. 2077

(Judiciary Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact section 12.1-04.1-21 of the North Dakota Century Code, relating to criminal responsibility proceedings following a verdict or finding.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-04.1-21 of the North Dakota Century Code is amended and reenacted as follows:

12.1-04.1-21. Proceeding following verdict or finding.

After entry of a verdict, finding, or an unresisted plea, that an individual committed the crime charged, but is not guilty by reason of lack of criminal responsibility, the court shall:

1. Make a finding, based upon the verdict or finding provided in section 12.1-04.1-18, of the expiration date of the court's jurisdiction; and
2. Order the individual committed to a treatment facility, as defined under chapter 25-03.1, for examination. The superintendent or the director of a treatment facility may petition the court to transfer or assign the individual committed if, in the superintendent's or director's opinion, it would be more appropriate for the individual committed to receive the examination in or by a least restrictive setting if the attending physician or director of the least restrictive setting consents. The order of the court may set terms of custody during the period of examination.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 122

HOUSE BILL NO. 1194

(Representatives Vetter, Christianson, Murphy, Dockter, Hauck, D. Johnston,
Koppelman, Jonas, Motschenbacher)
(Senators Paulson, Luick)

AN ACT to amend and reenact section 12.1-11-03 of the North Dakota Century Code, relating to false information or false reports to law enforcement; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-11-03 of the North Dakota Century Code is amended and reenacted as follows:

12.1-11-03. False information or report to law enforcement officers or security officials.

~~A person~~

1. An individual is guilty of a class A misdemeanor if that ~~person~~individual:

4. a. Gives false information or a false report to a law enforcement officer which that ~~person~~individual knows to be false, and the information or report may interfere with an investigation or may materially mislead a law enforcement officer; or
2. b. Falsely reports to a law enforcement officer or other security official the occurrence of a crime of violence or other incident calling for an emergency response when that ~~person~~individual knows ~~that~~ the incident did not occur. "Security official" means a public servant responsible for averting or ~~dealing with~~handling emergencies involving public safety.

2. An on duty law enforcement officer having probable cause to suspect an individual has vexatiously provided a false report regarding another individual to a law enforcement officer or security official shall report the information to the state's attorney of the county in which the violation occurs.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 123

HOUSE BILL NO. 1341

(Representatives Heinert, Bosch, Lefor, McLeod, Meier, Porter)
(Senators Axtman, Cleary, Dever, Larson)

AN ACT to amend and reenact section 12.1-17-01 of the North Dakota Century Code, relating to simple assault; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-17-01 of the North Dakota Century Code is amended and reenacted as follows:

12.1-17-01. Simple assault.

1. A person is guilty of an offense if that person:
 - a. Willfully causes bodily injury to another human being; or
 - b. Negligently causes bodily injury to another human being by means of a firearm, destructive device, or other weapon, the use of which against a human being is likely to cause death or serious bodily injury.
2. The offense is:
 - a. A class C felony when the victim is a peace officer or correctional institution employee acting in an official capacity, which the actor knows to be a fact; an employee of the state hospital acting in the course and scope of employment, which the actor knows to be a fact, and the actor is an individual committed to or detained at the state hospital pursuant to chapter 25-03.3; a person engaged in a judicial proceeding; or a member of a municipal or volunteer fire department or emergency medical services personnel unit, or emergency department worker or hospital worker, engaged in essential patient care, in the performance of the member's duties.
 - b. A class B misdemeanor except as provided in subdivision a.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 124

HOUSE BILL NO. 1225

(Representatives Klemin, Karls, Lefor, Vetter)
(Senators Myrdal, Sickler, Larson)

AN ACT to amend and reenact sections 12.1-17-03 and 12.1-32-09 of the North Dakota Century Code, relating to reckless endangerment and habitual offenders; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-17-03 of the North Dakota Century Code is amended and reenacted as follows:

12.1-17-03. Reckless endangerment.

~~A person~~An individual is guilty of an offense if ~~he~~the individual creates a substantial risk of serious bodily injury or death to another. The offense is a class ~~C~~B felony if ~~the individual uses a firearm.~~the individual uses a firearm. ~~The offense is a class C felony if the~~The offense is a class C felony if the circumstances manifest ~~his~~the individual's extreme indifference to the value of human life. Otherwise it is a class A misdemeanor. There is risk within the meaning of this section if the potential for harm exists, whether or not a particular person's safety is actually jeopardized.

SECTION 2. AMENDMENT. Section 12.1-32-09 of the North Dakota Century Code is amended and reenacted as follows:

12.1-32-09. Dangerous special offenders - Habitual offenders - Extended sentences - Procedure.

1. A court may sentence a convicted offender to an extended sentence as a dangerous special offender or a habitual offender in accordance with this section upon a finding of any one or more of the following:
 - a. The convicted offender is a dangerous, mentally abnormal person whose conduct has been characterized by persistent aggressive behavior and the behavior makes the offender a serious danger to other persons.
 - b. The convicted offender is a professional criminal who has substantial income or resources derived from criminal activity.
 - c. The convicted offender is a habitual offender. The court may not make such a finding unless the offender is an adult and has previously been convicted in any state or states or by the United States of two felonies of ~~class C or above~~class C or above committed at different times when the offender was an adult. For the purposes of this subdivision, a felony conviction in another state or under the laws of the United States is considered a felony of ~~class C or above if it is punishable by a maximum term of imprisonment of five years or more.~~class C or above

- d. The offender was convicted of an offense that seriously endangered the life of another person and the offender had previously been convicted of a similar offense.
- e. The offender is especially dangerous because the offender used a firearm, dangerous weapon, or destructive device in the commission of the offense or during the flight therefrom.

A conviction shown on direct or collateral review or at the hearing to be invalid or for which the offender has been pardoned on the ground of innocence must be disregarded for purposes of subdivision c. In support of findings under subdivision b, it may be shown that the offender has had control of income or property not explained as derived from a source other than criminal activity. For purposes of subdivision b, a substantial source of income means a source of income which for any period of one year or more exceeds the minimum wage, determined on the basis of a forty-hour week and a fifty-week year, without reference to exceptions, under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, for an employee engaged in commerce or in the production of goods for commerce, and which for the same period exceeds fifty percent of the offender's declared adjusted gross income under chapter 57-38.

- 2. The extended sentence may be imposed in the following manner:
 - a. If the offense for which the offender is convicted is a class A felony, the court may impose a sentence up to a maximum of life imprisonment.
 - b. If the offense for which the offender is convicted is a class B felony, the court may impose a sentence up to a maximum of imprisonment for twenty years.
 - c. If the offense for which the offender is convicted is a class C felony, the court may impose a sentence up to a maximum of imprisonment for ten years.
- 3. Whenever an attorney charged with the prosecution of a defendant in a court of this state for an alleged felony committed when the defendant was over the age of eighteen years has reason to believe that the defendant is a dangerous special offender or a habitual offender, the attorney, at a reasonable time before trial or acceptance by the court of a plea of guilty, may sign and file with the court, and may amend, a notice specifying that the defendant is a dangerous special offender or a habitual offender who upon conviction for the felony is subject to the imposition of a sentence under subsection 2, and setting out with particularity the reasons why the attorney believes the defendant to be a dangerous special offender or a habitual offender. In no case may the fact that the prosecuting attorney is seeking sentencing of the defendant as a dangerous special offender or a habitual offender be disclosed to the jury before a verdict. If the court finds that the filing of the notice as a public record may prejudice fair consideration of a pending criminal matter, the court may order the notice sealed and the notice is not subject to subpoena or public inspection during the pendency of the criminal matter, except on order of the court, but is subject to inspection by the defendant alleged to be a dangerous special offender or a habitual offender and the offender's counsel.

4. Upon any plea of guilty, or verdict or finding of guilt of the defendant of such felony, a hearing must be held, before sentence is imposed, in accordance with this subsection as follows:
 - a. By a jury, or the court if a jury is waived by the defendant, if the notice alleges that the defendant is a dangerous special offender under subdivision a, b, d, or e of subsection 1. The jury, or the court if a jury is waived, must find that the defendant is a dangerous special offender under one or more of these subdivisions by proof beyond a reasonable doubt. However, in the case of a notice alleging only subdivision e of subsection 1, the trial jury, or the trial court if a jury is waived, may make a special finding of proof of this subdivision without an additional hearing subsequent to a verdict or finding of guilt.
 - b. By the court if the notice alleges that the defendant is a habitual offender under subdivision c of subsection 1. The court must find that the defendant is a habitual offender by a preponderance of the evidence.
5. Except in the most extraordinary cases, the court shall obtain a presentence report and may receive a diagnostic testing report under subsection 5 of section 12.1-32-02 before holding a hearing under this subsection. The court shall fix a time for the hearing and notice thereof must be given to the defendant and the prosecution at least five days prior thereto. The court shall permit the prosecution and counsel for the defendant, or the defendant if the defendant is not represented by counsel, to inspect the presentence report sufficiently before the hearing as to afford a reasonable opportunity for verification. In extraordinary cases, the court may withhold material not relevant to a proper sentence, diagnostic opinion that might seriously disrupt a program of rehabilitation, any source of information obtained on a promise of confidentiality, and material previously disclosed in open court. A court withholding all or part of a presentence report shall inform the parties of its action and place in the record the reasons therefor. The court may require parties inspecting all or part of a presentence report to give notice of any part thereof intended to be controverted. In connection with the hearing, the defendant is entitled to compulsory process and cross-examination of such witnesses as appear at the hearing. A duly authenticated copy of a former judgment or commitment is prima facie evidence of such former judgment or commitment. If the jury or the court finds, after hearing, one or more of the grounds set forth in subsection 1, that the defendant is a dangerous special offender or a habitual offender, the court shall sentence the defendant to imprisonment for an appropriate term within the limits specified in subsection 2.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 125

HOUSE BILL NO. 1134

(Representatives Heilman, Henderson, Hoverson, S. Olson, D. Johnston, Wolff,
VanWinkle)
(Senators Cory, Paulson)

AN ACT to amend and reenact section 12.1-17-07 of the North Dakota Century Code, relating to harassment of another.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

³⁶ **SECTION 1. AMENDMENT.** Section 12.1-17-07 of the North Dakota Century Code is amended and reenacted as follows:

12.1-17-07. Harassment.

1. A person is guilty of an offense if, with intent to frighten or harass another, the person:
 - a. Communicates in writing or by electronic communication a threat to inflict injury on any person, to any person's reputation, or to any property;
 - b. Makes a telephone call anonymously or in offensively coarse language;
 - c. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication; ~~or~~
 - d. Communicates a falsehood in writing or by electronic communication and causes mental anguish; or
 - e. Communicates in writing, by electronic communication, or by electronically publishing, posting, or otherwise disclosing information to a public internet site or public forum an individual's personal identifying information.
2. The offense is a class A misdemeanor if it is under subdivision a or e of subsection 1 or subsection 4. Otherwise it is a class B misdemeanor.
3. Any offense defined herein and committed by use of electronic communication may be deemed to have been committed at either the place at which the electronic communication was made or at the place where the electronic communication was received.
4. A person is guilty of an offense if the person initiates communication with a 911 emergency line, public safety answering point, or an emergency responder communication system with the intent to annoy or harass another person or a public safety agency or who makes a false report to a public safety agency.

³⁶ Section 12.1-17-07 was also amended by section 1 of House Bill No. 1429, chapter 126.

- a. Intent to annoy or harass is established by proof of one or more calls with no legitimate emergency purpose.
 - b. Upon conviction of a violation of this subsection, a person is also liable for all costs incurred by any unnecessary emergency response.
5. Any offense defined herein is deemed communicated in writing if it is transmitted electronically, by electronic mail, facsimile, or other similar means. Electronic communication means transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 126

HOUSE BILL NO. 1429

(Representatives Holle, Dobervich, Headland, Henderson, Koppelman, Tveit,
Brandenburg)
(Senators Lemm, Magrum)

AN ACT to amend and reenact sections 12.1-17-07 and 12.1-17-07.1 of the North Dakota Century Code, relating to harassment and stalking with a robot; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

³⁷ **SECTION 1. AMENDMENT.** Section 12.1-17-07 of the North Dakota Century Code is amended and reenacted as follows:

12.1-17-07. Harassment.

1. As used in this section "robot" means an artificial object or system that senses, processes, and acts using technology, including the associated elements, communication links, and artificial intelligence. The term includes remotely piloted aircraft.
2. A person is guilty of an offense if, with intent to frighten or harass another, the person:
 - a. Communicates in writing or by electronic communication a threat to inflict injury on any person, to any person's reputation, or to any property;
 - b. Makes a telephone call anonymously or in offensively coarse language;
 - c. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication; ~~or~~
 - d. Communicates a falsehood in writing or by electronic communication and causes mental anguish; or
 - e. Uses a robot to engage in offensive conduct with no legitimate purpose.
- ~~2-3.~~ The offense is a class A misdemeanor if it is under subdivision a of subsection 1 or subsection 4. Otherwise it is a class B misdemeanor.
- ~~3-4.~~ Any offense defined herein and committed by use of electronic communication may be deemed to have been committed at either the place at which the electronic communication was made or at the place where the electronic communication was received.

³⁷ Section 12.1-17-07 was also amended by section 1 of House Bill No. 1134, chapter 125.

- ~~4-5.~~ A person is guilty of an offense if the person initiates communication with a 911 emergency line, public safety answering point, or an emergency responder communication system with the intent to annoy or harass another person or a public safety agency or who makes a false report to a public safety agency.
- a. Intent to annoy or harass is established by proof of one or more calls with no legitimate emergency purpose.
 - b. Upon conviction of a violation of this subsection, a person is also liable for all costs incurred by any unnecessary emergency response.
- ~~5-6.~~ Any offense defined herein is deemed communicated in writing if it is transmitted electronically, by electronic mail, facsimile, or other similar means. Electronic communication means transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system.

SECTION 2. AMENDMENT. Section 12.1-17-07.1 of the North Dakota Century Code is amended and reenacted as follows:

12.1-17-07.1. Stalking.

1. As used in this section:
 - a. "Course of conduct" means a pattern of conduct consisting of two or more acts evidencing a continuity of purpose. The term includes an act conducted with a robot in the direct control of the person. The term does not include constitutionally protected activity.
 - b. "Immediate family" means a spouse, parent, child, or sibling. The term also includes any other individual who regularly resides in the household or who within the prior six months regularly resided in the household.
 - c. "Robot" means an artificial object or system that senses, processes, and acts using technology, including the associated elements, communication links, and artificial intelligence. The term includes remotely piloted aircraft.
 - d. "Stalk" means:
 - (1) To engage in an intentional course of conduct directed at a specific person which frightens, intimidates, or harasses that person and which serves no legitimate purpose. The course of conduct may be directed toward that person or a member of that person's immediate family and must cause a reasonable person to experience fear, intimidation, or harassment; or
 - (2) The unauthorized tracking of the person's movements or location through the use of a global positioning system, robot, or other electronic means that would cause a reasonable person to be frightened, intimidated, or harassed and which serves no legitimate purpose.
2. A person may not intentionally stalk another person.

3. In any prosecution under this section, it is not a defense that the actor was not given actual notice that the person did not want the actor to contact or follow the person; nor is it a defense that the actor did not intend to frighten, intimidate, or harass the person. An attempt to contact or follow a person after being given actual notice that the person does not want to be contacted or followed is *prima facie* evidence that the actor intends to stalk that person.
4. In any prosecution under this section, it is a defense that a private investigator licensed under chapter 43-30 or a peace officer licensed under chapter 12-63 was acting within the scope of employment.
5. If a person claims to have been engaged in a constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.
6. a. A person who violates this section is guilty of a class C felony if:
 - (1) The person previously has been convicted of violating section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-02, 12.1-17-04, 12.1-17-05, or 12.1-17-07, or a similar offense from another court in North Dakota, a court of record in the United States, or a tribal court, involving the victim of the stalking;
 - (2) The stalking violates a court order issued under chapter 14-07.1 protecting the victim of the stalking, if the person had notice of the court order; or
 - (3) The person previously has been convicted of violating this section.
- b. If subdivision a does not apply, a person who violates this section is guilty of a class A misdemeanor.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 127

HOUSE BILL NO. 1217

(Representatives Dobervich, Conmy, Ista, O'Brien, Schneider, Schreiber-Beck)
(Senators Braunberger, Roers)

AN ACT to repeal section 12.1-20-17 of the North Dakota Century Code, relating to willfully transferring body fluid containing the human immunodeficiency virus.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 12.1-20-17 of the North Dakota Century Code is repealed.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 128

HOUSE BILL NO. 1528

(Representatives M. Ruby, Nelson)
(Senator Klein)

AN ACT to amend and reenact sections 12.1-21-01 and 12.1-21-02 of the North Dakota Century Code, relating to arson and endangering by fire or explosion; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-21-01 of the North Dakota Century Code is amended and reenacted as follows:

12.1-21-01. Arson.

~~A person~~

1. An individual is guilty of arson, a class B felony, if ~~he~~the individual starts or maintains a fire or causes an explosion with intent to destroy ~~an~~:
 - a. An entire or any part of a building or inhabited structure of another or a vital public facility, or if he starts or maintains a fire or causes an explosion with intent to destroy or;
 - b. Or damage his the individual's own real or personal property for the purpose of collecting insurance for the loss;
 - c. Or damage the individual's own real property for the purpose of depriving another with a legal interest in the real property damaged or destroyed; or
 - d. Or damage the individual's own personal property for the purpose of depriving another with a legal interest in the personal property damaged or destroyed, and the value of the personal property damaged or destroyed has a value in excess of two thousand dollars.
2. For purposes of this section, "a legal interest" includes, a joint legal interest by joint ownership of the property, or an individual's own legal interest in property financed by another, such as a mortgage, contract, deed, or lien.

SECTION 2. AMENDMENT. Section 12.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

12.1-21-02. Endangering by fire or explosion.

1. ~~A person~~An individual is guilty of an offense if ~~he~~the individual intentionally starts or maintains a fire or causes an explosion and thereby recklessly:
 - a. Places another person in danger of death or bodily injury;

- b. Places an entire or any part of a building or inhabited structure of another or a vital public facility in danger of destruction; or
 - c. Causes damage to property of another constituting pecuniary loss in excess of two thousand dollars.
2. For purposes of this section, "person in danger" includes, fire department, law enforcement, and emergency medical personnel, a firefighter, and a volunteer firefighter while responding to a fire or during fire suppression efforts.
3. The offense is a class B felony if the actor places another person in danger of death under circumstances manifesting an extreme indifference to the value of human life. Otherwise it is a class C felony.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 129

HOUSE BILL NO. 1305

(Representatives Kasper, Bosch, Headland, Koppelman, Louser, Motschenbacher,
Steiner)
(Senators Clemens, Cory, Meyer)

AN ACT to amend and reenact section 12.1-22-03 and subsection 1 of section 12.1-22-06 of the North Dakota Century Code, relating to criminal trespass; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-22-03 of the North Dakota Century Code is amended and reenacted as follows:

12.1-22-03. Criminal trespass - Noncriminal offense on posted property.

1. An individual is guilty of a class C felony if, knowing the individual is not licensed or privileged to do so, the individual enters or remains in a dwelling or in highly secured premises.
2. An individual who unlawfully detains, occupies, or trespasses upon a residential dwelling is guilty of a class C felony for the first offense and a class B felony for a second or subsequent offense if the second or subsequent offense occurred at the same residential dwelling as the first offense.
3. An individual is guilty of a class A misdemeanor if, knowing the individual is not licensed or privileged to do so, the individual:
 - a. Enters or remains in or on any building, occupied structure, or storage structure, or separately secured or occupied portion thereof; or
 - b. Enters or remains in any place enclosed by a fence or otherwise enclosed as manifestly to exclude intruders, unless the individual is a licensed hunter or angler who is lawfully hunting or fishing. For purposes of this subdivision, "fence" means a permanent structure on nonurban, private property which is maintained and capable of containing livestock.
- ~~3-4.~~ a. An individual is guilty of a class B misdemeanor if, knowing the individual is not licensed or privileged to do so, the individual enters or remains in any place as to which notice against trespass is given by actual communication to the actor by the owner or an individual authorized by the owner or by posting in a manner reasonably likely to come to the attention of intruders. The name of the person posting the premises must appear on each sign in legible characters.
- b. Even if the conduct of the owner or individual authorized by the owner varies from the provisions of subdivision a, an individual may be found guilty of violating subdivision a if the owner or individual authorized by the owner substantially complied with subdivision a and notice against trespass is clear from the circumstances.

- c. An individual who violates subdivision a is guilty of a class A misdemeanor for the second or subsequent offense within a two-year period.

4-5.

- a. A peace officer may cite an individual who, knowing the individual is not licensed or privileged to do so, entered or remained in a place as to which notice against trespass is given by posting in a manner reasonably likely to come to the attention of intruders or a place enclosed by a fence as defined in subsection 2, with a noncriminal offense. An individual cited under this subsection may not be prosecuted under subsection 2 or 3 for the same offense.
- b. The fine for a citation under subdivision a is two hundred fifty dollars for each violation.
- c. The peace officer citing the individual shall:
 - (1) Take the name and address of the individual; and
 - (2) Notify the individual of the right to request a hearing if posting bond by mail.
- d. The peace officer may not take the individual into custody or require the individual to proceed with the peace officer to any other location for the purpose of posting bond. The officer shall provide the individual with an envelope for use in mailing the bond.
- e. An individual cited may appear before the designated official and pay the statutory fine for the violation at or before the time scheduled for hearing.
- f. If the individual has posted bond, the individual may forfeit bond by not appearing at the designated time.
- g. If the individual posts bond by mail, the bond must be submitted within fourteen days of the date of the citation and the individual cited shall indicate on the envelope or citation whether a hearing is requested. If the individual does not request a hearing within fourteen days of the date of the citation, the bond is deemed forfeited and the individual is deemed to have admitted to the violation and to have waived the right to a hearing on the issue of commission of the violation. If the individual requests a hearing, the court for the county in which the citation is issued shall issue a summons to the individual requesting the hearing notifying the individual of the date of the hearing before the designated official.
- h. Upon appearing at the hearing scheduled in the citation or otherwise scheduled at the individual's request, the individual may make a statement in explanation of the individual's action. The official may at that time waive or suspend the statutory fine or bond.
- i. A citing peace officer may not receive the statutory fine or bond.
- j. The bond required to secure appearance before the judge must be identical to the statutory fine established in subdivision b.

5-6.

- An individual is guilty of a class B misdemeanor if that individual remains upon the property of another after being requested to leave the property by a duly

authorized individual. An individual who violates this subsection is guilty of a class A misdemeanor for the second or subsequent offense within a two-year period.

- ~~6-7.~~ This section does not apply to a peace officer in the course of discharging the peace officer's official duties.

SECTION 2. AMENDMENT. Subsection 1 of section 12.1-22-06 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dwelling" ~~has the meaning prescribed in subsection 2 of section 42-1-05-12~~ means real property or residential property, including a building, structure, or part of a building or structure, used or intended to be used as a home or residence.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 130

SENATE BILL NO. 2257

(Senator Myrdal)

AN ACT to amend and reenact subsection 5 of section 12.1-23-05 of the North Dakota Century Code, relating to grading of theft offenses of values not exceeding five hundred dollars; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 12.1-23-05 of the North Dakota Century Code is amended and reenacted as follows:

5. a. Theft under this chapter of property or services of a value not exceeding five hundred dollars is a class B misdemeanor for a first offense if:
 - (1) The theft was committed by shoplifting; or
 - (2) The following three factors are met:
 - (a) The theft was not committed by threat;
 - (b) The theft was not committed by deception by one who stood in a confidential or fiduciary relationship to the victim of the theft; and
 - (c) The defendant was not a public servant or an officer or employee of a financial institution who committed the theft in the course of official duties.
- b. The special classification provided in paragraph 2 of subdivision a applies if the offense is classified under this subsection in the charge or if, at sentencing, the required factors are established by a preponderance of the evidence.
- c. A second or third offense under paragraph 1 of subdivision a, or an equivalent ordinance, occurring within three years is a class A misdemeanor. A fourth or subsequent violation under paragraph 1 of subdivision a, or an equivalent ordinance, occurring within four years is a class C felony.
- d. A sentence imposed under this subsection must be accompanied by a written statement by the court providing notice of any offense under this section which provides an enhanced penalty, including the penalty for a subsequent offense.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 131

HOUSE BILL NO. 1351

(Representatives Satrom, Christy, Ostlie, Schneider)
(Senators Clemens, Conley)

AN ACT to amend and reenact subsection 13 of section 12.1-27.1-01 and section 12.1-27.1-03.3 of the North Dakota Century Code, relating to sexually expressive images; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 13 of section 12.1-27.1-01 of the North Dakota Century Code is amended and reenacted as follows:

13. As used in this chapter, "sexually expressive image" means a real, altered, or computer-generated photograph or visual representation that exhibits a nude or partially denuded human figure, as defined in section 12.1-27.1-03.1, or sexual conduct.

SECTION 2. AMENDMENT. Section 12.1-27.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

12.1-27.1-03.3. Creation, possession, or dissemination of sexually expressive images prohibited - Exception - Civil action.

1. A person is guilty of a class A misdemeanor if, knowing of its character and content, that person:
 - a. Without written consent from each individual who has a reasonable expectation of privacy in the image, surreptitiously creates or willfully possesses a sexually expressive image that was surreptitiously created; or
 - b. Distributes or publishes, electronically or otherwise, a sexually expressive image with the intent to cause emotional harm or humiliation to any individual depicted in the sexually expressive image who has a reasonable expectation of privacy in the image, or after being given notice by an individual or parent or guardian of the individual who is depicted in a sexually expressive image that the individual, parent, or guardian does not consent to the distribution or publication of the sexually expressive image.
2. A person is guilty of a class B misdemeanor if, knowing of its character and content, that person acquires and knowingly distributes any sexually expressive image that was created without the consent of the subject of the image.
3. This section does not authorize any act prohibited by any other law. If the sexually expressive image is of a minor and possession does not violate section 12.1-27.2-04.1, a parent or guardian of the minor may give permission for a person to possess or distribute the sexually expressive image.

4. This section does not apply to any book, photograph, video recording, motion picture film, or other visual representation sold in the normal course of business through wholesale or retail outlets that possess a valid sales tax permit or used by an attorney, attorney's agent, or any other person obtaining evidence for a criminal investigation or pending civil action, or by a medical professional or a peace officer acting within that individual's scope of employment.
5. Nothing in this section may be construed to impose liability on a provider of an interactive computer service, as defined under 47 U.S.C. 230, or an information service or telecommunication service, as defined under 47 U.S.C. 153, for content provided by another person.
6. A depicted individual who is identifiable and who suffers harm from a person's violation of this section has a cause of action against the person if the person produced, possessed, distributed, promoted, advertised, sold, exhibited, broadcasted, or transmitted the sexually expressive image for the purpose of sexual arousal, sexual gratification, humiliation, degradation, or monetary or commercial gain.
 - a. The court may order the filing party to redact from all pleadings and documents filed in the action other identifying characteristics of the plaintiff.
 - b. A party to whom subdivision a applies shall file with the court and serve on all other parties a redacted and unredacted version of the filing and a confidential information form that includes the redacted plaintiff's name and other identifying characteristics.
 - c. The court may make further orders as necessary to protect the identity and privacy of a plaintiff.
7. In an action under subsection 6, a prevailing plaintiff may recover:
 - a. The greater of:
 - (1) Economic and noneconomic damages proximately caused by the defendant's violation of this section, including damages for emotional distress whether or not accompanied by other damages; or
 - (2) Statutory damages not to exceed ten thousand dollars against each defendant found liable under this section;
 - b. An amount equal to any monetary gain made by the defendant from the distribution, promotion, advertising, sale, exhibition, broadcasting, or transmission of the sexually expressive image; and
 - c. Exemplary damages.
8. In an action under subsection 6, the court may award a prevailing plaintiff:
 - a. Reasonable attorney fees and costs; and
 - b. Other remedies available by law, including injunctive relief.

9. This chapter does not affect or preclude any other right or remedy available under federal law or a law of this state other than this section.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 132

HOUSE BILL NO. 1386

(Representatives Christy, Bahl, Berg, Conmy, Grindberg, Hoverson, Mitskog,
J. Olson)
(Senators Boschee, Myrdal, Sickler, Thomas)

AN ACT to amend and reenact sections 12.1-27.2-01 and 12.1-27.2-04.1 of the North Dakota Century Code, relating to a prohibition on possessing certain computer-generated images; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-27.2-01 of the North Dakota Century Code is amended and reenacted as follows:

12.1-27.2-01. Definitions.

As used in this chapter:

1. "Computer-generated image" means an image or visual representation created through the use of artificial intelligence or other computer program.
2. "Minor" means an individual under eighteen years of age or a computer-generated image used, created, adapted, altered, or modified to appear to depict an individual under eighteen years of age by face, likeness, or other distinguishing characteristics.
3. "Obscene sexual performance" means any performance which includes sexual conduct by a minor in any obscene material or obscene performance, as defined in section 12.1-27.1-01.
- ~~2-4.~~ "Performance" means any play, motion picture, photograph, dance, or other visual representation, or any part of a performance.
- ~~3-5.~~ "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, ship, transport, publish, distribute, circulate, disseminate, present, exhibit, or advertise.
- ~~4-6.~~ "Sexual conduct" means actual or simulated:
 - a. Sexual intercourse;
 - b. Sodomy, as defined under section 12.1-27.1-01;
 - c. Sexual bestiality;
 - d. Masturbation;
 - e. Sadomasochistic abuse, as defined under section 12.1-27.1-01;
 - f. Lewd exhibition of the buttocks, breasts, or genitals;

- g. Nude or partially denuded human figure, as defined in section 12.1-27.1-03.1, if depicted for the purpose of the sexual stimulation or the sexual gratification of any individual who may view such depiction; or
- h. Physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or breasts. It is not necessary that the minor know that he or she is participating in the described conduct, or any aspect of it.

~~5-7.~~ "Sexual performance" means any performance which includes sexual conduct by a minor.

~~6-8.~~ "Simulated" means the explicit depiction of any of the conduct set forth in subsection 4 which creates the appearance of actual sexual conduct and which exhibits any nude or partially denuded human figure, as defined in section 12.1-27.1-03.1.

SECTION 2. AMENDMENT. Section 12.1-27.2-04.1 of the North Dakota Century Code is amended and reenacted as follows:

12.1-27.2-04.1. Possession of certain materials prohibited.

1. A person is guilty of a class C felony if, knowing of its character and content, that person knowingly possesses any motion picture, computer-generated image, photograph, or other visual representation that includes sexual conduct by a minor.
2. An individual violating this section is guilty of a class B felony if:
 - a. The offense involved twenty or more images;
 - b. The offense involved sadistic or masochistic conduct or other depictions of violence;
 - c. The offense involved sexual bestiality;
 - d. The offense involves a prepubescent minor or a minor under twelve years of age; or
 - e. The individual has previously been convicted of an offense subject to registration under section 12.1-32-15.
3. This section does not impose liability on the provider of an interactive computer service, as defined in 47 U.S.C. 230, or an internet service provider, cloud computer provider, cybersecurity provider, communication service provider, or information service or telecommunication service network, as defined in 47 U.S.C. 153, for any content provided by another person.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 133

HOUSE BILL NO. 1226

(Representatives Klemin, Heinert, D. Johnston, Motschenbacher, Porter, Rohr)
(Senators Axtman, Cory, Larson, Paulson)

AN ACT to amend and reenact section 12.1-31-15 of the North Dakota Century Code, relating to wearing a mask in a public place.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-31-15 of the North Dakota Century Code is amended and reenacted as follows:

12.1-31-15. Wearing of masks during commission of criminal offense prohibited.

1. An individual may not wear a mask, hood, or other device that covers, hides, or conceals any portion of that individual's face:
 - a. With the intent to intimidate, threaten, abuse, or harass any other individual;
 - b. For the purpose of evading or escaping discovery, recognition, or identification during the commission of a criminal offense; ~~or~~
 - c. For the purpose of concealment, flight, or escape when the individual has been charged with, arrested for, or convicted of a criminal offense; or
 - d. With the intent to conceal the identity of the individual while congregating in a public place with other individuals wearing a mask, hood, or other device that covers, hides, or conceals any portion of the individual's face.
2. Subdivision d of subsection 1 does not apply to public gatherings to celebrate Halloween, a masquerade, or other similar celebration.
3. A violation of this section is a class A misdemeanor.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 134

HOUSE BILL NO. 1313

(Representatives Satrom, Ostlie)
(Senator Conley)

AN ACT to amend and reenact subsection 1 of section 12.1-32-02 and subdivision h of subsection 5 of section 39-08-01 of the North Dakota Century Code, relating to sentencing alternatives and the sentencing of a defendant to an addiction treatment program for a violation of driving under the influence; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

³⁸ **SECTION 1. AMENDMENT.** Subsection 1 of section 12.1-32-02 of the North Dakota Century Code is amended and reenacted as follows:

1. Every person convicted of an offense who is sentenced by the court must be sentenced to one or a combination of the following alternatives, unless the sentencing alternatives are otherwise specifically provided in the statute defining the offense or sentencing is deferred under subsection 4:
 - a. Payment of the reasonable costs of the person's prosecution.
 - b. Probation.
 - c. A term of imprisonment, including intermittent imprisonment:
 - (1) In a state correctional facility in accordance with section 29-27-07, in a regional corrections center, or in a county jail, if convicted of a felony or a class A misdemeanor.
 - (2) In a county jail or in a regional corrections center, if convicted of a class B misdemeanor.
 - (3) In a facility or program deemed appropriate for the treatment of the individual offender, including available community-based or faith-based programs.
 - (4) In the case of persons convicted of an offense who are under eighteen years of age at the time of sentencing, the court is limited to sentencing the minor defendant to a term of imprisonment in the custody of the department of corrections and rehabilitation.
 - d. A fine.
 - e. Restitution for damages resulting from the commission of the offense.
 - f. A no contact order prohibiting contact with a victim of the offense.

³⁸ Section 12.1-32-02 was also amended by section 1 of House Bill No. 1030, chapter 301, and section 2 of House Bill No. 1336, chapter 135.

- g. Restoration of damaged property or other appropriate work detail.
- g-h. Commitment to an appropriate licensed public or private institution for treatment of alcoholism, drug addiction, or mental disease or defect.
- h-i. Commitment to a sexual offender treatment program.
- i-j. Drug court program. A drug court is a district court supervised treatment program approved by the supreme court which combines judicial supervision with alcohol and drug testing and substance use disorder treatment in a licensed treatment program. The supreme court may adopt rules, including rules of procedure, for drug court programs.
- j-k. Veterans treatment docket. A veterans treatment docket is a district court supervised docket approved by the supreme court which combines judicial supervision with licensed treatment programs to treat substance use disorders, mental health conditions, behavioral health conditions, traumatic brain injuries, military sexual trauma, and co-occurring disorders. The supreme court may adopt rules, including rules of procedure, for veterans treatment dockets.
- k-l. Completion of a restorative justice program. For purposes of this section, "restorative justice program" means a system of justice which focuses on the rehabilitation of offenders through reconciliation with victims and the community at large.
- l-m. Mental health court program. A mental health court is a district court supervised treatment program approved by the supreme court which combines judicial supervision with mental health services and treatment in a licensed treatment program. The supreme court may adopt rules, including rules of procedure, for mental health court programs.

Except as provided by section 12.1-32-06.1, sentences imposed under this subsection may not exceed in duration the maximum sentences of imprisonment provided by section 12.1-32-01, section 12.1-32-09, or as provided specifically in a statute defining an offense. This subsection does not permit the unconditional discharge of an offender following conviction. A sentence under subdivision e or f-g must be imposed in the manner provided in section 12.1-32-08. ~~If the person is sentenced to a term of imprisonment, the court may prohibit the person from contacting the victim during the term of imprisonment.~~ For purposes of this subsection, "victim" means victim as defined in section 12.1-34-01.

³⁹ **SECTION 2. AMENDMENT.** Subdivision h of subsection 5 of section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

- h. If the penalty mandated by this section includes imprisonment or placement upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs treatment, the court may order the defendant to undergo treatment at an appropriate licensed addiction treatment program under subdivision g-h of subsection 1 of section 12.1-32-02 and the time spent by the defendant in the treatment must be credited as a portion of a sentence of

³⁹ Section 39-08-01 was also amended by section 12 of House Bill No. 1030, chapter 301, and section 3 of House Bill No. 1336, chapter 135.

imprisonment or placement under this section. A court may not order the department of corrections and rehabilitation to be responsible for the costs of treatment in a private treatment facility.

SECTION 3. APPLICATION. This Act applies to a court order or any criminal sentencing imposed after the effective date of this Act.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 135

HOUSE BILL NO. 1336

(Representatives Satrom, Grueneich, Ostlie)
(Senators Conley, Dwyer)

AN ACT to amend and reenact section 12.1-31.2-02, subsection 1 of section 12.1-32-02, and subdivision h of subsection 5 of section 39-08-01 of the North Dakota Century Code, relating to orders prohibiting contact and use of orders prohibiting contact as an alternative to sentencing.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁴⁰ **SECTION 1. AMENDMENT.** Section 12.1-31.2-02 of the North Dakota Century Code is amended and reenacted as follows:

12.1-31.2-02. Order prohibiting contact.

1. a. If an individual ~~who~~ is charged with ~~or~~, arrested for, ~~or subject to a sentence or order deferring imposition of sentence for~~ a crime of violence or threat of violence, stalking, harassment, or a sex offense ~~is released from custody before arraignment or trial~~, the court authorizing the release of the individual, ~~imposing a sentence, or issuing an order deferring imposition of sentence~~, shall consider and may issue an order prohibiting the individual from having contact with the victim. The order must contain the court's directives and must inform the individual that any violation of the order constitutes a criminal offense. The state's attorney shall provide a copy of the order to the victim. The court shall determine at the time of the individual's arraignment whether an order issued pursuant to this section will be extended. If the court issues an order pursuant to this section before the time the individual is charged, the order expires at the individual's arraignment or within seventy-two hours of issuance if charges against the individual are not filed.
- b. A party or victim may file a written request with the court to modify or terminate an order issued under this section. If requested, the court may hold a hearing to determine whether to grant or deny the request to modify or terminate an order.
- c. If an order prohibiting contact is issued upon a charge or arrest, the order terminates upon dismissal, acquittal, sentence, or order deferring imposition of sentence. Upon sentence or order deferring imposition of sentence, the court may issue a new order under this subsection.
2. If the court has probable cause to believe ~~that~~ the individual ~~charged or arrested~~ subject to an order under subsection 1 is likely to use, display, or threaten to use a firearm or dangerous weapon as defined in section 12.1-01-04 in any further act of violence, the court shall require ~~that~~ the individual surrender for safekeeping any firearm or specified dangerous

⁴⁰ Section 12.1-31.2-02 was also amended by section 1 of House Bill No. 1079, chapter 339.

weapon in or subject to the individual's immediate possession or control, to the sheriff of the county or chief of police of the city in which the individual resides.

3. ~~Whenever~~If an order prohibiting contact is issued, modified, ~~extended~~, or terminated under this section, the clerk of court shall forward a copy of the order within one business day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order in the central warrant information system and the national crime information center database provided by the federal bureau of investigation, or its successor agency.
 - a. Once the bureau, after consultation with the state court administrator, determines and implements a method to transmit electronically to the bureau an order prohibiting contact, the court electronically shall send the full text of the order as issued, modified, ~~extended~~, or terminated in accordance with this section and any data fields identified by the bureau. This electronic submission will fulfill the law enforcement agency's requirement to enter the order in the central warrant information system, but will not fulfill its requirement to enter, maintain, and respond to inquiries regarding the order in the national crime information center database provided by the federal bureau of investigation, or its successor agency.
 - b. Once the bureau, after consultation with the state court administrator, determines and implements an electronic method to notify law enforcement about the order, the clerk of court's requirement to forward the order to the law enforcement agency will be satisfied.
 - c. Once the bureau, after consultation with the director of state radio, determines and implements a method to enter the order into the national crime information center database provided by the federal bureau of investigation, or its successor agency, the bureau shall enter the order electronically in the national crime information center database provided by the federal bureau of investigation, or its successor agency. This electronic entry will fulfill the law enforcement agency's requirement to enter the order in the national crime information center database provided by the federal bureau of investigation, or its successor agency, but will not fulfill its requirement to maintain and respond to inquiries regarding the order in the national crime information center database provided by the federal bureau of investigation, or its successor agency.
4. An individual who violates a court order issued under this section is guilty of a class A misdemeanor.
5. A law enforcement officer shall arrest an individual without a warrant if the officer determines there is probable cause that the individual has committed the offense of violating an order prohibiting contact under this section, whether or not the violation was committed in the presence of the officer. A law enforcement officer who acts in good faith on probable cause and without malice is immune from any civil or criminal liability for making an arrest under this subsection.

⁴¹ **SECTION 2. AMENDMENT.** Subsection 1 of section 12.1-32-02 of the North Dakota Century Code is amended and reenacted as follows:

1. a. Every person convicted of an offense who is sentenced by the court must be sentenced to one or a combination of the following alternatives, unless the sentencing alternatives are otherwise specifically provided in the statute defining the offense or sentencing is deferred under subsection 4:
 - ~~a.~~ (1) Payment of the reasonable costs of the person's prosecution.
 - ~~b.~~ (2) Probation.
 - ~~c.~~ (3) A term of imprisonment, including intermittent imprisonment:
 - (4) (a) In a state correctional facility in accordance with section 29-27-07, in a regional corrections center, or in a county jail, if convicted of a felony or a class A misdemeanor.
 - (2) (b) In a county jail or in a regional corrections center, if convicted of a class B misdemeanor.
 - (3) (c) In a facility or program deemed appropriate for the treatment of the individual offender, including available community-based or faith-based programs.
 - (4) (d) In the case of persons convicted of an offense who are under eighteen years of age at the time of sentencing, the court is limited to sentencing the minor defendant to a term of imprisonment in the custody of the department of corrections and rehabilitation.
 - ~~d.~~ (4) A fine.
 - ~~e.~~ (5) Restitution for damages resulting from the commission of the offense.
 - ~~f.~~ (6) Restoration of damaged property or other appropriate work detail.
 - ~~g.~~ (7) Commitment to an appropriate licensed public or private institution for treatment of alcoholism, drug addiction, or mental disease or defect.
 - ~~h.~~ (8) Commitment to a sexual offender treatment program.
 - ~~i.~~ (9) Drug court program. A drug court is a district court supervised treatment program approved by the supreme court which combines judicial supervision with alcohol and drug testing and substance use disorder treatment in a licensed treatment program. The supreme court may adopt rules, including rules of procedure, for drug court programs.
 - ~~j.~~ (10) Veterans treatment docket. A veterans treatment docket is a district court supervised docket approved by the supreme court which combines judicial supervision with licensed treatment programs to treat substance use disorders, mental health conditions, behavioral health conditions, traumatic brain injuries, military sexual trauma, and co-occurring disorders. The supreme court may adopt rules, including rules of procedure, for veterans treatment dockets.

⁴¹ Section 12.1-32-02 was also amended by section 1 of House Bill No. 1030, chapter 301, and section 1 of House Bill No. 1313, chapter 134.

- k. (11) Completion of a restorative justice program. For purposes of this section, "restorative justice program" means a system of justice which focuses on the rehabilitation of offenders through reconciliation with victims and the community at large.
- l. (12) Mental health court program. A mental health court is a district court supervised treatment program approved by the supreme court which combines judicial supervision with mental health services and treatment in a licensed treatment program. The supreme court may adopt rules, including rules of procedure, for mental health court programs.

(13) An order prohibiting contact.

- b. Except as provided by ~~in~~ section 12.1-32-06.1, sentences imposed under this subsection may not exceed in duration the maximum sentences of imprisonment provided by section 12.1-32-01, section 12.1-32-09, or as provided specifically in a statute defining an offense. This subsection does not permit the unconditional discharge of an offender following conviction. A sentence under ~~subdivision e paragraph 5 or f 6 of subdivision a~~ must be imposed in the manner provided in section 12.1-32-08. If the person is sentenced to a term of imprisonment, the court may prohibit the person from contacting the victim during the term of imprisonment. For purposes of this subsection, "victim" means victim as defined in section 12.1-34-01.

⁴² **SECTION 3. AMENDMENT.** Subdivision h of subsection 5 of section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

- h. If the penalty mandated by this section includes imprisonment or placement upon conviction of a violation of this section or equivalent ordinance, and if an addiction evaluation has indicated that the defendant needs treatment, the court may order the defendant to undergo treatment at an appropriate licensed addiction treatment program under ~~subdivision g of~~ subsection 1 of section 12.1-32-02 and the time spent by the defendant in the treatment must be credited as a portion of a sentence of imprisonment or placement under this section. A court may not order the department of corrections and rehabilitation to be responsible for the costs of treatment in a private treatment facility.

Approved March 21, 2025

Filed March 24, 2025

⁴² Section 39-08-01 was also amended by section 12 of House Bill No. 1030, chapter 301, and section 2 of House Bill No. 1313, chapter 134.

CHAPTER 136

SENATE BILL NO. 2067

(Judiciary Committee)

(At the request of the Department of Corrections and Rehabilitation)

AN ACT to amend and reenact subsection 2 of section 12.1-32-06.1 of the North Dakota Century Code, relating to the commencement date of supervised probation if an alternative to incarceration is court ordered.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 12.1-32-06.1 of the North Dakota Century Code is amended and reenacted as follows:

2. Except as provided in this section, the length of supervised probation imposed in conjunction with a sentence of probation or a suspended execution or deferred imposition of sentence may not extend for more than five years for a felony offense subject to section 12.1-32-09.1, a felony offense subject to section 12.1-32-02.1, which involves the use of a firearm or dangerous weapon, a second or subsequent violation of section 12.1-17-07.1, a second or subsequent violation of any domestic violence protection order, a violation of chapter 12.1-41, or a violation of section 14-09-22; three years for any other felony offense; two years for a class A misdemeanor; and three hundred sixty days for a class B misdemeanor offense from the later of the date of:
 - a. The order imposing probation;
 - b. The defendant's release from incarceration or an alternative to incarceration; or
 - c. Termination of the defendant's parole.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 137

HOUSE BILL NO. 1061

(Judiciary Committee)

(At the request of the Department of Corrections and Rehabilitation)

AN ACT to amend and reenact subsections 17 and 18 of section 12.1-34-02 of the North Dakota Century Code, relating to fair treatment of victims.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁴³ **SECTION 1. AMENDMENT.** Subsection 17 of section 12.1-34-02 of the North Dakota Century Code is amended and reenacted as follows:

17. Prompt notice of custodial release. Registered victims and witnesses must be informed whenever a criminal defendant receives a temporary, provisional, or final release from custody or whenever the defendant escapes from custody. Victims who are not registered must be given the same notice by the appropriate custodial authority. Notification must include the transfer of the defendant to a work-release or education release program, a community residential program, or transfer to a mental health facility. All notices to the registered victim and witnesses concerning this release information must be within a reasonable time prior to the defendant's release or transfer. The notice given by the custodial authority must be given by any means reasonably calculated to give prompt notice.

⁴⁴ **SECTION 2. AMENDMENT.** Subsection 18 of section 12.1-34-02 of the North Dakota Century Code is amended and reenacted as follows:

18. Participation in parole board and pardon decision. Victims may submit a written statement for consideration by the parole board, the governor, or the pardon advisory board, if one has been appointed, prior to the parole board, the governor, or the pardon advisory board taking any action on a defendant's request for parole or pardon. A victim statement made under this subsection is a confidential record and may be disclosed only to the parole board, the governor, the pardon advisory board, or their authorized representative. Victims of violent crimes may at the discretion of the parole board, the governor, or the pardon advisory board personally appear and address the parole board, the governor, or the pardon advisory board. Victim testimony and written statements under this subsection are confidential and may be disclosed only to the parole board, the governor, the pardon advisory board, or their authorized representative. Notice must be given by the parole board ~~or~~, pardon clerk, or authorized representative informing the registered victim of the pending review. The registered victim must be provided notice of the decision of the parole board or of the governor and the recommendations of the pardon advisory board, if any, and, if applicable, notice of the date of the prisoner's release on parole or the prisoner's pardon, conditional pardon,

⁴³ Section 12.1-34-02 was also amended by section 2 of House Bill No. 1061, chapter 137.

⁴⁴ Section 12.1-34-02 was also amended by section 1 of House Bill No. 1061, chapter 137.

reprieve, commutation, or remission of fine. Notice must be given within a reasonable time after the parole board or the governor makes a decision but in any event before the parolee's or pardoned prisoner's release from custody.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 138

SENATE BILL NO. 2387

(Senators Van Oosting, Myrdal, Paulson)
(Representatives Hoverson, Richter, O'Brien)

AN ACT to create and enact a new section to chapter 12.1-34 of the North Dakota Century Code, relating to the rights of sexual violence survivors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 12.1-34 of the North Dakota Century Code is created and enacted as follows:

Sexual violence survivor rights.

1. As used in this section:
 - a. "Sexual assault victim advocate" means a victim advocate of a domestic violence sexual assault organization as defined under section 14-07.1-01, or a victim advocate from a children's advocacy center as defined in section 50-25.1-02.
 - b. "Sexual violence survivor" means an individual who is a victim of a crime defined under section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-06.1, 12.1-20-07, 12.1-20-11, or 12.1-20-12.3.
2. In addition to the rights provided under section 12.1-34-02, a sexual violence survivor must be afforded the following rights.
 - a. The right to consult with a sexual assault victim advocate during any forensic medical examination, unless the advocate is not available in a timely manner. A survivor's:
 - (1) Communication with a sexual assault victim advocate is privileged, unless waived by the survivor; and
 - (2) Waiver of the right to a sexual assault victim advocate is privileged.
 - b. The right to the presence of privately retained counsel when speaking with law enforcement regarding the alleged assault, unless law enforcement is conducting a forensic interview with an alleged child victim.
 - c. Except as provided by law, the right to access the law enforcement report prepared for the survivor's case at no cost.
 - d. The right to a document prepared by the attorney general explaining the rights of sexual violence survivors under this section and other relevant law, which must be provided by a medical provider or law enforcement officer upon initial contact with the survivor.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 139

SENATE BILL NO. 2209

(Senators Cleary, Larson)
(Representatives Hanson, O'Brien, Satrom, Schneider)

AN ACT to amend and reenact section 12.1-34-07 of the North Dakota Century Code, relating to the expansion of medical examinations of victims of criminal conduct; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁴⁵ **SECTION 1. AMENDMENT.** Section 12.1-34-07 of the North Dakota Century Code is amended and reenacted as follows:

12.1-34-07. Medical screening and acute forensic medical examinations costs - Reimbursement by attorney general - Use of evidence.

1. An acute forensic medical examination is an examination performed on an alleged victim of criminal sexual conduct or domestic violence for the purpose of gathering evidence of an alleged crime and is performed within ~~ninety-six~~ ninety-one hundred twenty hours after the alleged crime unless good cause is shown for the delay in performing the examination. When an acute forensic medical examination is performed, the costs incurred by a health care facility or health care professional for performing the acute forensic medical examination or any preliminary medical screening examination may not be charged, either directly or through a third-party payer, to the alleged victim.
2. A child forensic medical examination is an examination performed on an alleged child victim of criminal sexual conduct, physical abuse, or neglect for the purpose of gathering evidence of an alleged crime. When a child forensic medical examination is performed, the costs incurred by a health care facility or health care professional for performing the child forensic medical examination or any preliminary medical screening examination may not be charged, either directly or through a third-party payer, to the alleged child victim or the child's parent, guardian, or custodian.
3. Upon submission of appropriate documentation, the attorney general, within the limits of legislative appropriations, shall reimburse the health care facility or a health care professional for the reasonable costs incurred in performing the medical screening and acute forensic medical examination. The attorney general, subject to legislative appropriations, shall reimburse each accredited children's advocacy center located in the state for a forensic interview that is not reimbursable by Medicaid or crime victims compensation.
4. Evidence obtained during a medical examination under this section may not be used against an alleged victim for the prosecution of the alleged victim for a separate offense.

⁴⁵ Section 12.1-34-07 was also amended by section 1 of Senate Bill No. 2292, chapter 140.

SECTION 2. APPROPRIATION - ATTORNEY GENERAL - DOMESTIC VIOLENCE FORENSIC MEDICAL EXAMINATION PROGRAM - REPORTS.

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the attorney general in a domestic violence examinations line item for the purpose of the domestic violence forensic medical examination program for community-based or hospital-based domestic violence examiner programs and related administrative costs, for the biennium beginning July 1, 2025, and ending June 30, 2027. Any organization that receives funding under this section shall report to the attorney general and the appropriations committees of the seventieth legislative assembly on the use of the funds received and the outcomes of its programs. The attorney general shall report to the appropriations committees of the seventieth legislative assembly on the number of victims receiving domestic violence forensic medical examinations and documentation of collaborative efforts to assist victims, which includes nurses, the hospital or clinic, law enforcement, and state's attorneys.

Approved March 28, 2025

Filed March 31, 2025

CHAPTER 140

SENATE BILL NO. 2292

(Senators Lee, Hogan, Roers)
(Representatives Meier, Nelson, Mitskog)

AN ACT to amend and reenact subsection 3 of section 12.1-34-07 of the North Dakota Century Code, relating to the reimbursement of medical screening and examination for sexual assault victims.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁴⁶ **SECTION 1. AMENDMENT.** Subsection 3 of section 12.1-34-07 of the North Dakota Century Code is amended and reenacted as follows:

3. Upon submission of appropriate documentation, the attorney general, within the limits of legislative appropriations, shall reimburse from the general fund the health care facility or a health care professional for the reasonable costs incurred in performing the medical screening and acute forensic medical examination. The attorney general, subject to legislative appropriations, shall reimburse from the general fund each accredited children's advocacy center located in the state for a forensic interview that is not reimbursable by Medicaid or crime victims compensation.

Approved April 2, 2025

Filed April 3, 2025

⁴⁶ Section 12.1-34-07 was also amended by section 1 of Senate Bill No. 2209, chapter 139.

CHAPTER 141

HOUSE BILL NO. 1361

(Representatives D. Johnston, Jonas, Kiefert, Schauer)
(Senators Myrdal, Boehm)

AN ACT to create and enact a new section to chapter 12.1-41 of the North Dakota Century Code, relating to mandatory minimum sentences for human trafficking offenders; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 12.1-41 of the North Dakota Century Code is created and enacted as follows:

Prohibited acts - Mandatory terms of imprisonment.

A person who violates a provision of this chapter is subject to mandatory minimum sentencing requirements to be served without the benefit of parole as follows:

1. For a class AA felony, the court shall impose a minimum sentence of twenty years' imprisonment.
2. For a class A felony, the court shall impose a minimum sentence of ten years' imprisonment.
3. For a class B felony, the court shall impose a minimum sentence of five years' imprisonment.

Approved April 21, 2025

Filed April 22, 2025

DEBTOR AND CREDITOR RELATIONSHIP

CHAPTER 142

HOUSE BILL NO. 1127

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

AN ACT to create and enact chapter 13-01.2 of the North Dakota Century Code, relating to the financial institution data security program; and to amend and reenact sections 6-01-04.1 and 6-01-04.2, subsection 7 of section 6-03-02, sections 13-04.1-01.1, 13-04.1-11.1, 13-05-07.1, 13-08-10, 13-08-11.1, and 13-09.1-14, subsection 3 of section 13-09.1-17, sections 13-09.1-38 and 13-10-05, subsection 1 of section 13-11-10, section 13-12-19, subsections 6, 21, and 22 of section 13-13-01, and sections 13-13-04 and 13-13-18 of the North Dakota Century Code, relating to the department of financial institutions, financial institutions, response to department requests, renewal of licenses, orders to cease and desist, issuance of licenses, revocation of licenses, and exemptions from licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 6-01-04.1 of the North Dakota Century Code is amended and reenacted as follows:

6-01-04.1. Removal of officers, directors, and employees of financial corporations or institutions.

1. The department of financial institutions or the board may issue, upon any current or former officer, director, or employee of a financial corporation, financial institution, or credit union subject to its jurisdiction and upon a financial corporation, financial institution, or credit union involved, an order stating:
 - a. That the current or former officer, director, or employee is engaging, or has engaged, in any of the following conduct:
 - (1) Violating any law, regulation, board order, or written agreement with the board.
 - (2) Engaging or participating in any unsafe or unsound practice.
 - (3) Performing any act of commission or omission or practice which is a breach of trust or a breach of fiduciary duty.
 - b. The term of the suspension or removal from employment and participation within the conduct of the affairs of a financial corporation, financial institution, credit union, or any other entity licensed by the department of financial institutions.

2. The order must contain a notice of opportunity for hearing pursuant to chapter 28-32. The date for the hearing must be set not less than thirty days after the date the complaint is served upon the current or former officer, director, or employee of a financial corporation, financial institution, credit union, or any other entity licensed by the department of financial institutions. The current or former officer, director, or employee may waive the thirty-day notice requirement.
3. If no hearing is requested within twenty days of the date the order is served upon the current or former officer, director, or employee, the order is final. If a hearing is held and the board finds that the record so warrants, it may enter a final order. The final order suspending or removing the current or former officer, director, or employee is final. ~~The current or former officer or employee may request a termination of the final order after a period of no less than three years.~~
4. A contested or default suspension or removal order is effective immediately upon issuance on the current or former officer, director, or employee and upon a financial corporation, financial institution, or credit union. A consent order is effective as agreed.
5. Any current or former officer, director, or employee suspended or removed from any position pursuant to this section is not eligible, while under suspension or removal, to be employed or otherwise participate in the affairs of any financial corporation, financial institution, or credit union or any other entity licensed by the department of financial institutions until the suspension or removal is terminated by the department of financial institutions or board.
6. When any current or former officer, director, employee, or other person participating in the conduct of the affairs of a financial corporation, financial institution, or credit union is charged with a felony in state or federal court, involving dishonesty or breach of trust, the commissioner may immediately suspend the person from office or prohibit the person from any further participation in a financial corporation's, financial institution's, or credit union's affairs. The order is effective immediately upon issuance of the order on a financial corporation, financial institution, or credit union and the person charged, and remains in effect until the criminal charge is finally disposed of or until modified by the board. If a judgment of conviction, a federal pretrial diversion, conviction or agreement to plea to lesser charges, or similar state order or judgment is entered, the board or commissioner may order that the suspension or prohibition be made permanent. A finding of not guilty or other disposition of the charge does not preclude the commissioner or the board from pursuing administrative or civil remedies.
7. The commissioner or board may issue upon a current or former officer, director, employee, or other person participating in the conduct of the affairs of a financial corporation, financial institution, or credit union an order permanently suspending and prohibiting the person from participation in a financial corporation's, financial institution's, or credit union's affairs if convicted of any charge involving dishonesty or breach of trust in state or federal court. The suspension or removal order is effective immediately upon issuance on the current or former officer, director, or employee and upon a financial corporation, financial institution, or credit union.

SECTION 2. AMENDMENT. Section 6-01-04.2 of the North Dakota Century Code is amended and reenacted as follows:

6-01-04.2. Cease and desist orders.

1. The department of financial institutions or the board may issue and serve upon a financial corporation, financial institution, or credit union subject to its jurisdiction a complaint stating the factual basis for the department's or board's belief that the financial corporation, financial institution, or credit union is engaging in any of the following conduct:
 - a. An unsafe or unsound practice.
 - b. A violation in the past or on a continuing basis of any law, regulation, ~~board order~~, or written agreement entered into with the board or department of financial institutions.
2. The complaint must contain a notice of opportunity for hearing pursuant to chapter 28-32. The date for the hearing must be set not less than thirty days after the date the complaint is served upon the financial corporation, financial institution, or credit union. The financial corporation, financial institution, or credit union may waive the thirty-day notice requirement.
3. If the financial corporation, financial institution, or credit union fails to respond to the complaint within twenty days of its service, or if a hearing is held and the board concludes that the record so warrants, the board may enter an order directing the financial corporation, financial institution, or credit union to cease and desist from engaging in the conduct which was the subject of the complaint and hearing and to take corrective action.
4. The commissioner or the board may enter an emergency, temporary cease and desist order if the commissioner or the board finds the conduct described in the complaint is likely to cause insolvency, substantial dissipation of assets, earnings, or capital of the financial corporation, financial institution, or credit union, or substantial prejudice to the depositors, shareholders, members, or creditors of the financial corporation, financial institution, or credit union. An emergency, temporary cease and desist order is effective immediately upon service on the financial corporation, financial institution, or credit union and remains in effect for no longer than sixty days or until the conclusion of permanent cease and desist proceedings pursuant to this section, whichever is sooner. An emergency, temporary cease and desist order may be issued without an opportunity for hearing. A bank or credit union may request a hearing before the state banking board or state credit union board within ten days of the order to review the factual basis used to issue the emergency, temporary cease and desist order. The decision made by the board during this hearing will be final. If a hearing is not requested, the initial decision of the commissioner or board will be final.

⁴⁷ **SECTION 3. AMENDMENT.** Subsection 7 of section 6-03-02 of the North Dakota Century Code is amended and reenacted as follows:

7. Exercise, as determined by the board or commissioner by order or rule, all the incidental powers as are necessary to carry on the business of banking,

⁴⁷ Section 6-03-02 was also amended by section 6 of House Bill No. 1507, chapter 96.

including discounting and negotiating promissory notes, bills of exchange, drafts, and other evidences of debt; receiving deposits; buying and selling exchange, coin, and bullion; loaning money upon real or personal security, or both; soliciting and receiving deposits in the nature of custodial accounts for the purpose of health savings or similar health care cost funding accounts, retirement fund contracts, or pension programs, and such custodial accounts are exempt from chapter 6-05; and providing services to its customers involving electronic transfer of funds to the same extent that other financial institutions chartered and regulated by an agency of the federal government are permitted to provide those services within this state. A bank that provides electronic funds transfer equipment and service to its customers, at premises separate from its main banking house or duly authorized facility approved by the state banking board, must make the equipment and service available for use by customers of any other bank upon the request of the other bank to share its use and the agreement of the other bank to share pro rata all costs incurred in connection with its installation and operation, and the electronic operations are not deemed to be the establishment of a branch, nor of a separate facility. The electronic operations at premises separate from its banking house or duly authorized facility must be considered a customer electronic funds transfer center and may be established subject to rules that the state banking board adopts.

SECTION 4. Chapter 13-01.2 of the North Dakota Century Code is created and enacted as follows:

13-01.2-01. Definitions.

For purposes of this chapter, the following definitions shall apply:

1. "Authorized user" means any employee, contractor, agent, or other person who:
 - a. Participates in a financial corporation's business operations; and
 - b. Is authorized to access and use any of the financial corporation's information systems and data.
2. "Commissioner" means the commissioner of the department of financial institutions.
3. "Consumer":
 - a. Means an individual, or that individual's legal representative, who applies for or has obtained a financial product or service from a financial corporation which is to be used primarily for personal, family, or household purposes. A consumer includes an individual who:
 - (1) Applies to a financial corporation for credit for personal, family, or household purposes, regardless of whether the credit is extended.
 - (2) Provides nonpublic personal information to a financial corporation to obtain a determination about whether the applicant may qualify for a loan to be used primarily for personal, family, or household purposes, regardless of whether the loan is extended.

- (3) Provides nonpublic personal information to a financial corporation in connection with obtaining or seeking to obtain financial, investment, or economic advisory services, regardless of whether the financial corporation establishes a continuing advisory relationship.
 - (4) Has a loan for personal, family, or household purposes in which the financial corporation has ownership or servicing rights, even if the financial corporation or one or more other corporations that hold ownership or servicing rights in conjunction with the financial corporation hires an agent to collect on the loan.
 - b. Does not include an individual who:
 - (1) Uses a different financial corporation or financial institution to act solely as an agent for, or provide processing or other services to, the individual financial corporation or financial institution.
 - (2) Designates a financial corporation solely for the purposes to act as trustee for a trust.
 - (3) Is a beneficiary of a trust for which the financial corporation is a trustee.
 - (4) Is a participant or a beneficiary of an employee benefit plan that the financial corporation sponsors or for which the financial corporation acts as a trustee or fiduciary.
- 4. "Continuing relationship":
 - a. Means a situation in which a consumer:
 - (1) Has a credit or investment account with a financial corporation;
 - (2) Obtains a loan from a financial corporation;
 - (3) Purchases an insurance product from a financial corporation;
 - (4) Holds an investment product through a financial corporation, including when a financial corporation acts as a custodian for securities or for assets in an individual retirement arrangement;
 - (5) Enters into an agreement or understanding with a financial corporation in which the financial corporation undertakes to arrange or broker a home mortgage loan, or credit to purchase a vehicle, for the consumer;
 - (6) Enters into a lease of personal property on a nonoperating basis with a financial corporation;
 - (7) Obtains financial, investment, or economic advisory services from a financial corporation for a fee;
 - (8) Becomes a financial corporation's client for the purpose of obtaining tax preparation or credit counseling services from the financial corporation;
 - (9) Obtains career counseling while:

- (a) Seeking employment with a financial corporation or the finance, accounting, or audit department of any company; or
 - (b) Employed by a financial corporation or department of any company;
 - (10) Is obligated on an account that a financial corporation purchases from another financial corporation, regardless of whether the account is in default when purchased, unless the financial corporation does not locate the consumer or attempt to collect any amount from the consumer on the account;
 - (11) Obtains real estate settlement services from a financial corporation; or
 - (12) Has a loan for which a financial corporation owns the servicing rights.
- b. Does not include a situation in which:
 - (1) The consumer obtains a financial product or service from a financial corporation only in isolated transactions, including:
 - (a) A financial corporation's automated teller machine to withdraw cash from an account at another financial institution;
 - (b) Purchasing a money order from a financial corporation;
 - (c) Cashing a check with a financial corporation; or
 - (d) Making a wire transfer through a financial corporation;
 - (2) A financial corporation sells the consumer's loan and does not retain the rights to service that loan;
 - (3) A financial corporation sells the consumer an airline ticket, travel insurance, or a traveler's check in isolated transactions;
 - (4) The consumer obtains one-time personal or real property appraisal services from a financial corporation; or
 - (5) The consumer purchases checks for a personal checking account from a financial corporation.
- 5. "Customer" means a consumer who has a customer relationship with a financial corporation.
- 6. "Customer information" means any record containing nonpublic personal information about a customer of a financial corporation, whether in paper, electronic, or other form, which is handled or maintained by or on behalf of the financial corporation or the financial corporation's affiliates.
- 7. "Customer relationship" means a continuing relationship between a consumer and a financial corporation under which the financial corporation provides one or more financial products or services to the consumer that are used primarily for personal, family, or household purposes.

8. "Encryption" means the transformation of data into a form that results in a low probability of assigning meaning without the use of a protective process or key, consistent with current cryptographic standards and accompanied by appropriate safeguards for cryptographic key material.
9. "Financial corporation" means all entities regulated by the department of financial institutions, excluding financial institutions and credit unions.
10. "Financial institution" means any bank, industrial loan company, or savings and loan association organized under the laws of this state or of the United States.
11. "Financial product or service" means any product or service that a financial holding company could offer by engaging in a financial activity under the federal Bank Holding Company Act of 1956 [12 U.S.C. 1843 section 4(k)]. The term includes a financial corporation's evaluation or brokerage of information that a financial corporation collects in connection with a request or an application from a consumer for a financial product or service.
12. "Information security program" means the administrative, technical, or physical safeguards a financial corporation uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle customer information.
13. "Information system" means a discrete set of electronic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic information, as well as any specialized system, including industrial process controls systems, telephone switching and private branch exchange systems, and environmental controls systems that contain customer information or that is connected to a system that contains customer information.
14. "Multifactor authentication" means authentication through verification of at least two of the following types of authentication factors:
 - a. Knowledge factors, including a password;
 - b. Possession factors, including a token; or
 - c. Inherence factors, including biometric characteristics.
15. "Nonpublic personal information":
 - a. Means:
 - (1) Personally identifiable financial information; and
 - (2) Any list, description, or other grouping of consumers, including publicly available information pertaining to the consumers that is derived using personally identifiable financial information that is not publicly available, including account numbers.
 - b. Does not include:

- (1) Publicly available information, except as included on a list described in paragraph 2 of subdivision a;
 - (2) Any list, description, or other grouping of consumers, including publicly available information pertaining to the consumers that is derived without using any personally identifiable financial information that is not publicly available; or
 - (3) Any list of individuals' names and addresses that contains only publicly available information, is not derived, in whole or in part, using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any individual on the list is the financial corporation's consumer.
- 16. "Notification event" means the acquisition of unencrypted customer information without the authorization of the individual to which the information pertains. Customer information is considered unencrypted for purposes of this subsection if the encryption key was accessed by an unauthorized person. Unauthorized acquisition is presumed to include unauthorized access to unencrypted customer information unless the financial corporation has reliable evidence showing there has not been, or could not reasonably have been, unauthorized acquisition of customer information.
- 17. "Penetration testing" means a test methodology in which assessors attempt to circumvent or defeat the security features of an information system by attempting to penetrate databases or controls from outside or inside a financial corporation's information systems.
- 18. "Personally identifiable financial information":
 - a. Means any information:
 - (1) A consumer provides to a financial corporation to obtain a financial product or service;
 - (2) About a consumer resulting from any transaction involving a financial product or service between a financial corporation and a consumer; or
 - (3) A financial corporation otherwise obtains about a consumer in connection with providing a financial product or service to that consumer.
 - b. Includes:
 - (1) Information a consumer provides to a financial corporation on an application to obtain a loan, credit card, or other financial product or service;
 - (2) Account balance information, payment history, overdraft history, and credit or debit card purchase information;
 - (3) An individual that is or has been a financial corporation's customer or has obtained a financial product or service from the financial corporation;

- (4) Any information about a financial corporation's consumer if it is disclosed in a manner that indicates the individual is or has been a financial corporation's consumer;
 - (5) Any information a consumer provides to a financial corporation or which a financial corporation or a financial corporation's agent otherwise obtains in connection with collecting on, or servicing, a credit account;
 - (6) Any information a financial corporation collects through an information collecting device from a web server; and
 - (7) Information from a consumer report.
 - c. Does not include:
 - (1) A list of names and addresses of customers of an entity that is not a financial corporation; and
 - (2) Information that does not identify a consumer, such as aggregate information or blind data that does not contain personal identifiers such as account numbers, names, or addresses.
 - 19. a. "Publicly available information":
 - (1) Means any information that a financial corporation has a reasonable basis to believe is lawfully made available to the general public from:
 - (a) Federal, state, or local government records;
 - (b) Widely distributed media; or
 - (c) Disclosures to the general public which are required under federal, state, or local law.
 - (2) Includes information:
 - (a) In government real estate records and security interest filings; or
 - (b) From widely distributed media, a telephone book, a television or radio program, a newspaper, or a website that is available to the general public on an unrestricted basis. A website is not restricted because an internet service provider or a site operator requires a fee or a password, provided access is available to the general public.
 - b. For purposes of this subsection, a financial corporation has a reasonable basis to believe information is lawfully made available to the general public if the financial corporation has taken steps to determine:
 - (1) The information is of the type available to the general public; and
 - (2) Whether an individual can direct that the information not be made available to the general public and, if so, that the financial corporation's consumer has not done so. A financial corporation has a reasonable basis to believe mortgage information is lawfully made available to the general public if the financial corporation determines the information is

of the type included on the public record in the jurisdiction where the mortgage is recorded. A financial corporation has a reasonable basis to believe an individual's telephone number is lawfully made available to the general public if the financial corporation has located the telephone number in the telephone book or the consumer has informed the financial corporation the telephone number is not unlisted.

20. "Qualified individual" means the individual designated by a financial institution to oversee, implement, and enforce the financial institution's information security program.
21. "Security event" means an event resulting in unauthorized access to, or disruption or misuse of:
- a. An information system or information stored on an information system; or
 - b. Customer information held in physical form.
22. "Service provider" means any person or entity that receives, maintains, processes, or otherwise is permitted access to customer information through its provision of services directly to a financial corporation that is subject to this chapter.

13-01.2-02. Standards for safeguarding customer information.

1. A financial corporation shall develop, implement, and maintain a comprehensive information security program.
2. The information security program must:
 - a. Be written in one or more readily accessible parts; and
 - b. Maintain administrative, technical, and physical safeguards that are appropriate to the financial corporation's size and complexity, the nature and scope of the financial corporation's activities, and the sensitivity of any customer information at issue.
3. The financial corporation shall develop a security program that:
 - a. Ensures the security and confidentiality of customer information;
 - b. Protects against any anticipated threats or hazards to the security or integrity of such information; and
 - c. Protects against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any customer.

13-01.2-03. Elements of a security program.

1. A financial corporation's information security program must denote a designation of a qualified individual responsible for overseeing and implementing the financial corporation's information security program and enforcing the financial corporation's information security program. The qualified individual may be employed by the financial corporation, an affiliate, or a service provider.

2. If a financial corporation designates an individual employed by an affiliate or service provider as the qualified individual, the financial corporation shall:
 - a. Retain responsibility for compliance with this chapter;
 - b. Designate a senior member of the financial corporation's personnel to be responsible for directing and overseeing the qualified individual; and
 - c. Require the service provider or affiliate to maintain an information security program that protects the financial corporation in accordance with the requirements of this chapter.
3. A financial corporation shall base the financial corporation's information security program on a risk assessment that:
 - a. Identifies reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information that could result in the unauthorized disclosure, misuse, alteration, destruction or other compromise of customer information;
 - b. Assesses the sufficiency of any safeguards in place to control the risks in subdivision a; and
 - c. Includes additional periodic risk assessments that:
 - (1) Re-examine the reasonably foreseeable internal and external risks to the security, confidentiality, and integrity of customer information that could result in the unauthorized disclosure, misuse, alteration, destruction or other compromise of such information; and
 - (2) Reassess the sufficiency of any safeguards in place to control these risks.
4. The risk assessment must be in writing and include:
 - a. Criteria to evaluate and categorize identified security risks or threats the financial corporation faces;
 - b. Criteria for the assessment of the confidentiality, integrity, and availability of the financial corporation's information systems and customer information, including the adequacy of the existing controls in the context of the identified risks or threats the financial corporation faces; and
 - c. Requirements describing how:
 - (1) Identified risks will be mitigated or accepted based on the risk assessment; and
 - (2) The information security program will address the risks.
5. A financial corporation shall design and implement safeguards to control the risks the financial corporation identifies through the risk assessment in subsection 4, which include:
 - a. Implementing and periodically reviewing access controls, including technical and as appropriate, physical controls to:

- (1) Authenticate and permit access only to authorized users to protect against the unauthorized acquisition of customer information; and
 - (2) Limit an authorized user's access to only customer information the authorized user needs to perform the authorized user's duties and functions, or in the case of a customer, to access the customer's own information.
- b. Identifying and managing data, personnel, devices, systems, and facilities that enable the financial corporation to achieve business purposes in accordance with the business purpose's relative importance to business objectives and the financial corporation's risk strategy.
- c. Protecting by encryption all customer information held or transmitted by the financial corporation both in transit over external networks and at rest. To the extent a financial corporation determines that encryption of customer information, either in transit over external networks or at rest, is infeasible, the financial corporation may secure customer information using effective alternative compensating controls reviewed and approved by the financial corporation's qualified individual.
- d. Adopting secure development practices for in-house developed applications utilized by the financial corporation for transmitting, accessing, or storing customer information and procedures for evaluating, assessing, or testing the security of externally developed applications the financial corporation utilizes to transmit, access, or store customer information.
- e. Implementing multifactor authentication for any individual accessing any information system, unless the financial corporation's qualified individual has approved in writing the use of a reasonably equivalent or more secure access control.
- f. Developing, implementing, and maintaining procedures to securely dispose of customer information, in any format, no later than two years after the last date the information is used in connection with providing a product or service to the customer which it relates, unless:
 - (1) The information is necessary for business operations or for other legitimate business purposes;
 - (2) Is otherwise required to be retained by law or regulation; or
 - (3) Where targeted disposal is not reasonably feasible due to the manner in which the information is maintained.
- g. Periodically reviewing the financial corporation's data retention policy to minimize unnecessary retention of data.
- h. Adopting procedures for change management.
- i. Implementing policies, procedures and controls designed to:
 - (1) Monitor and log the activity of authorized users; and

- (2) Detect unauthorized access to, use of, or tampering with customer information by authorized users.
 - 6. a. A financial corporation shall regularly test or otherwise monitor the effectiveness of the safeguards' key controls, systems, and procedures, including the controls, systems, and procedures to detect actual and attempted attacks on, or intrusions into, information systems.
 - b. Information systems monitoring and testing must include continuous monitoring or periodic penetration testing, and vulnerability assessments. Without effective continuous monitoring or other systems to detect, on an ongoing basis, changes in information systems that may create vulnerabilities, a financial corporation shall conduct:
 - (1) Annual penetration testing of the financial corporation's information systems based on relevant identified risks in accordance with the risk assessment; and
 - (2) Vulnerability assessments, including systemic scans or information systems reviews that are reasonably designed to identify publicly known security vulnerabilities in the financial corporation's information systems based on the risk assessment, at least every six months; whenever there are material changes to the financial corporation's operations or business arrangements; and whenever there are circumstances the financial corporation knows or has reason to know may have a material impact on the financial corporation's information security program.
- 7. A financial corporation shall implement policies and procedures to ensure the financial corporation's personnel are able to enact the financial corporation's information security program by:
 - a. Providing the financial corporation's personnel with security awareness training that is updated as necessary to reflect risks identified by the risk assessment;
 - b. Utilizing qualified information security personnel employed by the financial corporation or an affiliate or service provider sufficient to manage the financial corporation's information security risks and to perform or oversee the information security program;
 - c. Providing information security personnel with security updates and training sufficient to address relevant security risks; and
 - d. Verifying that key information security personnel take steps to maintain current knowledge of changing information security threats and countermeasures.
- 8. A financial corporation shall oversee service providers by:
 - a. Taking reasonable steps to select and retain service providers capable of maintaining appropriate safeguards for customer information;
 - b. Requiring, by contract, the financial corporation's service providers implement and maintain appropriate safeguards; and

- c. Periodically assessing the financial corporation's service providers based on the risk they present, and the continued adequacy of the service providers' safeguards.
- 9. A financial corporation shall evaluate and adjust the financial corporation's information security program by incorporating:
 - a. The results of the testing and monitoring required under subsection 5;
 - b. Any material changes to the financial corporation's operations or business arrangements;
 - c. The results of risk assessments performed under subsection 3; or
 - d. Any other circumstances that the financial corporation knows or has reason to know may have a material impact on the financial corporation's information security program.
- 10. A financial corporation shall establish a written incident response plan designed to promptly respond to, and recover from, any security event materially affecting the confidentiality, integrity, or availability of customer information the financial corporation controls. The plan must address:
 - a. The goals of the incident response plan;
 - b. The internal processes for responding to a security event;
 - c. Clear roles, responsibilities, and levels of decisionmaking authority;
 - d. External and internal communications and information sharing;
 - e. Requirements for the remediation of any identified weaknesses in information systems and associated controls;
 - f. Documentation and reporting regarding security events and related incident response activities; and
 - g. The evaluation and revision of the incident response plan, as necessary, after a security event.
- 11. A financial corporation shall require the financial corporation's qualified individual to report in writing, at least annually, to the financial corporation's board of directors or equivalent governing body. If no board of directors or equivalent governing body exists, the report shall be timely presented to a senior officer responsible for the financial corporation's information security program. The report must include:
 - a. The overall status of the information security program, and the financial corporation's compliance with this chapter and associated rules; and
 - b. Material matters related to the information security program, addressing issues including risk assessment, risk management and control decisions, service provider arrangements, results of testing, security events or violations and management's responses thereto, and recommendations for changes in the information security program.

12. a. A financial corporation shall notify the commissioner about notification events.
- b. After discovery of a notification event described in subdivision c, if the notification event involves the information of at least five hundred consumers, the financial corporation shall notify the commissioner as soon as possible, and no later than forty-five days after the event is discovered. The notice must be made in a format specified by the commissioner and include:
- (1) The name and contact information of the reporting financial corporation;
 - (2) A description of the types of information involved in the notification event;
 - (3) The date or date range of the notification event, if the information is possible to determine;
 - (4) The number of consumers affected or potentially affected by the notification event;
 - (5) A general description of the notification event; and
 - (6) A statement whether any law enforcement official has provided the financial corporation with a written determination that notifying the public of the breach would impede a criminal investigation or cause damage to national security, and a means for the commissioner to contact the law enforcement official. A law enforcement official may request an initial delay of up to forty-five days following the date when notice was provided to the commissioner. The delay may be extended for an additional period of up to sixty days if the law enforcement official seeks an extension in writing.
- c. A notification event must be treated as discovered on the first day when the event is known to the financial corporation. A financial corporation is deemed to have knowledge of a notification event if the event is known to any employee, officer, or other agent of the financial corporation, other than the person committing the breach.
13. A financial corporation shall establish a written plan addressing business continuity and disaster recovery.

13-01.2-04. Exemptions.

Subsection 4, subdivision b of subsection 6, and subsections 10 and 11 of section 13-01.2-03 do not apply to financial institutions that maintain customer information concerning fewer than five thousand consumers.

SECTION 5. AMENDMENT. Section 13-04.1-01.1 of the North Dakota Century Code is amended and reenacted as follows:

13-04.1-01.1. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Borrower" means a person or entity that seeks out, or is solicited by a money broker for the purpose of money brokering.
2. "Commissioner" means the commissioner of financial institutions.
3. "Loan" means a contract by which one delivers a sum of money to another and the latter agrees to return at a future time a sum equivalent to that which the person borrowed. This includes alternative financing products as identified by the commissioner through the issuance of an order.
4. "Money broker" means a person or entity who, in the ordinary course of business, engages in money brokering.
- 4-5. "Money brokering" means the act of arranging or providing loans or leases as a form of financing, or advertising or soliciting either in print, by letter, in person, or otherwise, the right to find lenders or provide loans or leases for persons or businesses desirous of obtaining funds for any purposes.
- 5-6. "Net branch" means an office at which a licensed money broker allows a separate person that does not hold a valid North Dakota money brokers license to originate loans under the license of the money broker.
- 6-7. "Net branch arrangement" means an arrangement under which a licensed money broker enters an agreement whereby its designated branch manager has the appearance of ownership of the licensee by, among other things, sharing in the profits or losses, establishing, leasing, or renting the branch premises, entering other contractual relationships with vendors such as for telephones, utilities, and advertising, having control of a corporate checkbook, or exercising control of personnel through the power to hire or fire such individuals. A person may be considered to be utilizing a net branch if the net branch agreement requires the branch manager to indemnify the licensee for damages from any apparent, express, or implied agency representation by or through the branch's actions or if the agreement requires the branch manager to issue a personal check to cover operating expenses whether or not funds are available from an operating account of the licensee.
- 7-8. "Precomputed loan" means a loan that is expressed as a sum comprising the principal and the amount of the loan finance charge computed in advance.

SECTION 6. AMENDMENT. Section 13-04.1-11.1 of the North Dakota Century Code is amended and reenacted as follows:

13-04.1-11.1. Response to department requests.

An applicant, licensee, or other person subject to the provisions of this chapter shall comply with requests for information, documents, or other requests from the department of financial institutions within the time specified in the request, which must be a minimum of ten days, or, if no time is specified, within thirty days of the mailing of the request by the department of financial institutions. If the request for information is in regard to a new application or renewal of an existing application and is not received within the time specified in the request, ~~or within thirty days of the mailing of the request,~~ the department may deny the application.

SECTION 7. AMENDMENT. Section 13-05-07.1 of the North Dakota Century Code is amended and reenacted as follows:

13-05-07.1. Response to department requests.

An applicant, licensee, or other person subject to the provisions of this chapter shall comply with requests for information, documents, or other requests from the department of financial institutions within the time specified in the request, which must be a minimum of ten days, or, if no time is specified, within thirty days of the mailing of the request by the department of financial institutions. If the request for information is in regard to a new application or renewal of an existing application and is not received within the time specified in the request, ~~or within thirty days of the mailing of the request~~, the department may deny the application.

SECTION 8. AMENDMENT. Section 13-08-10 of the North Dakota Century Code is amended and reenacted as follows:

13-08-10. Regulations - Examinations.

The commissioner may adopt rules for the implementation and enforcement of this chapter. ~~A copy of a rule adopted by the commissioner must be mailed to each licensee at least thirty days before the date the rule takes effect.~~ To assure compliance with this chapter, the commissioner may examine the relevant business, books, and records of any licensee. The licensee shall pay an examination or visitation fee, and the commissioner shall charge the licensee for the actual cost of the examination or visitation at an hourly rate set by the commissioner which is sufficient to cover all reasonable expenses associated with the examination or visitation.

SECTION 9. AMENDMENT. Section 13-08-11.1 of the North Dakota Century Code is amended and reenacted as follows:

13-08-11.1. Response to department requests.

An applicant, licensee, or other person subject to the provisions of this chapter shall comply with requests for information, documents, or other requests from the department of financial institutions within the time specified in the request, which must be a minimum of ten days, or, if no time is specified, within thirty days of the mailing of the request by the department of financial institutions. If the request for information is in regard to a new application or renewal of an existing application and is not received within the time specified in the request, ~~or within thirty days of the mailing of the request~~, the department may deny the application.

SECTION 10. AMENDMENT. Section 13-09.1-14 of the North Dakota Century Code is amended and reenacted as follows:

13-09.1-14. Renewal of license.

1. A license under this chapter must be renewed annually.
 - a. An annual nonrefundable renewal fee must be paid by December thirty-first. The fee must equal five hundred dollars or one-fourth of one percent of the money transmission dollar volume in North Dakota for the twelve months ending June thirtieth, whichever is greater. For the transmission of virtual currency as defined in section 13-09.1-44, the fee must equal five hundred dollars or one-fourth of one percent of the average United States dollar equivalent market value of the virtual currency transmitted in North Dakota for the twelve months ending June thirtieth, whichever is greater. The fee may not exceed two thousand five hundred dollars.

- b. The renewal term must be for a period of one year and begins on January first of each year after the initial license term and expires on December thirty-first of the year the renewal term begins.
2. A licensee shall submit a renewal report with the renewal fee, in a form and in a medium prescribed by the commissioner. The renewal report must state or contain a description of each material change in information submitted by the licensee in its original license application which has not been reported to the commissioner.
3. The commissioner for good cause may grant an extension of the renewal date.
4. The commissioner may utilize the nationwide system to process license renewals provided that such functionality is consistent with this section.
5. A licensee may renew an expired license no later than January thirty-first subject to a late fee of fifty dollars.
6. The commissioner may deny an application to renew a license if the licensee no longer meets the criteria for licensure or otherwise fails to comply with this chapter.

SECTION 11. AMENDMENT. Subsection 3 of section 13-09.1-17 of the North Dakota Century Code is amended and reenacted as follows:

3. A notice of disapproval must contain a statement of the basis for disapproval and must be sent to the licensee and the disapproved individual. A licensee may appeal a notice of disapproval by requesting a hearing before the commissioner within ~~thirty~~twenty days after receipt of notice of disapproval in accordance with chapter 28-32.

SECTION 12. AMENDMENT. Section 13-09.1-38 of the North Dakota Century Code is amended and reenacted as follows:

13-09.1-38. Orders to cease and desist.

1. If the commissioner determines that a violation of this chapter or of a rule adopted or an order issued under this chapter by a licensee or authorized delegate is likely to cause immediate and irreparable harm to the licensee, its customers, or the public as a result of the violation, or cause insolvency or significant dissipation of assets of the licensee, the commissioner may issue an order requiring the licensee or authorized delegate to cease and desist from the violation. The order becomes effective upon issuance.
2. The commissioner may issue an order against a licensee to cease and desist from providing money transmission through an authorized delegate that is the subject of a separate order by the commissioner.
3. ~~An order to cease and desist remains effective and enforceable pending the completion of an administrative proceeding~~must contain a notice of opportunity for a hearing pursuant to chapter 28-32.
4. ~~An order to cease and desist expires unless the commissioner commences an administrative proceeding pursuant to chapter 28-32 within ten days after it is issued~~If the company or individual subject to an order to cease and desist fails

to request a hearing in writing to the commissioner within twenty days of issuance, or if a hearing is held and the commissioner concludes the record so warrants, the order to cease and desist becomes final.

SECTION 13. AMENDMENT. Section 13-10-05 of the North Dakota Century Code is amended and reenacted as follows:

13-10-05. Issuance of license.

The commissioner shall not issue a mortgage loan originator license unless the commissioner makes at a minimum the following findings:

1. The applicant has never had a mortgage loan originator license revoked in any governmental jurisdiction, except that a subsequent formal vacation of such revocation shall not be deemed a revocation.
2. The applicant has not been charged pending trial, convicted of, or ~~or~~ pled guilty, pled to lesser charges, or pled nolo contendere to, a felony in a domestic, foreign, or military court:
 - a. During the seven-year period preceding the date of the application for licensing and registration; or
 - b. At any time preceding such date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;
 - c. Provided that any pardon of a conviction shall not be a conviction for purposes of this subsection.
3.
 - a. The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this chapter.
 - b. For purposes of this subsection, a person has shown that that person is not financially responsible when that person has shown a disregard in the management of that person's own financial condition. A determination that an individual has not shown financial responsibility may include:
 - (1) Current outstanding judgments, except judgments solely as a result of medical expenses;
 - (2) Current outstanding tax liens or other government liens and filings;
 - (3) Foreclosures within the past three years; and
 - (4) A pattern of seriously delinquent accounts within the past three years.
4. The applicant has completed the preclicensing education requirement described in section 13-10-06.
5. The applicant has passed a written test that meets the test requirement described in section 13-10-07.
6. The applicant has met the net worth and surety bond requirements under section 13-10-13.

SECTION 14. AMENDMENT. Subsection 1 of section 13-11-10 of the North Dakota Century Code is amended and reenacted as follows:

1. If the commissioner has reason to believe that grounds for revocation of a license exist, the commissioner may ~~send by certified mail to notify~~ the licensee with a notice of hearing stating the contemplated action and in general the grounds thereof and setting the time and place for a hearing thereon. Grounds for revocation of a license include:
 - a. Any debt-settlement provider has failed to pay the annual license fee or to maintain in effect the bond required under this chapter;
 - b. The debt-settlement provider has violated this chapter or any rule lawfully made by the commissioner implementing this chapter;
 - c. Any fact or condition exists that, if it had existed at the time of the original application for a license, would have warranted the commissioner in refusing its issuance; or
 - d. Any applicant has made any false statement or representation to the commissioner in applying for a license under this chapter.

SECTION 15. AMENDMENT. Section 13-12-19 of the North Dakota Century Code is amended and reenacted as follows:

13-12-19. Response to department requests.

An applicant, licensee, or other person subject to the provisions of this chapter shall comply with requests for information, documents, or other requests from the department of financial institutions within the time specified in the request, which must be a minimum of ten days, or, if no time is specified, within thirty days of the ~~mailing of the request by the department of financial institutions~~. If the request for information is in regard to a new application or renewal of an existing application and is not received within the time specified in the request, ~~or within thirty days of the mailing of the request~~, the department may deny the application.

SECTION 16. AMENDMENT. Subsections 6, 21, and 22 of section 13-13-01 of the North Dakota Century Code are amended and reenacted as follows:

6. "Interim ~~serviced prior to sale~~mortgage servicing" means the activity of collecting a limited number of contractual mortgage payments immediately after origination on loans held for sale but prior to the loans being sold into the secondary market.
21. "Service or servicing a loan" means ~~on behalf of the lender or investor of a residential mortgage loan~~:
 - a. Collecting or receiving payments on existing obligations due and owing to the lender or investor, including payments of principal, interest, escrow amounts, and other amounts due;
 - b. Collecting fees due to the servicer;
 - c. Working with the borrower and the licensed lender or servicer to collect data and make decisions necessary to modify certain terms of those obligations either temporarily or permanently;

- d. Otherwise finalizing collection through the foreclosure process; or
 - e. Servicing a reverse mortgage loan.
22. "Servicer" means the entity performing the routine administration of residential mortgage ~~loans on behalf of the owner or owners of the related mortgages under the terms of a servicing contract.~~

SECTION 17. AMENDMENT. Section 13-13-04 of the North Dakota Century Code is amended and reenacted as follows:

13-13-04. Entities exempted from licensing requirements.

This chapter does not apply to:

- 1. Banks;
- 2. Credit unions;
- 3. Savings and loan associations;
- 4. State or federal housing finance agencies;
- 5. Institutions chartered by the farm credit administration; ~~or~~
- 6. Not-for-profit mortgage servicers; or
- 7. Entities solely performing interim mortgage servicing.

SECTION 18. AMENDMENT. Section 13-13-18 of the North Dakota Century Code is amended and reenacted as follows:

13-13-18. Response to department requests.

An applicant, licensee, or other person subject to the provisions of this chapter shall comply with requests for information, documents, or other requests from the department of financial institutions within the time specified in the request, which must be a minimum of ten days, or, if no time is specified, within thirty days of the ~~mailing of the request by the department of financial institutions.~~ If the request for information is in regard to a new application or renewal of an existing application and is not received within the time specified in the request, ~~or within thirty days of the mailing of the request,~~ the department may deny the application.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 143

HOUSE BILL NO. 1447

(Representatives Swiontek, Christy, Hanson, Heinert, Schauer, J. Olson, Richter)
(Senators Hogan, Klein, Lee, Rummel, Sickler)

AN ACT to create and enact sections 13-09.1-50, 13-09.1-51, 13-09.1-52, 13-09.1-53, and 13-09.1-54 of the North Dakota Century Code, relating to virtual-currency kiosks; and to amend and reenact section 13-09.1-44 of the North Dakota Century Code, relating to virtual-currency kiosks.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 13-09.1-44 of the North Dakota Century Code is amended and reenacted as follows:

13-09.1-44. Definitions.

For the purposes of sections 13-09.1-44 through ~~13-09.1-49~~13-09.1-54, the following definitions apply:

1. "Blockchain analytics" means the analysis of data from blockchains or publicly distributed ledgers, including associated transaction information to provide risk-specific information about virtual-currency transactions and virtual currency addresses.
2. "Control of virtual currency", when used in reference to a transaction or relationship involving virtual currency, means the power to execute unilaterally or prevent indefinitely a virtual-currency transaction.
- ~~2-3.~~ "Exchange", used as a verb, means to assume control of virtual currency from or on behalf of a person, at least momentarily, to sell, trade, or convert:
 - a. Virtual currency for money, bank credit, or one or more forms of virtual currency; or
 - b. Money or bank credit for one or more forms of virtual currency.
4. "Transaction hash" means a unique identifier made up of a string of characters that act as a record and provide proof the transaction was verified and added to the blockchain.
- ~~3-5.~~ "Transfer" means to assume control of virtual currency from or on behalf of a person and to:
 - a. Credit the virtual currency to the account of another person;
 - b. Move the virtual currency from one account of a person to another account of the same person; or
 - c. Relinquish control of virtual currency to another person.

4-6. "United States dollar equivalent of virtual currency" means the equivalent value of a particular virtual currency in United States dollars shown on a virtual-currency exchange based in the United States for a particular date or period specified in this chapter.

5-7. "Virtual currency":

a. Means a digital representation of value that:

(1) Is used as a medium of exchange, unit of account, or store of value; and

(2) Is not money, whether or not denominated in money; and

b. Does not include:

(1) A transaction in which a merchant grants, as part of an affinity or rewards program, value that cannot be taken from or exchanged with the merchant for money, bank credit, or virtual currency; or

(2) A digital representation of value issued by or on behalf of a publisher and used solely within an online game, game platform, or family of games sold by the same publisher or offered on the same game platform.

8. "Virtual-currency address" means an alphanumeric identifier associated with a virtual-currency wallet identifying the location to which a virtual-currency transaction may be sent.

6-9. "Virtual-currency administration" means issuing virtual currency with the authority to redeem the currency for money, bank credit, or other virtual currency.

7-10. "Virtual-currency business activity" means:

a. Exchanging, transferring, or storing virtual currency or engaging in virtual-currency administration, whether directly or through an agreement with a virtual-currency control-services vendor;

b. Holding electronic precious metals or electronic certificates representing interests in precious metals on behalf of another person or issuing shares or electronic certificates representing interests in precious metals; or

c. Exchanging one or more digital representations of value used within one or more online games, game platforms, or family of games for:

(1) Virtual currency offered by or on behalf of the same publisher from which the original digital representation of value was received; or

(2) Money or bank credit outside the online game, game platform, or family of games offered by or on behalf of the same publisher from which the original digital representation of value was received.

- 8-11. "Virtual-currency control-services vendor" means a person that has control of virtual currency solely under an agreement with a person that, on behalf of another person, assumes control of virtual currency.
12. "Virtual-currency kiosk" means an electronic terminal acting as a mechanical agent of the virtual-currency kiosk operator to enable the virtual-currency kiosk operator to facilitate the exchange of virtual currency for money, bank credit, or other virtual currency, including by:
- a. Connecting directly to a separate virtual-currency exchange that performs the actual virtual-currency transmission; or
 - b. Drawing upon the virtual currency in the possession of the electronic terminal's operator.
13. "Virtual-currency kiosk operator" means a person that operates a virtual currency kiosk in this state.
14. "Virtual-currency kiosk transaction" means:
- a. A transaction conducted or performed, in whole or in part, by electronic means via a virtual-currency kiosk.
 - b. A transaction made at a virtual-currency kiosk to purchase virtual currency with fiat currency or to sell virtual currency for fiat currency.
15. "Virtual-currency wallet" means a software application or other mechanism providing a means to hold, store, or transfer virtual currency.

SECTION 2. Section 13-09.1-50 of the North Dakota Century Code is created and enacted as follows:

13-09.1-50. Virtual-currency kiosks.

- 1. A kiosk operator may not engage in virtual-currency business activity or hold itself out as being able to engage in virtual-currency business activity with or on behalf of another person unless the kiosk operator is licensed in this state as a money transmitter.
- 2. A virtual-currency kiosk operator shall comply with all requirements of a money transmitter under this chapter.
- 3. A virtual-currency kiosk operator may not locate, or allow a third party to locate, a virtual-currency kiosk in this state unless the virtual-currency kiosk:
 - a. Is placed in a commercially accessible area;
 - b. Is accessible to users with sufficient space to account for mobility limitations of users; and
 - c. Is subject to security features, including sufficient lighting and surveillance.
- 4. Each virtual-currency kiosk operator shall submit a quarterly report of the location of each virtual-currency kiosk located within the state to the commissioner within forty-five days of the end of the calendar quarter. The location report must include:

- a. The company's legal name;
- b. Any fictitious or trade name;
- c. The physical address;
- d. The start date of operation of the virtual-currency kiosk at the location;
- e. The end date of operation of the virtual-currency kiosk at the location, if applicable; and
- f. The virtual-currency addresses associated with the virtual-currency kiosk.

SECTION 3. Section 13-09.1-51 of the North Dakota Century Code is created and enacted as follows:

13-09.1-51. Disclosures.

1. A virtual-currency kiosk operator shall disclose in a clear, conspicuous, and easily readable manner in the chosen language of the customer, all relevant terms and conditions generally associated with the products, services, and activities of the virtual-currency kiosk operator and virtual currency.
2. The virtual-currency kiosk operator must receive acknowledgment of receipt of all disclosures required under this section via confirmation of consent.
3. Each virtual-currency kiosk must include a warning written prominently and in bold type, stated in substantially the following form:
 - a. WARNING: CONSUMER FRAUD OFTEN STARTS WITH CONTACT FROM A STRANGER WHO IS INITIATING A DISHONEST SCHEME. I UNDERSTAND THAT CRIMINAL ACTIVITY MAY APPEAR IN MANY FORMS, INCLUDING:
 - (1) Claims of a frozen bank account or credit card.
 - (2) Fraudulent bank transactions.
 - (3) Claims of identity theft or job offerings in exchange for payments.
 - (4) Requests for payments to government agencies or companies.
 - (5) Requests for disaster relief donations or loans.
 - (6) Offers to purchase tickets for lotteries, sweepstakes, or drawings for vehicles.
 - (7) Prompts to click on desktop popups, such as virus warnings or communication from alleged familiar merchants.
 - (8) Communication from someone impersonating a representative of your bank or a law enforcement officer.
 - (9) IF YOU BELIEVE YOU ARE BEING SCAMMED, CALL A LOCAL LAW ENFORCEMENT OFFICER BEFORE ANY TRANSACTION.

- b. WARNING: FUNDS LOST DUE TO USER ERROR OR FRAUD MAY NOT BE RECOVERABLE. TRANSACTIONS CONDUCTED ON THIS VIRTUAL-CURRENCY KIOSK ARE IRREVERSIBLE. I UNDERSTAND THESE RISKS AND WISH TO CONTINUE WITH CONDUCTING MY VIRTUAL-CURRENCY KIOSK TRANSACTION. PROTECT YOURSELF FROM FRAUD. NEVER SEND MONEY TO SOMEONE YOU DO NOT KNOW.
- 4. The commissioner shall require the disclosure of material risks associated with virtual currency and virtual-currency transactions, including:
 - a. The transaction may not be reversed;
 - b. The virtual-currency kiosk operator's liability for unauthorized virtual currency transactions;
 - c. The virtual-currency kiosk customer's liability for unauthorized currency transactions;
 - d. Virtual currency is not legal tender, backed or insured by the government, and accounts and value balances are not subject to federal deposit insurance corporation, national credit union administration, or securities investor protection corporation protections;
 - e. Some virtual currency transactions are deemed to be made when recorded on a public ledger which may not be the date or time when the individual initiates the transaction;
 - f. Virtual currency's value may be derived from market participants' continued willingness to exchange fiat currency for virtual currency, which may result in the permanent and total loss of a particular virtual currency's value if the market for virtual currency disappears;
 - g. An individual who accepts a virtual currency as payment today is not required to accept and might not accept virtual currency in the future;
 - h. The volatility and unpredictability of the price of virtual currency relative to fiat currency may result in a significant loss over a short period;
 - i. The nature of virtual currency means any technological difficulties experienced by virtual-currency kiosk operators may prevent access to or use of an individual's virtual currency; and
 - j. Any bond maintained by the virtual-currency kiosk operator for the benefit of an individual may not cover all losses an individual incurs.
- 5. The commissioner shall require disclosure of:
 - a. The amount of the transaction denominated in United States dollars as well as the applicable virtual currency.
 - b. Any fees or expenses charged by the virtual-currency kiosk operator.
 - c. Any applicable exchange rates.

- d. A daily virtual-currency transaction limit of no more than two thousand dollars per day.
 - e. Notice of a change in the virtual-currency kiosk operator's rules or policies.
 - f. The name, address, and telephone number of the owner of the kiosk and the days, time, and means by which a consumer may contact the owner for consumer assistance. Any relevant state and local law enforcement agency for reporting fraud must be displayed on or at the location of the virtual-currency kiosk or on the first screen of the kiosk.
 - g. Under what circumstances the virtual-currency kiosk operator, without a court or government order, discloses a person's account information to third parties.
 - h. Other disclosures customarily given in connection with a virtual currency transaction.
6. After the completion of each transaction, the virtual-currency kiosk operator shall provide an individual with a choice of a physical or digital receipt secured with two-factor identification in the language chosen by the customer containing the following:
- a. The virtual-currency kiosk operator's name and contact information, including a telephone number to answer questions and register complaints;
 - b. The relevant state and local law enforcement or government agency for reporting fraud;
 - c. The type, value, date, and precise time of the transaction, transaction hash, and each applicable virtual-currency address;
 - d. A unique transaction number able to be linked to the sender during a fraud investigation;
 - e. A unique transaction number able to be linked to the designated recipient during a fraud investigation;
 - f. All fees charged;
 - g. The exchange rate of the virtual currency to United States dollars;
 - h. A statement of the virtual-currency kiosk operator's liability for nondelivery or delayed delivery; and
 - i. A statement of the virtual-currency kiosk operator's refund policy.

SECTION 4. Section 13-09.1-52 of the North Dakota Century Code is created and enacted as follows:

13-09.1-52. Prevention of fraudulent activity.

1. A virtual-currency kiosk operator shall use blockchain analytics software to assist in the detection and prevention of suspicious activity, including sending purchased virtual currency from a virtual-currency kiosk operator to a

- virtual-currency wallet known to be affiliated with fraudulent activity at the time of a transaction and identifying patterns that reflect money laundering or other illicit activity. The commissioner may request evidence from any virtual-currency kiosk operator of use of blockchain analytics.
2. A virtual-currency kiosk operator shall take reasonable steps to detect and prevent fraud, including establishing and maintaining a written antifraud policy. The antifraud policy must include:
 - a. The identification and assessment of fraud-related risk areas;
 - b. Procedures and controls to protect against identified risks;
 - c. Allocation of responsibility for monitoring risks; and
 - d. Procedures for the periodic evaluation and revision of the antifraud procedures, controls, and monitoring mechanisms.
 3. Each virtual-currency kiosk operator shall designate and employ a compliance officer with the following requirements:
 - a. The individual must be qualified to coordinate and monitor compliance with this chapter and all other applicable federal and state laws and rules;
 - b. The individual must be employed full-time by the virtual-currency kiosk operator; and
 - c. The designated compliance officer may not be an individual who owns more than twenty percent of the virtual-currency kiosk operator by whom the individual is employed.
 4. Compliance responsibilities required under federal and state laws and rules must be completed by full-time employees of the virtual-currency kiosk operator.
 5. A virtual-currency kiosk operator shall maintain, implement, and enforce a written enhanced due diligence policy. The policy must be reviewed and approved by the virtual-currency kiosk operator's board of directors or equivalent governing body.
 6. A virtual-currency kiosk operator shall designate and employ a consumer protection officer. The consumer protection officer:
 - a. Must be qualified to coordinate and monitor compliance with state and federal law;
 - b. Must be employed full-time by the virtual-currency kiosk operator; and
 - c. May not own more than twenty percent of the virtual-currency kiosk operator.

SECTION 5. Section 13-09.1-53 of the North Dakota Century Code is created and enacted as follows:

13-09.1-53. Daily transaction limit.

A virtual-currency kiosk operator may not accept transactions of more than two thousand dollars of cash or the equivalent in virtual currency per calendar day with a single customer in this state via one or more virtual-currency kiosks operated by the same virtual-currency operator.

SECTION 6. Section 13-09.1-54 of the North Dakota Century Code is created and enacted as follows:

13-09.1-54. Customer service.

A virtual-currency kiosk operator performing business in this state shall provide live customer service at a minimum on Monday through Friday between eight a.m. central time and ten p.m. central time. The customer service toll-free number must be displayed on the virtual-currency kiosk or the virtual-currency kiosk screens.

Approved April 10, 2025

Filed April 11, 2025

DOMESTIC RELATIONS AND PERSONS

CHAPTER 144

HOUSE BILL NO. 1511

(Representatives Rohr, Lefor, D. Ruby, Steiner, Vigessaa)
(Senators Gerhardt, Hogue, Klein, Myrdal)

AN ACT to create and enact a new subsection to section 43-17-27.1 of the North Dakota Century Code, relating to physician continuing education requirements; to amend and reenact section 14-02.1-04 of the North Dakota Century Code, relating to limitations on the performance of an abortion; to provide an appropriation; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-02.1-04 of the North Dakota Century Code is amended and reenacted as follows:

14-02.1-04. Limitations on the performance of abortions - Penalty.

1. An abortion may not be performed by any ~~person~~individual other than a physician who is using applicable medical standards and who is licensed to practice in this state. All physicians performing abortion procedures must have admitting privileges at a hospital located within thirty miles [42.28 kilometers] of the abortion facility and staff privileges to replace hospital on-staff physicians at that hospital. These privileges must include the abortion procedures the physician will be performing at abortion facilities. An abortion facility must have a staff member trained in cardiopulmonary resuscitation present at all times when the abortion facility is open and abortions are scheduled to be performed.
2. After the first twelve weeks of pregnancy but before the time at which the unborn child may reasonably be expected to have reached viability, an abortion may not be performed in any facility other than a licensed hospital.
3. An abortion facility may not perform an abortion on a woman without first offering the woman an opportunity to receive and view at the abortion facility or another facility an active ultrasound of her unborn child. The offer and opportunity to receive and view an ultrasound must occur at least twenty-four hours before the abortion is scheduled to be performed. The active ultrasound image must be of a quality consistent with standard medical practice in the community, contain the dimensions of the unborn child, and accurately portray the presence of external members and internal organs, including the heartbeat, if present or viewable, of the unborn child. The auscultation of the fetal heart tone must be of a quality consistent with standard medical practice in the community. The abortion facility shall document the woman's response to the offer, including the date and time of the offer and the woman's signature attesting to her informed decision.

4. A physician may not perform an abortion unless the physician has reviewed the educational information created under section 43-17-27.1 within two years before the performance of an abortion. This subsection does not apply in the case of a medical emergency.
5. Any physician who performs an abortion without complying with the provisions of this section is guilty of a class A misdemeanor.
- ~~5-6.~~ It is a class B felony for any ~~person~~ individual, other than a physician licensed under chapter 43-17, to perform an abortion in this state.

SECTION 2. A new subsection to section 43-17-27.1 of the North Dakota Century Code is created and enacted as follows:

The board shall provide access on the board's website to an instructional course on chapters 12.1-19.1, 14-02.1, and 14-02.6 as the chapters relate to the practice of medicine. The instructional course must be developed by contract through the office of management and budget, in consultation with and with final approval from the attorney general. This section does not create a right of action against the board by a physician acting upon reliance of the instructional course. The instructional course must be updated periodically to accurately reflect state law.

SECTION 3. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - INSTRUCTIONAL COURSE DEVELOPMENT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of developing an instructional course on chapters 12.1-19.1, 14-02.1, and 14-02.6 as the chapters relate to the practice of medicine, for the biennium beginning July 1, 2025, and ending June 30, 2027. The contract must be awarded to an individual who is or an organization that includes a physician with a minimum of twenty-five years of experience in the practice of obstetrics in the state, and must be developed with and granted final approval from the attorney general.

SECTION 4. EFFECTIVE DATE. Sections 1 and 2 of this Act become effective on January 1, 2026.

SECTION 5. EMERGENCY. Section 3 of this Act is declared to be an emergency measure.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 145

HOUSE BILL NO. 1489

(Representatives Satrom, Klemin, Ostlie)
(Senator Conley)

AN ACT to create and enact chapter 14-07.7 of the North Dakota Century Code, relating to civil protection orders; to amend and reenact sections 11-15-32 and 12-60-23, subsection 2 of section 12.1-17-13, section 14-05-23, subsection 4 of section 14-07.1-01, sections 14-07.1-02.1 and 14-07.1-11, subsection 1 of section 14-07.1-14, section 14-07.1-19, subdivision a of subsection 1 of section 14-07.6-01, subdivision b of subsection 1 of section 15.1-09-33.4, sections 16.1-02-07 and 29-01-15, subdivision g of subsection 1 of section 29-06-15, and subdivision a of subsection 2 of section 47-16-17.1 of the North Dakota Century Code, relating to restraining orders and protection orders; to repeal sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, 14-07.1-03.1, 14-07.1-04, 14-07.1-05, 14-07.1-05.1, 14-07.1-06, 14-07.1-07, and 14-07.1-08 of the North Dakota Century Code, relating to sexual assault restraining orders and domestic violence protection orders; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-15-32 of the North Dakota Century Code is amended and reenacted as follows:

11-15-32. Issuance of civil protection ~~and restraining~~ orders - Duty of sheriff.

The sheriff shall notify the bureau of criminal investigation of any ~~disorderly conduct~~ ~~restraining~~ civil protection order issued against an individual in the sheriff's county pursuant to ~~section 12.1-31.2-01 under chapter 14-07.7~~ within twenty-four hours of issuance. The notice must include any information required by the bureau of criminal investigation. The law enforcement agency shall enter the order into any information system available in the state that is used to list outstanding warrants for a ~~period of one year or until the date of expiration or termination as specified in the order.~~ The order is enforceable in any jurisdiction in this state.

SECTION 2. AMENDMENT. Section 12-60-23 of the North Dakota Century Code is amended and reenacted as follows:

12-60-23. Bureau to maintain registry of protection orders, orders prohibiting contact, and restraining orders.

The bureau shall maintain a registry of all orders of which it receives notice under sections 11-15-32; and 12.1-31.2-02; ~~14-07.1-02; and 14-07.1-03~~ chapter 14-07.7.

SECTION 3. AMENDMENT. Subsection 2 of section 12.1-17-13 of the North Dakota Century Code is amended and reenacted as follows:

2. The sentence for an offense under section 12.1-17-01, 12.1-17-01.1, 12.1-17-01.2, 12.1-17-02, 12.1-17-03, 12.1-17-04, 12.1-17-05, 12.1-17-07, 12.1-17-07.1, 12.1-18-02, 12.1-18-03, 12.1-21-05, 12.1-21-06.1, ~~12.1-31.2-01, 12.1-31.2-02, or 14-07.1-06~~ 14-07.7-07 against an intimate partner, must include an order to complete a domestic violence offender assessment and

intervention program as determined by the court. A court may not order the offender to attend anger management classes or individual counseling unless a domestic violence offender intervention program is not reasonably available to the defendant and the court makes findings for the record explaining why an order to complete a domestic violence offender intervention program would be inappropriate.

SECTION 4. AMENDMENT. Section 14-05-23 of the North Dakota Century Code is amended and reenacted as follows:

14-05-23. Temporary support, attorney's fees, and parental rights and responsibilities.

During any time in which an action for separation or divorce is pending, the court, upon application of a party, may issue an order requiring a party to pay such support as may be necessary for the support of a party and minor children of the parties and for the payment of attorney's fees. The court in the order may make an order concerning parental rights and responsibilities concerning the children of the parties. The order may be issued and served in accordance with the North Dakota Rules of Court. The court may include in the order a provision for domestic violence protection provided the party has submitted a verified ~~application~~petition for the order which is sufficient to meet the criteria defined in subsection 2 of section 14-07.1-01. A violation of the protection provision of the order is subject to the penalties established in section ~~14-07.1-06~~14-07.1-17 and the arrest procedures authorized in section ~~14-07.1-14~~14-07.1-18.

SECTION 5. AMENDMENT. Subsection 4 of section 14-07.1-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Family or household member" means a spouse, family member, former spouse, parent, child, ~~persons~~individuals related by blood or marriage, ~~persons~~individuals who are ~~or were~~ in a dating relationship, ~~persons~~individuals who are presently residing together or who have resided together in the past, ~~persons and individuals~~ who have a child in common regardless of whether they are or have been married or have lived together at any time, ~~and, for the purpose of the issuance of a domestic violence protection order, any other person with a sufficient relationship to the abusing person as determined by the court under section 14-07.1-02.~~

SECTION 6. AMENDMENT. Section 14-07.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-02.1. Allegation of domestic violence - Effect.

If the court finds that a party's allegation of domestic violence in a ~~domestic violence~~civil protection order proceeding, divorce proceeding, ~~child custody~~parenting responsibility proceeding, ~~child visitation~~parenting time proceeding, separation proceeding, or termination of parental rights proceeding is false and not made in good faith, the court shall order the party making the false allegation to pay court costs and reasonable attorney's fees incurred by the other party in responding to the allegation.

SECTION 7. AMENDMENT. Section 14-07.1-11 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-11. Arrest without warrant.

1. ~~A law enforcement officer shall arrest a person without a warrant if the person has committed the offense of violating a protection order under section 14-07.1-06, whether or not the violation was committed in the presence of the officer.~~
2. A law enforcement officer may arrest ~~a person~~ an individual without a warrant if the arrest is made within twelve hours from the time the officer determines there is probable cause to arrest for an assault of a family or household member as defined in section 14-07.1-01, whether or not the assault took place in the presence of the officer. After twelve hours has elapsed, the officer ~~must~~ shall secure an arrest warrant before making an arrest. A law enforcement officer may not arrest ~~a person~~ an individual pursuant to this subsection without first observing that there has been recent physical injury to, or impairment of physical condition of, the alleged victim. This subsection does not apply to an arrest made by a law enforcement officer in accordance with section 14-07.7-18.
- 3-2. A law enforcement officer may not be held criminally or civilly liable for making an arrest ~~pursuant to~~ under this section if the officer acts in good faith on probable cause and without malice.

SECTION 8. AMENDMENT. Subsection 1 of section 14-07.1-14 of the North Dakota Century Code is amended and reenacted as follows:

1. Every law enforcement agency shall develop and implement, with assistance from the criminal justice training and statistics division, specific operational guidelines for arrest policies and procedures in crimes involving domestic violence. The guidelines must include procedures for the conduct of criminal investigations, procedures for arrests and victim assistance by law enforcement officers, procedures concerning the provision of services to victims, and any additional procedures as may be necessary to carry out sections ~~14-07.1-02~~ 14-07.1-08.1 through 14-07.1-14 and chapter 14-07.7.

SECTION 9. AMENDMENT. Section 14-07.1-19 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-19. Release conditions.

If an individual charged with or arrested for a crime involving domestic violence, including a violation of a ~~domestic violence~~ civil protection order under ~~section 14-07.1-03~~ chapter 14-07.7 or an order prohibiting contact under ~~section 14-07.1-13~~ 12.1-31.2-02, is released from custody, a district or municipal court may require that electronic home detention or global positioning system monitoring be used for the individual as a condition of release.

⁴⁸ **SECTION 10. AMENDMENT.** Subdivision a of subsection 1 of section 14-07.6-01 of the North Dakota Century Code is amended and reenacted as follows:

- a. The parties have or had an intimate partner relationship or any other ~~person~~ individual with a sufficient relationship to the abusing ~~person~~ individual as determined by the court under section ~~14-07.1-02~~ 14-07.7-07;

⁴⁸ Section 14-07.6-01 was also amended by section 3 of House Bill No. 1031, chapter 64.

SECTION 11. Chapter 14-07.7 of the North Dakota Century Code is created and enacted as follows:

14-07.7-01. Definitions.

For purposes of this chapter:

1. a. "Civil protection order" means a protection order that prohibits the restrained individual from:
 - (1) Contacting, harassing, injuring, intimidating, molesting, threatening, touching, stalking, sexually assaulting, or abusing any protected individual;
 - (2) Entering or remaining on premises;
 - (3) Coming within a specified distance of the protected individual or premises; or
 - (4) Any other action necessary to protect the protected individual from imminent danger to life or health.
- b. A civil protection order may be a:
 - (1) Disorderly conduct restraining order;
 - (2) Domestic violence protection order; or
 - (3) Sexual assault restraining order.
2. "Contact" means any interaction or communication with another individual, directly or indirectly, including electronic, digital, and social media communication.
3. "Disorderly conduct" means intrusive or unwanted acts, words, or gestures intended to adversely affect the safety, security, or privacy of another individual. Disorderly conduct includes human trafficking and attempted human trafficking as defined in title 12.1. Disorderly conduct does not include constitutionally protected activity.
4. "Domestic violence" includes physical harm, bodily injury, stalking, sexual activity compelled by physical force, assault, or the infliction of fear of imminent physical harm, bodily injury, sexual activity compelled by physical force, or assault, not committed in self-defense, on the complaining family or household member.
5. "Family or household member" means a spouse, family member, former spouse, parent, child, individual related by blood or marriage, individuals who are or were in a dating relationship, individuals residing together or who have resided together in the past, individuals with a child in common regardless of relationship status and, for the purpose of the issuance of a civil protection order, any other individual with a sufficient relationship to the abusing individual as determined by the court under section 14-07.7-07.

6. "Protected individual" means the individual identified in a civil protection order issued under this chapter as the individual for whose benefit the civil protection order was issued.
7. "Sexual assault" means any nonconsensual offense in chapter 12.1-20 for which sexual act or sexual conduct, as defined in section 12.1-20-02, is an element.
8. "Stalking" has the meaning as in section 12.1-17-07.1. Domestic violence and disorderly conduct include stalking.

14-07.7-02. Petition for civil protection order.

1. An individual who is or has been a victim of disorderly conduct, domestic violence, or sexual assault may file a petition for a civil protection order against:
 - a. A family or household member who commits an act of domestic violence;
or
 - b. An individual who has committed disorderly conduct or sexual assault.
2. The petition must identify which type of civil protection order is sought.
3. If the individual to be protected is a minor, the parent, guardian, or attorney guardian ad litem shall file a petition on behalf of the minor. The parent, guardian, or attorney guardian ad litem of the minor is the petitioner and the minor is the protected individual. A minor of sufficient and competent age may petition for a civil protection order on their own behalf.
4. If the respondent is a minor, the parent or guardian must be notified of the petition and any subsequent order.
5. The petition must allege facts sufficient to show:
 - a. The name of the alleged victim;
 - b. The name of the respondent engaging in the alleged conduct; and
 - c. The respondent engaged in the alleged conduct.
6. The petition must contain:
 - a. A declaration stating the specific facts and circumstances supporting the relief sought; and
 - b. A statement listing each civil or criminal action involving both parties.
7. A petition may be against only one respondent. Dual protection orders in a single action are prohibited.
8. A petition may be brought under this chapter without regard to the commencement of an action for legal separation, annulment, divorce, or parenting rights and responsibilities.
9. A filing fee may not be charged for a civil protection order petition.

14-07.7-03. Civil protection order - General provisions - Confidentiality.

1. A civil protection order must contain a conspicuous notice to the respondent providing:
 - a. The specific conduct that constitutes a violation;
 - b. The penalties for violation of the order; and
 - c. A peace officer may arrest the respondent without a warrant and take the respondent into custody if the peace officer has probable cause to believe the respondent violated the order.
2. The court may amend an order following a motion filed by either party.
3. An order entered under this chapter expires on the expiration date provided in the order at eleven fifty-nine p.m. central standard time.
4. No order under this chapter affects title to real property.
5. A court record maintained in relation to a civil protection order is open to inspection by a law enforcement officer.
6. The name of a protected individual in a case involving domestic violence or sexual assault under this chapter is confidential and must be redacted from a record accessible to the public. Any record that may reveal the identity or location of a protected individual in a case involving domestic violence or sexual assault under this chapter is confidential.
7. A hearing on a petition for a domestic violence protection order filed under section 14-07.7-07 or a sexual assault restraining order filed under section 14-07.7-09 is closed to the public. The court shall allow to be present the parties, the parties' attorneys, the state's attorney, the protected individual, any witness, and a certified domestic violence sexual assault advocate, as defined under the North Dakota Supreme Court Administrative Rules. The court may allow to be present any other individual the court determines has a proper interest in the hearing.

14-07.7-04. Temporary disorderly conduct restraining order.

1. If the petition for relief alleges reasonable grounds that a respondent engaged in disorderly conduct, the court, pending a full hearing, may grant a temporary disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual.
2. A temporary restraining order may be entered:
 - a. Against the respondent named in the petition; and
 - b. Without notice to the respondent.
3. Unless otherwise terminated by the court, the temporary restraining order is in effect until an order issued under section 14-07.7-05 is served.

14-07.7-05. Disorderly conduct restraining order.

1. The court may grant a disorderly conduct restraining order ordering the respondent to cease the disorderly conduct or contact with the protected individual if:
 - a. The petitioner files a petition under section 14-07.7-02;
 - b. The sheriff serves the respondent with a copy of the temporary restraining order issued under section 14-07.7-04 and with notice of the time and place of the hearing;
 - c. The court sets a hearing for no later than fourteen days after issuance of the temporary restraining order, or a later date if good cause is shown; and
 - d. After the hearing, the court finds reasonable grounds exist to believe the respondent engaged in disorderly conduct.
2. If a respondent claims to have engaged in constitutionally protected activity, the court shall determine the validity of the claim as a matter of law and, if found valid, shall exclude evidence of the activity.
3. Relief granted by the restraining order may not exceed two years.

14-07.7-06. Temporary domestic violence protection order.

1. If the petition for relief alleges reasonable grounds to believe a respondent engaged in domestic violence, the court, pending a full hearing, may grant a temporary domestic violence protection order that may include provisions:
 - a. Restraining the respondent from having contact with or committing acts of domestic violence on another individual.
 - b. Excluding the respondent from the residence of another individual or from a place necessary to ensure the safety of the protected individual.
 - c. Awarding temporary primary residential responsibility or establishing temporary parenting time with regard to minor children.
 - d. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, which is in the respondent's possession, custody, or control, if the court has probable cause to believe the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in further acts of violence.
2. If ordered to surrender a firearm or other dangerous weapon, the respondent shall surrender the firearm or dangerous weapon within twenty-four hours of being served or upon the request of a law enforcement officer, whichever is sooner, to:
 - a. The sheriff, or the sheriff's designee, of the county in which the respondent resides; or
 - b. The chief of police, or the chief's designee, of the city in which the respondent resides.

3. If the respondent is ordered to surrender a firearm or other dangerous weapon and fails to do so within twenty-four hours, a law enforcement officer may arrest the respondent in accordance with section 14-07.7-18 and take possession of the firearm or dangerous weapon.
4. A temporary domestic violence protection order may be entered only against the respondent named in the petition.
5. The court may issue a temporary domestic violence protection order without giving notice to the respondent.
6. Unless otherwise terminated by the court, the temporary domestic violence protection order is in effect until a protection order issued under section 14-07.7-07 is served.

14-07.7-07. Domestic violence protection order.

1. The court may enter a domestic violence protection order if:
 - a. The petitioner files a petition under section 14-07.7-02;
 - b. The sheriff serves the respondent with a copy of the temporary domestic violence protection order issued under section 14-07.7-06 and with notice of the time and place of the hearing;
 - c. The court sets a hearing for no later than fourteen days after issuance of the temporary domestic violence protection order or at a later date if good cause is shown; and
 - d. The court finds after the hearing that:
 - (1) The relationship between the respondent and protected individual is sufficient to warrant protection; and
 - (2) There was a showing of actual or imminent domestic violence.
2. The relief provided in the domestic violence protection order may include:
 - a. Restraining any party from threatening, molesting, injuring, harassing, or having contact with any other individual.
 - b. Excluding the respondent from the residence of another individual or from a place necessary to ensure the safety of the protected individual.
 - c. Awarding temporary primary residential responsibility or establishing temporary parenting time with regard to minor children.
 - d. Recommending or requiring that the respondent complete a domestic violence offender assessment and attend a domestic violence intervention program as determined appropriate by the court. The court may request a report from the designated program within a time period established by the court. The costs of the court-ordered assessment and subsequent reports must be borne by the respondent or, if indigent, by the respondent's county of residence.

- e. Requiring a party to pay any support necessary for the support of a party and any minor children of the parties and reasonable attorney fees and costs.
- f. Awarding temporary use of personal property, including motor vehicles, to either party.
- g. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's possession, custody, or control, if the court has probable cause to believe the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in further acts of violence. If ordered to surrender a firearm or other dangerous weapon, the respondent shall surrender the firearm or dangerous weapon within twenty-four hours of being served or upon the request of a law enforcement officer, whichever is sooner, to:
 - (1) The sheriff, or the sheriff's designee, of the county in which the respondent resides; or
 - (2) The chief of police, or the chief's designee, of the city in which the respondent resides.
- 3. If the respondent is ordered to surrender a firearm or other dangerous weapon and fails to do so within twenty-four hours, a law enforcement officer may arrest the respondent in accordance with section 14-07.7-18 and take possession of the firearm or dangerous weapon.

14-07.7-08. Temporary sexual assault restraining order.

- 1. If the petition for relief alleges reasonable grounds to believe an individual has committed sexual assault, the court, pending a full hearing, may grant a temporary sexual assault restraining order.
- 2. A temporary restraining order may be entered only against the individual named in the petition. The order must include provisions prohibiting the individual from:
 - a. Harassing, stalking, or threatening the protected individual;
 - b. Appearing at the residence, school, and place of employment of the protected individual; and
 - c. Contacting the protected individual.

14-07.7-09. Sexual assault restraining order.

- 1. The court may grant a sexual assault restraining order if:
 - a. The petitioner files a petition under section 14-07.7-02;
 - b. The sheriff serves the respondent with a copy of the temporary sexual assault restraining order issued under section 14-07.7-08 and with notice of the time and place of the hearing;

- c. The court sets a hearing for no later than fourteen days after issuance of the temporary sexual assault restraining order or a later date if good cause is shown; and
 - d. The court finds after the hearing there are reasonable grounds to believe the respondent committed sexual assault.
- 2. The order must include provisions prohibiting the respondent from:
 - a. Harassing, stalking, or threatening the protected individual;
 - b. Appearing at the residence, school, and place of employment of the protected individual; and
 - c. Contacting the protected individual.
- 3. The relief granted by the sexual assault restraining order may not exceed two years.

14-07.7-10. Assistance of state's attorney or domestic violence sexual assault advocate.

- 1. Notwithstanding subsection 5 of section 11-16-05, a victim witness coordinator or a state's attorney staff member may assist an individual in preparation of documents necessary to secure a civil protection order under this section.
- 2. Notwithstanding section 27-11-01, a certified domestic violence sexual assault advocate, as defined under the North Dakota Supreme Court Administrative Rules, may assist an individual in preparation of documents necessary to secure a civil protection order under this chapter and may sit with the petitioner during court proceedings.

14-07.7-11. Notification of stalking law.

When an order is issued under this chapter, the order must include or have attached to it a copy of section 12.1-17-07.

14-07.7-12. Service.

- 1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit a copy of the order to the sheriff of the county in which the respondent resides for service on the respondent.
- 2. If the respondent cannot be served, the order may be served on the respondent by publication under rule 4 of the North Dakota Rules of Civil Procedure.
- 3. Service must be made on the respondent at least five days before the hearing. If service cannot be made or if additional time is required to complete service by publication, the court may set a new date for the hearing.
- 4. No service fee may be charged to the petitioner.

14-07.7-13. Right to apply for relief.

An individual's right to apply for relief under this chapter is not affected if the individual leaves the residence or dwelling to avoid domestic violence. The court may not require security or bond from any party unless the court deems it necessary in exceptional cases.

14-07.7-14. Appointment of guardian ad litem of minor.

1. The court, upon the request of either party or upon its own motion, may appoint an attorney guardian ad litem in an action for a civil protection order to represent a minor if either party or the court has reason for special concern for the immediate future of the minor.
2. A guardian ad litem may be appointed at the time of a temporary civil protection order or any time before the full hearing.
3. The role of the guardian ad litem consists of investigation and making a recommendation and report to the court. At no time may the involvement of the guardian ad litem alter the requirements set forth in section 14-07.7-02.
4. Appointment of the guardian ad litem expires immediately after the full hearing unless the court retains the right, upon specific finding of need, to continue the appointment of a guardian ad litem to represent a minor in matters concerning parenting time.
5. The guardian ad litem shall have access to records before the court, except as otherwise provided by law.
6. The court may direct either or both parties to pay the guardian ad litem fees established by the court. If neither party is able to pay the fees, the court, after notice to the state's attorney of the county of venue, may direct the fees to be paid, in whole or in part, by the county of venue. The court may direct either or both parties to reimburse the county, in whole or in part, for the payment.

14-07.7-15. Nonexclusive remedy.

Any proceeding under this chapter may be in addition to other civil or criminal remedies.

14-07.7-16. Transmittal to bureau of criminal investigation.

1. When a protection order is issued, extended, modified, or terminated under this chapter, the court shall transmit the order electronically to the bureau of criminal investigation.
2. The bureau of criminal investigation shall enter the order electronically in the national crime information center database provided by the federal bureau of investigation, or its successor agency.
3. The sheriff of the county in which the order was issued shall maintain and respond to inquiries regarding a record in the national crime information center database provided by the federal bureau of investigation in accordance with the bureau of criminal investigation and federal requirements.

4. When a protection order is issued, the clerk of court shall forward a copy of the order to the local law enforcement agency with jurisdiction over the residence of the protected party by the close of business on the day the protection order is issued.
5. If the bureau of criminal investigation, after consultation with the state court administrator, determines and implements an electronic method to notify the sheriff of the county that issued the order, the clerk of court's requirement to forward the order to a law enforcement agency will be satisfied.

14-07.7-17. Penalty for violation of a civil protection order.

When a civil protection order is granted under this chapter and the respondent or individual to be restrained is served a copy of the order, the first violation of an order is a class A misdemeanor. A violation of a civil protection order also constitutes contempt of court. Following a conviction, a second or subsequent violation under this chapter is a class C felony.

14-07.7-18. Arrest without warrant.

1. A law enforcement officer shall arrest an individual without a warrant if the individual has committed the offense of violating a protection order under subsection 1 of section 14-07.7-03, regardless of whether the violation was committed in the presence of the officer.
2. A law enforcement officer may not be held criminally or civilly liable for making an arrest under this section if the officer acts in good faith on probable cause without malice.

14-07.7-19. Assistance of law enforcement.

When an order is issued upon request of the petitioner, the court shall order the sheriff or other appropriate law enforcement officer to accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in execution of the protection order, which may include referral to a domestic violence shelter care facility.

14-07.7-20. Orders issued before January 1, 2026.

An order issued under sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, or 14-07.1-08 before January 1, 2026, remains in effect for the period indicated in the court order.

⁴⁹ **SECTION 12. AMENDMENT.** Subdivision b of subsection 1 of section 15.1-09-33.4 of the North Dakota Century Code is amended and reenacted as follows:

b. The student has:

- (1) ~~An order prohibiting contact~~ a civil protection order issued against the student at the request of another student or employee of the school under section 12.1-31.2-02chapter14-07.7;

⁴⁹ Section 15.1-09-33.4 was also amended by section 9 of Senate Bill No. 2037, chapter 302.

- ~~(2) A disorderly conduct restraining order issued against the student at the request of another student or employee of the school under section 12.1-31.2-01, except a temporary restraining order under subsection 4 of section 12.1-31.2-01; or~~
- ~~(3) A protection order issued against the student at the request of another student or employee of the school, except a temporary protection order under section 14-07.1-03;~~

SECTION 13. AMENDMENT. Section 16.1-02-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-02-07. Reporting changes of names - Changes to records in the central voter file.

The state court administrator shall provide for the regular reporting to the secretary of state the name, address, date of birth, and county of residence, if available, of each individual eighteen years of age or older whose name was changed by divorce or any order or decree of the court since the last report. Any individual who has obtained a civil protection order under ~~section 14-07.1-03 or who is protected by a disorderly conduct restraining order under section 12.1-31.2-01~~ chapter 14-07.7 must be listed in the central voter file with a "secured active" designation. A "secured active" designation means a record maintained as an active voter for pollbook purposes, but otherwise is an exempt record. The state court administrator or the bureau of criminal investigation shall make available upon request of the secretary of state the name of each individual who has obtained such an order.

SECTION 14. AMENDMENT. Section 29-01-15 of the North Dakota Century Code is amended and reenacted as follows:

29-01-15. Jurisdiction of municipal judges and small claims court referees.

1. Any municipal judge may:
 - ~~4.~~ a. Act as committing magistrate; provided, that this subsection does not apply to municipal judges who are not attorneys currently licensed under chapter 27-11.
 - ~~2.~~ b. Hear, try, and determine misdemeanors and infractions when jurisdiction has been conferred by the Constitution of North Dakota and this and other laws.
 - ~~3.~~ c. Adjudge and impose the punishment prescribed by law, upon conviction, in all cases within the municipal judge's jurisdiction to hear, try, and determine.
 - ~~4.~~ Grant temporary protection orders under the particular circumstances and for the limited duration set forth in section 14-07.1-08.
2. A small claims court referee authorized pursuant to subsection 3 of section 29-01-14 may act as a committing magistrate. A magistrate appointed by the presiding judge of the judicial district has the authority to act to the extent allowed by rules promulgated by the supreme court.

⁵⁰ **SECTION 15. AMENDMENT.** Subdivision g of subsection 1 of section 29-06-15 of the North Dakota Century Code is amended and reenacted as follows:

- g. For the offense of violating a ~~protection order under section 14-07.1-06, an order prohibiting contact under section 12.1-31.2-02, or for an assault involving domestic violence under section 14-07.1-11 or a civil protection order under chapter 14-07.7.~~

SECTION 16. AMENDMENT. Subdivision a of subsection 2 of section 47-16-17.1 of the North Dakota Century Code is amended and reenacted as follows:

- a. The tenant fears imminent domestic violence from a person named in a court order, an order prohibiting contact, or a civil protection order under section 14-07.1-02, ex parte temporary protection order, order prohibiting contact, restraining order, chapter 14-07.7, or other record filed with a court;

SECTION 17. REPEAL. Sections 12.1-31-01.2, 12.1-31.2-01, 14-07.1-02, 14-07.1-03, 14-07.1-03.1, 14-07.1-04, 14-07.1-05, 14-07.1-05.1, 14-07.1-06, 14-07.1-07, and 14-07.1-08 of the North Dakota Century Code are repealed.

SECTION 18. EFFECTIVE DATE. This Act becomes effective on January 1, 2026.

Approved April 21, 2025

Filed April 22, 2025

⁵⁰ Section 29-06-15 was also amended by section 1 of House Bill No. 1418, chapter 312.

CHAPTER 146

SENATE BILL NO. 2080

(Judiciary Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact subsection 3 of section 14-09-08.1, section 14-09-08.2, subsection 2 of section 14-09-08.11, section 14-09-08.21, subsection 2 of section 14-09-09.32, subsection 16 of section 50-09-02, and section 50-09-36 of the North Dakota Century Code, relating to establishment and enforcement of child support; and to repeal section 50-09-32 of the North Dakota Century Code, relating to enforcement of child support.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 14-09-08.1 of the North Dakota Century Code is amended and reenacted as follows:

3. Whenever there is failure to make the payments as required, the clerk of court, upon request of the obligee or any employee of the child support agency, shall send notice of the arrears by first-class mail, with affidavit of service, to the person required to make the payments, or request a district judge of the judicial district to issue a citation for contempt of court against the person who has failed to make the payments. The citation may be served on that person by first-class mail with affidavit of service to the person's last-known address.

SECTION 2. AMENDMENT. Section 14-09-08.2 of the North Dakota Century Code is amended and reenacted as follows:

14-09-08.2. Support for children after majority - Retroactive application.

1. A judgment or order requiring the payment of child support until the child attains majority continues as to the child until the end of the month during which the child is graduated from high school or attains the age of nineteen years, whichever occurs first, if:
 - a. The child is enrolled and attending high school and is eighteen years of age before the date the child is expected to be graduated; and
 - b. The child resides with the person to whom the duty of support is owed.
2. A judgment or order may require payment of child support after majority under substantially the circumstances described in subsection 1.
3. The person to whom the duty of support is owed under either subsection 1 or 2 may file an affidavit declaration with the district court and provide a copy to the child support agency stating that the requirements of subsection 1 are met, the school in which the child is enrolled, and the anticipated date of the child's graduation. Upon filing of the affidavit declaration, the child support resumes pursuant to subsection 1 or pursuant to the terms of a judgment or order described in subsection 2. A fee may not be charged for filing ~~such an affidavit~~ the declaration.

4. The child support agency shall serve the ~~affidavit~~declaration by first-class mail upon the person owing the duty of support. If at any time thereafter the person owing the duty of support files a motion with the court, supported by that person's ~~affidavit~~declaration that the child is no longer enrolled in or attending high school or is no longer residing with the person to whom the duty of support is owed, the court shall determine if the child is enrolled in and attending high school and residing with the person to whom the duty of support is owed and shall enter an order accordingly. The duty of support terminates by operation of law if the person to whom the duty is owed files a declaration with the child support agency confirming the requirements of subsection 1 are no longer met.
5. This section applies to child support orders concerning children described in subsection 1 or 2, regardless of the date of entry of the order.
6. This section does not preclude the entry of an order for child support which continues after the child reaches age eighteen, if the parties agree, or if the court determines the support to be appropriate.
7. For purposes of this section:
 - a. A child is treated as being in school during summer vacation if the child was enrolled in and attending school and did not graduate from high school at the end of the school period immediately preceding the summer vacation; and
 - b. A child ~~who is currently enrolled in school~~ is not considered to have graduated, even if all required coursework and examinations have been completed, until the ceremony is held by the school to commemorate the child's graduation. For good cause shown by the individual owing the duty of support, the court may determine the child graduated upon completion of all required coursework and examinations if the time between completion of coursework and examinations and the ceremony exceeds ninety days.

SECTION 3. AMENDMENT. Subsection 2 of section 14-09-08.11 of the North Dakota Century Code is amended and reenacted as follows:

2. The obligor may contest the withholding provided for in subdivision e of subsection 1 by filing a request for a hearing within ten days of the date of the national medical support notice issued under section 14-09-08.20. If the obligor contests that withholding, the court shall:
 - a. ~~Hold a hearing within ten working days after the date of the request; and~~
 - b. ~~Confirm~~ confirm the withholding in the absence of a finding:
 - (1)a. Of a mistake of fact; or
 - (2)b. That the obligee is required to provide health insurance coverage pursuant to section 14-09-08.10.

SECTION 4. AMENDMENT. Section 14-09-08.21 of the North Dakota Century Code is amended and reenacted as follows:

14-09-08.21. Termination of parental rights - Duty of support.

~~A termination of parental rights does not terminate the duty of either parent to support the child before the child's adoption unless that duty is specially terminated by order of the court after notice.~~ Notice of a proposed termination or relinquishment is of parental rights must be given to the department of health and human services in the manner appropriate for the service of process in a civil action in this state. A termination of parental rights terminates a child monthly support obligation ~~under this section~~ but does not relieve a parent of the duty to pay any unpaid child support.

SECTION 5. AMENDMENT. Subsection 2 of section 14-09-09.32 of the North Dakota Century Code is amended and reenacted as follows:

2. In a judgment for divorce or other relief under this title in any matter in which the child and both of the child's parents do not reside together, a court shall establish a child support obligation unless the child support agency requests the issue of child support be reserved. Notwithstanding subsection 1, the court may issue a stay of any further accruals under a child support order if the court finds the stay would be in the best interests of the child. Avoidance of income withholding or the requirement to make any child support payment through the state disbursement unit is not a proper basis to stay a child support obligation under this subsection. A child support obligation that is stayed under this subsection may be reinstated on a prospective basis as provided under the terms of the stay or at any time by order of the court or upon affidavit declaration of any party. The party filing the affidavit declaration shall provide a copy of the affidavit declaration to any other party to the action and to the state disbursement unit.

SECTION 6. AMENDMENT. Subsection 16 of section 50-09-02 of the North Dakota Century Code is amended and reenacted as follows:

16. Act as the official agency of the state in the administration of the child support enforcement program and medical support enforcement program in conformity with title IV-D. In administering the child support enforcement and medical support enforcement programs, the state agency may contract with any public or private agency or person to discharge the state agency's duties ~~and must maintain an office in each of the eight planning regions of the state.~~

SECTION 7. AMENDMENT. Section 50-09-36 of the North Dakota Century Code is amended and reenacted as follows:

50-09-36. Protest period.

Except as authorized by the obligor, the state agency shall hold any funds collected under section 28-21-05.2, 50-09-35, or 50-09-40 and may not disburse the funds as a collection of child support until the time has expired for requesting a review by a court under section 50-09-14 or the conclusion of the review, whichever is later. ~~Interest does not accrue under section 28-20-34 after the funds are received by the state agency.~~

SECTION 8. REPEAL. Section 50-09-32 of the North Dakota Century Code is repealed.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 147

SENATE BILL NO. 2186

(Senators Clemens, Luick)
(Representatives Koppelman, Marschall)

AN ACT to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to interference with court-ordered parenting time; to create a child custody review task force; to provide for a legislative management report; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 14-09 of the North Dakota Century Code is created and enacted as follows:

Parenting time - Interference - Penalty.

1. Unless a party shows by clear and convincing evidence that additional parenting time should not be ordered, if the court finds one parent intentionally interfered with the other parent's court-ordered parenting time, the court shall order additional parenting time to the parent who lost parenting time due to the interference to indemnify that parent for any lost court-ordered parenting time.
2. The additional parenting time:
 - a. Must at least be of the same type and duration of parenting time lost due to the interference and may be up to double the period of time lost, as determined by the court.
 - b. May include weekend, holiday, and summer parenting time.
 - c. Must occur within two years of the date the court finds the parent intentionally interfered with the other parent's court-ordered parenting time.
3. A court shall:
 - a. Give deference to the proposed additional parenting time schedule of the parent entitled to additional parenting time under subsection 1 when determining the schedule of the additional parenting time subject to subsection 2.
 - b. Consider ordering the parents to use a co-parenting application to assist with scheduling and communication.
4. The court may sanction a parent who fails to comply with this section as a contempt of court.

SECTION 2. CHILD CUSTODY REVIEW TASK FORCE - REPORT TO THE LEGISLATIVE MANAGEMENT.

1. During the 2025-26 interim, the legislative management shall create a child custody review task force. The task force consists of:

- a. One member of the supreme court self-help program, appointed by the supreme court;
 - b. One member representing the district courts, appointed by the supreme court;
 - c. One member appointed by the state bar association;
 - d. Two members of the house or senate judiciary committees, appointed by the chairman of the legislative management;
 - e. One member of the senate, appointed by the senate majority leader;
 - f. One member of the house, appointed by the house majority leader;
 - g. Two members representing parents subject to a child custody order;
 - h. One member representing law enforcement;
 - i. One member representing family mediators; and
 - j. The director of legal services of North Dakota.
2. The presiding officer of the task force must be a member of the legislative assembly appointed by the chairman of the legislative management.
3. The task force shall meet at the call of the presiding officer. The presiding officer of the task force may invite guests to participate in task force activities.
4. The task force shall:
 - a. Meet at least once each calendar quarter or more frequently at the call of the presiding officer;
 - b. Address issues involving the withholding of a child in violation of a custody decree and issues relating to a parent or party who provides false information against another parent or party in connection to a child custody order;
 - c. Consider ways to expeditiously and effectively enforce violations of custody orders, particularly the withholding of a child;
 - d. Consider the development of self-help or artificial intelligence assisted forms and processes, expedited access to ex parte contempt of court orders, and other civil and criminal penalties, including possible additional compensatory time, and successful remedies used in other states; and
 - e. Before June 30, 2026, submit a report of its findings and recommendations, and any proposed legislation necessary to implement the recommendations, to the legislative management.
5. A member of the task force who is not a state employee is entitled to reimbursement for mileage and expenses as provided by law for state officers and employees, to be paid by the legislative council. A state employee who is a member of the task force is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses to be paid by the

employing agency. A member of the task force who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the task force. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the task force who is a member of the legislative assembly.

6. The legislative council shall provide staffing and administrative services for the task force through July 30, 2026.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 148

HOUSE BILL NO. 1048

(Judiciary Committee)
(At the request of the Supreme Court)

AN ACT to amend and reenact section 14-09.1-07 of the North Dakota Century Code, relating to mediation agreements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-09.1-07 of the North Dakota Century Code is amended and reenacted as follows:

14-09.1-07. Mediation ~~agreements~~summary.

The mediator shall ~~reduce to writing~~ prepare a written summary of any agreement of the parties. The mediator shall inform the parties of their right to review the agreement with counsel before they sign the agreement. ~~After the agreement is signed, the mediator shall present the agreement to the court. The agreement is not binding upon the parties until approved by order of the court. The mediator shall advise the court whether an agreement was reached.~~ summary may not be shown to the court unless signed by the parties, the mediator shall present the agreement to the court. The agreement is not binding upon the parties until approved by order of the court. The mediator shall advise the court whether an agreement was reached.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 149

SENATE BILL NO. 2126

(Judiciary Committee)

(At the request of the Commission on Uniform State Laws)

AN ACT to create and enact chapter 14-14.2 of the North Dakota Century Code, relating to the adoption of the Uniform Child Abduction Prevention Act.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 14-14.2 of the North Dakota Century Code is created and enacted as follows:

14-14.2-01. Definitions.

As used in this chapter:

1. "Abduction" means the wrongful removal or wrongful retention of a child.
2. "Child" means an unemancipated individual who is seventeen years of age or younger.
3. "Child-custody determination" means a judgment, decree, or other order of a court providing for the legal custody, physical custody, or visitation with respect to a child. The term includes a permanent, temporary, initial, and modification order.
4. "Child-custody proceeding" means a proceeding in which legal custody, physical custody, or visitation with respect to a child is at issue. The term includes a proceeding for divorce, dissolution of marriage, separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, or protection from domestic violence.
5. "Court" means the district court.
6. "Petition" includes a motion or its equivalent.
7. "Record" means information inscribed on a tangible medium or stored in an electronic or other medium and is retrievable in perceivable form.
8. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe or nation.
9. "Travel document" means a record relating to a travel itinerary, including a travel ticket, pass, or reservation for transportation or accommodations. The term does not include a passport or visa.
10. "Wrongful removal" means the taking of a child which breaches rights of custody or visitation given or recognized under the law of this state.

11. "Wrongful retention" means the keeping or concealing of a child which breaches rights of custody or visitation given or recognized under the law of this state.

14-14.2-02. Cooperation and communication among courts.

Sections 14-14.1-09, 14-14.1-10, and 14-14.1-11 apply to cooperation and communications among courts in proceedings under this chapter.

14-14.2-03. Actions for abduction prevention measures.

1. If a court finds the evidence establishes a credible risk of abduction of the child, the court on its own motion may order abduction prevention measures in a child-custody proceeding.
2. A party to a child-custody determination or another individual or entity having a right under the law of this state or any other state to seek a child-custody determination for the child may file a petition seeking abduction prevention measures to protect the child under this chapter.
3. A prosecutor or public authority designated under section 14-14.1-35 may seek a warrant to take physical custody of a child under section 14-14.2-08 or other appropriate prevention measures.

14-14.2-04. Jurisdiction.

1. A petition under this chapter may be filed in a court that has jurisdiction to make a child-custody determination with respect to the child at issue under chapter 14-14.1.
2. A court of this state has temporary emergency jurisdiction under section 14-14.1-15 if the court finds a credible risk of abduction.

14-14.2-05. Contents of petition.

A petition under this chapter must be verified and include a copy of any existing child-custody determination, if available. The petition must specify the risk factors for abduction, including the relevant factors described in section 14-14.2-06. Subject to section 14-12.2-24, if reasonably ascertainable, the petition must contain:

1. The name, date of birth, and gender of the child;
2. The customary address and current physical location of the child;
3. The identity, customary address, and current physical location of the respondent;
4. A statement of whether a prior action to prevent abduction or domestic violence has been filed by a party or other individual or entity having custody of the child, and the date, location, and disposition of the action;
5. A statement of whether a party to the proceeding has been arrested for a crime related to domestic violence, stalking, or child abuse or neglect, and the date, location, and disposition of the case; and

6. Any other information required to be submitted to the court for a child-custody determination under section 14-14.1-20.

14-14.2-06. Factors to determine risk of abduction.

1. In determining whether there is a credible risk of abduction of a child, the court shall consider whether the petitioner or respondent:
 - a. Has previously abducted or attempted to abduct the child;
 - b. Has threatened to abduct the child;
 - c. Has recently engaged in activities that may indicate a planned abduction, including:
 - (1) Abandoning employment;
 - (2) Selling a primary residence;
 - (3) Terminating a lease;
 - (4) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents, or conducting any unusual financial activities;
 - (5) Applying for a passport or visa or obtaining travel documents for the respondent, a family member, or the child; or
 - (6) Seeking to obtain the child's birth certificate or school or medical records;
 - d. Has engaged in domestic violence, stalking, or child abuse or neglect;
 - e. Has refused to follow a child-custody determination;
 - f. Lacks strong familial, financial, emotional, or cultural ties to the state or the United States;
 - g. Has strong familial, financial, emotional, or cultural ties to another state or country;
 - h. Is likely to take the child to a country that:
 - (1) Is not a party to the Hague convention on the civil aspects of international child abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;
 - (2) Is a party to the Hague convention on the civil aspects of international child abduction but:
 - (a) The Hague convention on the civil aspects of international child abduction is not in force between the United States and that country;
 - (b) Is noncompliant according to the most recent compliance report issued by the United States department of state; or

- (c) Lacks legal mechanisms for immediately and effectively enforcing a return order under the Hague convention on the civil aspects of international child abduction;
 - (3) Poses a risk that the child's physical or emotional health or safety would be endangered in the country because of specific circumstances relating to the child or because of human rights violations committed against children;
 - (4) Has laws or practices that would:
 - (a) Enable the respondent, without due cause, to prevent the petitioner from contacting the child;
 - (b) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status, or religion; or
 - (c) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of a child's gender, nationality, or religion;
 - (5) Is included by the United States department of state on a current list of state sponsors of terrorism;
 - (6) Does not have an official United States diplomatic presence in the country; or
 - (7) Is engaged in active military action or war, including a civil war, to which the child may be exposed;
 - i. Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;
 - j. Has had an application for United States citizenship denied;
 - k. Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social security card, a driver's license, or other government-issued identification card or has made a misrepresentation to the United States government;
 - l. Has used multiple names to attempt to mislead or defraud; or
 - m. Has engaged in any other conduct the court considers relevant to the risk of abduction.
2. In the hearing on a petition under this chapter, the court shall consider any evidence the respondent in good faith believed the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

14-14.2-07. Provisions and measures to prevent abduction.

1. If a petition is filed under this chapter, the court may enter an order that must include:
 - a. The basis for the court's exercise of jurisdiction;
 - b. The manner notice and the opportunity to be heard were given to the persons entitled to notice of the proceeding;
 - c. A detailed description of each party's custody and visitation rights and residential arrangements for the child;
 - d. A provision stating a violation of the order may subject the party in violation to civil and criminal penalties; and
 - e. Identification of the child's country of habitual residence at the time of the issuance of the order.
2. If, at a hearing on a petition under this chapter or on the court's own motion, the court after reviewing the evidence finds a credible risk of abduction of the child, the court shall enter an abduction prevention order. The order must include the provisions required by subsection 1 and measures and conditions, including those in subsections 3, 4, and 5, which are reasonably calculated to prevent abduction of the child, giving due consideration to the custody and visitation rights of the parties. The court shall consider the age of the child, the potential harm to the child from an abduction, the legal and practical difficulties of returning the child to the jurisdiction if abducted, and the reasons for the potential abduction, including evidence of domestic violence, stalking, or child abuse or neglect.
3. An abduction prevention order may include:
 - a. An imposition of travel restrictions that require a party traveling with the child outside a designated geographical area to provide the other party with:
 - (1) The travel itinerary of the child;
 - (2) A list of physical addresses and telephone numbers at which the child can be reached at specified times; and
 - (3) Copies of all travel documents;
 - b. A prohibition on the respondent directly or indirectly:
 - (1) Removing the child from this state, the United States, or another geographic area without permission of the court or the petitioner's written consent;
 - (2) Removing or retaining the child in violation of a child-custody determination;
 - (3) Removing the child from school or a child-care or similar facility; or

- (4) Approaching the child at any location other than a site designated for supervised visitation;
 - c. A requirement a party register the order in another state as a prerequisite to allowing the child to travel to that state;
 - d. Regarding the child's passport:
 - (1) A requirement the petitioner place the child's name in the United States department of state's child passport issuance alert program;
 - (2) A requirement the respondent surrender any United States or foreign passport issued in the child's name, including a passport issued in the name of both the parent and the child to the court or the petitioner's attorney; and
 - (3) A prohibition on the respondent applying for a new or replacement passport or visa on behalf of the child;
 - e. As a prerequisite to exercising custody or visitation, a requirement the respondent provide:
 - (1) To the United States department of state's office of children's issues and the relevant foreign consulate or embassy, an authenticated copy of the order detailing passport and travel restrictions for the child;
 - (2) To the court:
 - (a) Proof the respondent has provided the information in paragraph 1: and
 - (b) An acknowledgment in a record from the relevant foreign consulate or embassy no passport application has been made, or passport issued, on behalf of the child;
 - (3) To the petitioner, proof of registration with the United States embassy or other United States diplomatic presence in the destination country and with the central authority for the Hague convention on the civil aspects of international child abduction, if the convention is in effect between the United States and the destination country, unless one of the parties objects; and
 - (4) A written waiver under the Privacy Act, as amended [5 U.S.C. Section 552a] with respect to any document, application, or other information pertaining to the child authorizing its disclosure to the court and the petitioner; and
 - f. Upon the petitioner's request, a requirement the respondent obtain an order from the relevant foreign country containing terms identical to the child-custody determination issued in the United States.
- 4. In an abduction prevention order, the court may impose conditions on the exercise of custody or visitation which:

- a. Limit visitation or require visitation with the child by the respondent be supervised until the court finds supervision is no longer necessary and order the respondent to pay the costs of supervision;
 - b. Require the respondent to post a bond or provide other security in an amount sufficient to serve as a financial deterrent to abduction, the proceeds of which may be used to pay for the reasonable expenses of recovery of the child, including reasonable attorneys fees and costs if there is an abduction; and
 - c. Require the respondent to obtain education on the potentially harmful effects to the child from abduction.
5. To prevent imminent abduction of a child, a court may:
- a. Issue a warrant to take physical custody of the child under any provision of law, including section 14-14.2-08;
 - b. Direct law enforcement to act as reasonably necessary to locate the child, obtain return of the child, or enforce a custody determination under any provision of law, including this chapter; or
 - c. Grant any other relief allowed under law.
6. The remedies provided in this chapter are cumulative and do not affect the availability of other remedies to prevent abduction.

14-14.2-08. Warrant to take physical custody of child.

1. If a petition under this chapter contains allegations, and the court finds there is a credible risk the child is imminently likely to be wrongfully removed, the court may issue an ex parte warrant to take physical custody of the child.
2. The court shall afford a respondent on a petition under subsection 1 an opportunity to be heard at the earliest possible time after the ex parte warrant is executed, but not later than the next judicial day unless a hearing on that date is impossible. In that event, the court shall hold the hearing on the first judicial day possible.
3. An ex parte warrant under subsection 1 to take physical custody of a child must:
 - a. Recite the facts upon which a determination of a credible risk of imminent wrongful removal of the child is based;
 - b. Direct law enforcement officers to take physical custody of the child immediately;
 - c. State the date and time for the hearing on the petition; and
 - d. Provide for the safe interim placement of the child pending further order of the court.
4. If feasible, before issuing a warrant and determining the placement of the child after the warrant is executed, the court may order a search of the relevant databases of the national crime information center system and similar state databases to determine whether the petitioner or respondent has a history of domestic violence, stalking, or child abuse or neglect.

5. The court shall serve the petition and warrant on the respondent at the time, or immediately after, the child is taken into physical custody.
6. A warrant to take physical custody of a child, issued by this state or another state, is enforceable. If the court finds a less intrusive remedy will not be effective, the court may authorize a law enforcement officer to enter private property to take physical custody of the child. If required by exigent circumstances, the court may authorize law enforcement officers to make a forcible entry at any hour.
7. If the court finds, after a hearing, a petitioner sought an ex parte warrant under subsection 1 for the purpose of harassment or in bad faith, the court may award the respondent reasonable attorney's fees, costs, and expenses.
8. This chapter does not affect the availability of additional relief allowed under the law.

14-14.2-09. Duration of abduction prevention order.

An abduction prevention order remains in effect until the earliest of:

1. The time stated in the order;
2. The emancipation of the child;
3. The child attaining eighteen years of age; or
4. The time the order is modified, revoked, vacated, or superseded by a court with jurisdiction under sections 14-14.1-12 through 14-14.1-14.

14-14.2-10. Uniformity of application and construction.

In applying and construing this chapter, a court shall consider the promotion of uniformity of the law among the jurisdictions that enact it.

14-14.2-11. Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act [15 U.S.C. 7001, et seq.] but does not modify, limit, or supersede section 101(c) of the act or authorize electronic delivery of any of the notices described in section 103(b) of the act.

Approved March 18, 2025

Filed March 18, 2025

EDUCATION

CHAPTER 150

SENATE BILL NO. 2302

(Senators Patten, Beard, Kessel)
(Representatives Hagert, Novak, Porter)

AN ACT to amend and reenact sections 15-01-02 and 15-05-09 of the North Dakota Century Code, relating to the powers of the board of university and school lands and leases on state lands.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-01-02 of the North Dakota Century Code is amended and reenacted as follows:

15-01-02. Powers - Control of public lands and permanent funds.

The board has:

1. Full control of the selection, appraisalment, rental, sale, disposal, and management of:
 - a. Lands donated or granted by or received from the United States or from any other source for the support and maintenance of the common schools.
 - b. All lands which fall to the state by escheat.
 - c. All lands donated or granted by or received from the United States or from any other source for the maintenance of the educational, penal, or charitable institutions.
 - d. All lands acquired by the state through the investment of the permanent school funds of the state as the result of mortgage foreclosure or otherwise.
2. Full control of the investment of the permanent funds derived from the sale of any of the lands described in subsection 1.
3. Full control of such percent of the proceeds of any sale of public lands as may be granted to the state by the United States on such sale.
4. Full control of the proceeds of any property that fall to the state by escheat and of the proceeds of all gifts and donations to the state for the support or maintenance of the common schools, and of all other property otherwise acquired by the state for the maintenance of the common schools. Any gift to the state not specifically appropriated to any other purpose must be considered as a gift for the support and maintenance of the common schools.

5. Authority to expend moneys for the purpose of making refunds in cases in which an error has been made by the board, or a person dealing with the board, with regard to any of the lands, minerals, funds, proceeds, or any other kind of property managed by the board. Moneys expended to make refunds must come from the same fund or account into which the money to be refunded was originally placed.
6. Authority to award and distribute energy infrastructure and impact grants from moneys deposited in the oil and gas impact grant fund, except that grants awarded annually may not exceed sixty percent of the biennial appropriation for energy infrastructure and impact grants. The board may create an advisory committee to assist the board in making its grant award determinations.
7. Authority to adopt policies and rules necessary to carry out the responsibilities of the board in conformity with any statute administered or enforced by the board.

SECTION 2. AMENDMENT. Section 15-05-09 of the North Dakota Century Code is amended and reenacted as follows:

15-05-09. Leases for oil, gas, and other products.

The board of university and school lands may ~~lease~~:

1. Lease any lands under its control believed to contain resources, including oil, gas, coal, cement materials, sodium sulfate, sand and gravel, road material, building stone, chemical substances, metallic ores, critical minerals, rare earth elements, colloidal or other clays, or other naturally occurring elements and their compounds, ~~and may make~~;
2. Cancel a lease if it is discovered that a lessee intends to hinder or block development of the resources; and
3. Make and establish rules and regulations for development, drilling, and mining operations.

Approved March 28, 2025

Filed March 31, 2025

CHAPTER 151

HOUSE BILL NO. 1437

(Representatives Motschenbacher, Hauck, J. Johnson, Klemm, Lefor, Meier, Rohr,
Docker)

(Senators Larson, Rummel, Dwyer)

AN ACT to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to academic tenure policy at institutions of higher education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁵¹ **SECTION 1.** A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

Academic tenure - Policy - Evaluations.

1. By July 1, 2026, institutions of higher education under the control of the state board of higher education offering faculty academic tenure shall develop and adopt a policy for tenured and tenure-track faculty employed by the institution, which:
 - a. Defines progression and advancement criteria at each stage of tenure progression, including criteria for continued post-tenure review.
 - b. Establishes a procedure for annual evaluation of all nontenure, tenure-track, and tenured faculty by the president of the institution or the designee of the president.
 - c. Establishes a procedure for post-tenure evaluations, which must be informed by the annual evaluations under subdivision b and conducted by a committee appointed by the president of the institution or the designee of the president. The first post-tenure evaluation must be completed within three years. Subsequent post-tenure evaluations must be completed at least every five years or more frequently.
 - d. Provides the composition of a culminating post-tenure evaluation committee must include the administrative supervisor of the faculty member being evaluated, at least one ranking administrator, and tenured faculty comprising no less than one-third and no more than one-half of the committee.
 - e. Defines the outcome of an unsatisfactory review of post-tenured faculty, which may be removal from the position. The decision to remove faculty from a position must be made by the employing institution and the state board of higher education.
 - f. Is approved by the state board of higher education.

⁵¹ Section 15-10-13.4 was amended by section 24 of Senate Bill No. 2003, chapter 36.

2. Advertisement of open faculty positions by institutions of higher education under the control of the state board of higher education offering faculty academic tenure must designate the position as nontenure-track or tenure-track. Upon offering a tenure-track position to a candidate, the institution shall provide the candidate the policy required under this section.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 152

HOUSE BILL NO. 1529

(Representatives Schneider, Conmy, Dobervich, Hager, Meier, Murphy, Pyle,
Schreiber-Beck)
(Senators Boschée, Davison, Hogan)

AN ACT to amend and reenact subsection 2 of section 15-10-19.1 of the North Dakota Century Code, relating to resident student tuition for peace corps volunteers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 15-10-19.1 of the North Dakota Century Code is amended and reenacted as follows:

2. A "resident student" for tuition purposes means:
 - a. An individual whose guardian, custodial parent, or parents are legal residents of this state and have resided in this state for twelve months, or a dependent child whose custodial parent moved into the state with the intent to establish legal residency for a period of years within the last twelve months immediately prior to the beginning of the academic term;
 - b. An individual of age eighteen or over who is a legal resident of this state and has resided in this state after reaching age eighteen for twelve months immediately prior to the beginning of the academic term;
 - c. An individual who graduated from a North Dakota high school;
 - d.
 - (1) A full-time active duty member of the armed forces;
 - (2) A member of the national guard;
 - (3) A member of the armed forces reserve component; or
 - (4) A veteran, as defined in section 37-01-40;
 - e. A benefited employee of the North Dakota university system;
 - f. The spouse of:
 - (1) A full-time active duty member of the armed forces;
 - (2) A member of the national guard;
 - (3) A member of the armed forces reserve component;
 - (4) A veteran, as defined in section 37-01-40, including a veteran eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301];

- (5) A benefited employee of the North Dakota university system; or
- (6) Any other individual who is a resident for tuition purposes;
- g. A dependent of:
 - (1) A full-time active duty member of the armed forces;
 - (2) A member of the national guard;
 - (3) A member of the armed forces reserve component;
 - (4) A veteran, as defined in section 37-01-40, including a veteran eligible to transfer entitlement under the Post 9-11 Veterans Educational Assistance Act of 2008 [38 U.S.C. 3301]; or
 - (5) A benefited employee of the North Dakota university system;
- h. An individual who was a legal resident of this state for at least three consecutive years within six years of the beginning of the academic term;
- i. A child, spouse, widow, or widower of a veteran as defined in section 37-01-40 who was killed in action or died from wounds or other service-connected causes, was totally disabled as a result of service-connected causes, died from service-connected disabilities, was a prisoner of war, or was declared missing in action; ~~or~~
- j. A covered individual as defined by section 702 of Public Law No. 113-146 [128 Stat. 1797; 38 U.S.C. 3679]; or
- k. An individual certified by a director of the peace corps as having completed service as a peace corps volunteer.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 153

SENATE BILL NO. 2221

(Senators Roers, Larson, Rummel)
(Representatives Lefor, Nathe, Rohr)

AN ACT to create and enact a new subsection to section 15-10-38.1 of the North Dakota Century Code, relating to eligibility for the skilled workforce student loan repayment program; and to amend and reenact subsection 4 of section 15-10-38.2 of the North Dakota Century Code, relating to eligibility for the skilled workforce scholarship program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁵² **SECTION 1.** A new subsection to section 15-10-38.1 of the North Dakota Century Code is created and enacted as follows:

The requirement under subdivision c of subsection 4 is met if an individual is enrolled in or has completed a master of science degree in nursing while teaching four clinical credits per year and resides and works in this state in an occupation requiring the degree.

⁵³ **SECTION 2. AMENDMENT.** Subsection 4 of section 15-10-38.2 of the North Dakota Century Code is amended and reenacted as follows:

4. The state board of higher education and the workforce development council shall compile a list of qualifying educational programs annually. A qualifying educational program is:
 - a. Is a program resulting in attainment of an associate's degree or lower credential program that may be completed within four semesters, six quarters, or the final two years of a baccalaureate program. ~~A qualifying educational program also must~~
 - b. Must pertain to the professional and technical skills and emerging occupations in high demand in this state, as determined under subsection 3. ~~Qualifying educational programs may~~
 - c. May include degree or certificate programs.
 - d. Notwithstanding any other requirements under this subsection, is a program resulting in attainment of a master of science degree in nursing, if the individual teaches four clinical credits per calendar year.

Approved April 17, 2025

Filed April 17, 2025

⁵² Section 15-10-38.1 was also amended by section 1 of Senate Bill No. 2147, chapter 154.

⁵³ Section 15-10-38.2 was also amended by section 2 of Senate Bill No. 2147, chapter 154.

CHAPTER 154

SENATE BILL NO. 2147

(Senators Sickler, Schaible, Sorvaag)
(Representatives Richter, Sanford)

AN ACT to create and enact a new subsection to section 15-10-38.4, a new subsection to section 15-62.4-03, a new section to chapter 15-62.4, and a new subsection to section 15-62.5-04 of the North Dakota Century Code, relating to student financial assistance grants, dual-credit tuition scholarships, and the scholars program; to amend and reenact sections 15-10-38.1, 15-10-38.2, 15-63-05, and 15.1-21-02.6 of the North Dakota Century Code, relating to the skilled workforce student loan repayment and scholarship programs, Native American scholarships, and the North Dakota scholarship; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁵⁴ **SECTION 1. AMENDMENT.** Section 15-10-38.1 of the North Dakota Century Code is amended and reenacted as follows:

15-10-38.1. Skilled workforce student loan repayment program - Skilled workforce student loan repayment program fund - Continuing appropriation - Report.

1. There is created in the state treasury the skilled workforce student loan repayment program fund. The fund consists of moneys transferred into the fund by the legislative assembly, matching funds received, and loan repayments. Moneys in the fund are appropriated to the state board of higher education on a continuing basis for the purpose of distributing student loan repayment grants directly to the Bank of North Dakota or other participating lender to repay outstanding student loan principal balances for eligible applicants. The state board of higher education may transfer money between this fund and the skilled workforce scholarship fund established in section 15-10-38.2.
2. The state board of higher education shall adopt policies and procedures to develop, implement, promote, and administer a skilled workforce student loan repayment program in cooperation with the Bank of North Dakota and the North Dakota workforce development council with the intent of attracting and retaining individuals for professional or technical skills in high demand in this state.
3. The North Dakota workforce development council in cooperation with job service North Dakota shall use available labor market information to determine annually the eligible high-demand professional and technical skills and emerging occupations in this state.

⁵⁴ Section 15-10-38.1 was also amended by section 1 of Senate Bill No. 2221, chapter 153.

4. Graduates of degree or certificate programs from institutions or entities in any state may apply for the skilled workforce student loan repayment program. To be eligible to receive student loan repayment grants under the program, the applicant:
 - a. Must have successfully completed an educational program from an institution of higher education;
 - b. Must have a student loan with the Bank of North Dakota or other participating lender;
 - c. Following completion of an educational program, must reside and work in this state in an eligible high-demand or emerging occupation or reside within fifty miles [80.47 kilometers] of this state and work in this state in an eligible high-demand or emerging occupation; and
 - d. Must have met and shall continue to meet any requirements established in applicable state board of higher education procedures.
5. The state board of higher education shall adopt procedures to ensure compliance with residency and occupation requirements after completion of the educational program.
6. The state board of higher education shall distribute student loan repayment grants from the skilled workforce student loan repayment program fund directly to the Bank of North Dakota or other participating lender to repay outstanding student loan principal balances for eligible applicants. The maximum annual student loan repayment grant amount for which an applicant may qualify is five thousand six hundred sixty-seven dollars, or one-third of the applicant's outstanding student loan principal balance upon initial application for the program, whichever is less. The maximum total student loan repayment grant amount for which any applicant may qualify is seventeen thousand dollars.
7. If an individual is receiving loan forgiveness under any other state program, the individual may not receive a student loan repayment grant under this section during the same application year.
8. An individual may receive a combined total of no more than seventeen thousand dollars under this section and the skilled workforce scholarship program under section 15-10-38.2.
9. The state board of higher education shall provide one dollar of funding for each one dollar of funds raised from the private sector or other public sources. Any matching funds received must be deposited in the skilled workforce student loan repayment program fund.
10. An applicant for student loan repayment under this section is ineligible if the applicant:
 - a. Provides or directs matching funds; or
 - b. Is the husband, wife, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepchild, uncle, aunt, niece, nephew, or grandchild of:

(1) The individual providing or directing matching funds; or

(2) An individual authorized to make decisions on behalf of an entity providing or directing matching funds, including a controlling shareholder, member of the governing body, director, or managing partner.

11. The state board of higher education shall provide a biennial program report to the legislative management by September first of each even-numbered year. The report must include information regarding:

- a. The eligible high-demand professional and technical skills and emerging occupations;
- b. The number of applicants, eligible applicants, and applicants receiving awards;
- c. The amount of matching funds raised; and
- d. The average and total amounts awarded under the program.

⁵⁵ **SECTION 2. AMENDMENT.** Section 15-10-38.2 of the North Dakota Century Code is amended and reenacted as follows:

15-10-38.2. Skilled workforce scholarship program - Skilled workforce scholarship fund - Continuing appropriation - Report.

1. There is created in the state treasury the skilled workforce scholarship fund. The fund consists of moneys transferred into the fund by the legislative assembly, matching funds received, and scholarship repayments. Moneys in the fund are appropriated to the state board of higher education on a continuing basis for the purpose of providing grants to institutions of higher education related to skilled workforce scholarships. Institutions of higher education include institutions under the control of the state board of higher education, North Dakota nonpublic accredited institutions of higher education, tribally controlled community colleges, state-approved educator training programs, and North Dakota institutions approved to operate by the North Dakota board of career and technical education. The state board of higher education may transfer money between this fund and the skilled workforce student loan repayment program fund established in section 15-10-38.1.
2. The state board of higher education shall adopt policies and procedures to develop, implement, promote, and administer a skilled workforce scholarship program in cooperation with the Bank of North Dakota and the North Dakota workforce development council with the intent of attracting and retaining individuals for professional or technical skills in high demand in this state.
3. The North Dakota workforce development council in cooperation with job service North Dakota shall use available labor market information to determine annually the eligible high-demand professional and technical skills and emerging occupations in this state.
4. The state board of higher education and the workforce development council shall compile a list of qualifying educational programs annually. A qualifying

⁵⁵ Section 15-10-38.2 was also amended by section 2 of Senate Bill No. 2221, chapter 153.

educational program is a program resulting in attainment of an associate's degree or lower credential program that may be completed within four semesters, six quarters, or the final two years of a baccalaureate program. A qualifying educational program also must pertain to the professional and technical skills and emerging occupations in high demand in this state, as determined under subsection 3. Qualifying educational programs may include degree or certificate programs.

5. Individuals enrolled in a qualifying educational program in this state may apply for a scholarship under this section. Scholarships are limited to the amount charged each quarter, semester, or term by the educational institution for the tuition, fees, books, and supplies required for the qualifying educational program. The scholarships are intended to supplement any other scholarship or financial aid grant received by a student to assist the student with the costs of the qualifying educational program. An individual may not receive a combined total exceeding seventeen thousand dollars under this section and the skilled workforce loan repayment program under section 15-10-38.1.
6. To be eligible for a scholarship payment under this section, a student must be enrolled full time in an eligible program and have at least a 2.5 cumulative grade point average, based on a 4.0 grading system, or maintain academic progress in the program according to program requirements. A student may not receive scholarships under this section for more than the equivalent of four semesters of full-time enrollment or six quarters of full-time enrollment.
7. Upon completion of a qualifying educational program, a student who received a scholarship under this section must reside and work in this state in an eligible high-demand or emerging occupation for a minimum of three years or reside within fifty miles [80.47 kilometers] of this state and work in this state in an eligible high-demand or emerging occupation for a minimum of three years.
8. ~~An~~Except as provided in subsection 9, an individual shall repay the scholarship, excluding the matching funds portion of the scholarship, pursuant to the terms in the individual's scholarship award agreement if the individual fails to maintain either a 2.5 cumulative grade point average or academic progress according to program requirements while enrolled, withdraws voluntarily or involuntarily before the completion of the program for which a scholarship has been received, or fails to reside and work in this state in an eligible high-demand or emerging occupation for at least three years following degree or certificate completioncomply with subsection 7.
9. An individual who receives a scholarship under this section and who transfers from one eligible academic program to another eligible academic program must complete the program within two years and meet all other eligibility requirements to be exempt from the repayment provisions under subsection 8.
10. The state board of higher education, in conjunction with the Bank of North Dakota, may allow an individual who received payment under this section to delay or cancel repayment under this section due to financial difficulty, military service, death, or total disability.
- ~~40-11.~~ Each quarter, semester, or term, the state board of higher education shall distribute grants to institutions of higher education to provide the amounts necessary for the scholarships awarded to the students enrolled in each institution.

~~44-12.~~ The state board of higher education shall provide one dollar of funding for each one dollar raised from the private sector or other public sources. Any matching funds received must be deposited in the skilled workforce scholarship fund.

~~42-13.~~ An applicant for a scholarship payment under this section is ineligible if the applicant:

a. Provides or directs matching funds; or

b. Is the husband, wife, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepchild, uncle, aunt, niece, nephew, or grandchild of:

(1) The individual providing or directing matching funds; or

(2) An individual authorized to make decisions on behalf of an entity providing or directing matching funds, including a controlling shareholder, member of the governing body, director, or managing partner.

14. The state board of higher education may not issue a scholarship under this section which is in excess of the total cost of attendance, as determined by the institution of higher education, when considering all financial aid sources.

15. The state board of higher education shall provide a biennial program report to the legislative management by September first of each even-numbered year. The report must include information regarding:

- a. The eligible high-demand professional and technical skills and emerging occupations;
- b. The qualifying educational programs;
- c. The number of applicants, eligible applicants, and applicants receiving awards;
- d. The amount of matching funds raised; and
- e. The average and total amounts awarded under the program.

SECTION 3. A new subsection to section 15-10-38.4 of the North Dakota Century Code is created and enacted as follows:

The board may not issue a scholarship under this section which is in excess of the total cost of attendance, as determined by the institution of higher education, when considering all financial aid sources.

SECTION 4. A new subsection to section 15-62.4-03 of the North Dakota Century Code is created and enacted as follows:

The board may not issue a grant under this chapter which is in excess of the total cost of attendance, as determined by the institution of higher education, when considering all financial aid sources.

SECTION 5. A new section to chapter 15-62.4 of the North Dakota Century Code is created and enacted as follows:

Supplemental state grant award.

1. An individual eligible for a student financial assistance grant under this chapter may be considered for a supplemental state grant award if the individual's total family income, as identified on the free application for federal student aid, is no more than eighty thousand dollars.
2. A supplemental state grant award may not be provided for the summer term.
3. Each semester or quarter, the state board of higher education shall provide to an eligible student a supplemental state grant award in an amount that, combined with the individual's student financial assistance grant and any federal Pell grant award, does not exceed the tuition charged at the institution in which the student is enrolled. The amount may not exceed the highest undergraduate semester tuition charged at an institution of higher education under the control of the state board of higher education.
4. If funding appropriated for this program is not sufficient to pay the full amount of the grant award under subsection 3, the state board of higher education may prorate the amount.
5. The state board of higher education may impose deadlines to qualify for an award under this section.

SECTION 6. A new subsection to section 15-62.5-04 of the North Dakota Century Code is created and enacted as follows:

The board may not issue a scholarship under this chapter which is in excess of the total cost of attendance, as determined by the institution of higher education, when considering all financial aid sources.

SECTION 7. AMENDMENT. Section 15-63-05 of the North Dakota Century Code is amended and reenacted as follows:

15-63-05. Scholarship payments - Conditions.

Upon the award of a scholarship, the recipient is eligible for a credit at the enrolling institution of higher learning or accredited career and technical education program with a physical presence in this state. The scholarship may be applied to tuition, fees, room and board, books and supplies, and other educational expenses not to exceed six hundred sixty-seven dollars per quarter or clock-hour term or one thousand dollars per semester. Awards may not exceed two thousand dollars in any academic year and may not be issued in excess of the total cost of attendance, as determined by the institution of higher education, when considering all financial aid sources. The board for Native American scholarships may reduce the amount of any scholarship to accord with individual financial need or funds available. The board for Native American scholarships may set a priority application date. At the beginning of each quarter, clock-hour term, or semester, the North Dakota university system shall verify enrollment and other eligibility criteria set forth by the state board for Native American scholarships for awarded applicants before issuing payment to the enrolling institution. After the enrolling institution has deducted the amount due to the institution, the remaining balance must be distributed to the awarded applicant for necessary expenses during the quarter, clock-hour term, or semester.

SECTION 8. AMENDMENT. Section 15.1-21-02.6 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.6. North Dakota scholarship - Amount - Applicability. (Effective through July 31, 2030)

1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, a North Dakota academic scholarship, or a North Dakota career and technical education scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward program completion.
- b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, a North Dakota academic scholarship, or a North Dakota career and technical education scholarship in the amount of five hundred dollars for each quarter or clock-hour term during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state or an accredited private career school with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward program completion.
- c. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, a North Dakota academic scholarship, or a North Dakota career and technical education scholarship in the amount of five hundred dollars each term if the student is enrolled in a qualifying registered apprenticeship program within this state. The state board of higher education and the state board for career and technical education shall establish:
 - (1) Procedures to administer the scholarship;
 - (2) Requirements for eligibility, including full-time enrollment, program progress, and a minimum grade point average or its equivalency; and
 - (3) A payment schedule.
2. The state board shall monitor each scholarship recipient to ensure that the student meets the academic and other requirements of this section. Upon determining a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten business days.
3. A student is not entitled to receive more than six thousand dollars under this section.
4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
5. The state board of higher education may not issue a scholarship under this section which is in excess of the total cost of attendance, as determined by the institution of higher education, when considering all financial aid sources.

- 6. a. This section does not require a student to be enrolled in consecutive semesters, quarters, or clock-hour terms.

b. A scholarship under this section is valid only for six academic years after the student's graduation from high school and may be applied to a graduate or professional program.
- 6-7. A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.4, section 15.1-21-02.5, or section 15.1-21-02.10 and who:

 - a. Graduates from a high school in this state;
 - b. Graduates from a high school in a bordering state under chapter 15.1-29;
 - c. Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
 - d. Completes a program of home education supervised in accordance with chapter 15.1-23.
- 7-8. a. For purposes of North Dakota scholarship eligibility under this section, "full-time" has the same meaning as the term is defined by the institution the student is attending.

b. A student who is enrolled less than full-time may retain scholarship eligibility if the student is in the final semester, quarter, or clock-hour term before program completion. The waiver of the full-time enrollment status requirement for scholarship eligibility may not apply to a student more than once.

c. For the purpose of North Dakota scholarship eligibility under this section, "progress toward program completion" means earning the following minimum number of credits after each semester, quarter, or clock-hour term disbursement to qualify for the subsequent disbursement:

 - (1) Twenty-four credits after disbursement two;
 - (2) Thirty-nine credits after disbursement three;
 - (3) Fifty-four credits after disbursement four;
 - (4) Sixty-nine credits after disbursement five;
 - (5) Eighty-four credits after disbursement six; and
 - (6) Ninety-nine credits after disbursement seven.
- 8-9. For purposes of scholarship eligibility under this section, "clock-hour term" has the same meaning as the term is defined by the state board of higher education. The state board of higher education shall determine the conversion of:

 - a. Clock hours to credit hours; and
 - b. Percentage-based grading to grade point average.

North Dakota scholarship - Amount - Applicability. (Effective after July 31, 2030)

1. a. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship in the amount of seven hundred fifty dollars for each semester during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward program completion.
- b. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship in the amount of five hundred dollars for each quarter or clock-hour term during which the student is enrolled full time at an accredited institution of higher education with a physical presence in this state or an accredited private career school with a physical presence in this state, maintains a cumulative grade point average of 2.75, and maintains progress toward program completion.
- c. The state board of higher education shall provide to any student certified as being eligible by the superintendent of public instruction a North Dakota scholarship, a North Dakota academic scholarship, or a North Dakota career and technical education scholarship in the amount of five hundred dollars each term if the student is enrolled in a qualifying registered apprenticeship program within this state. The state board of higher education and the state board for career and technical education shall establish:
 - (1) Procedures to administer the scholarship;
 - (2) Requirements for eligibility, including full-time enrollment, program progress, and a minimum grade point average or its equivalency; and
 - (3) A payment schedule.
2. The state board shall monitor each scholarship recipient to ensure the student meets the academic and other requirements of this section. Upon determining a recipient student has failed to meet the requirements of this section, the board shall provide notification to the student within ten business days.
3. A student is not entitled to receive more than six thousand dollars under this section.
4. The state board of higher education shall forward the scholarship directly to the institution in which the student is enrolled.
5. The state board of higher education may not issue a scholarship under this section which is in excess of the total cost of attendance, as determined by the institution of higher education, when considering all financial aid sources.
6. a. This section does not require a student to be enrolled in consecutive semesters, quarters, or clock-hour terms.
- b. A scholarship under this section is valid only for six academic years after the student's graduation from high school and may be applied to a graduate or professional program.

~~6-7.~~ A scholarship under this section is available to any eligible resident student who fulfills the requirements of section 15.1-21-02.10 and who:

- a. Graduates from a high school in this state;
- b. Graduates from a high school in a bordering state under chapter 15.1-29;
- c. Graduates from a nonpublic high school in a bordering state while residing with a custodial parent in this state; or
- d. Completes a program of home education supervised in accordance with chapter 15.1-23.

~~7-8.~~ a. For purposes of North Dakota scholarship eligibility under this section, "full-time" has the same meaning as the term is defined by the institution the student is attending.

b. A student who is enrolled less than full-time may retain scholarship eligibility if the student is in the final semester, quarter, or clock-hour term before program completion. The waiver of the full-time enrollment status requirement for scholarship eligibility may not apply to a student more than once.

c. For the purpose of North Dakota scholarship eligibility under this section, "progress toward program completion" means earning the following minimum number of credits after each semester, quarter, or clock-hour term disbursement to qualify for the subsequent disbursement:

- (1) Twenty-four credits after disbursement two;
- (2) Thirty-nine credits after disbursement three;
- (3) Fifty-four credits after disbursement four;
- (4) Sixty-nine credits after disbursement five;
- (5) Eighty-four credits after disbursement six; and
- (6) Ninety-nine credits after disbursement seven.

~~8-9.~~ For purposes of scholarship eligibility under this section, "clock-hour term" has the same meaning as the term is defined by the state board of higher education. The state board of higher education shall determine the conversion of:

- a. Clock hours to credit hours; and
- b. Percentage-based grading to grade point average.

SECTION 9. APPROPRIATION - NORTH DAKOTA UNIVERSITY SYSTEM OFFICE - SUPPLEMENTAL STUDENT FINANCIAL ASSISTANCE GRANTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the North Dakota university system office for the purpose of providing supplemental student financial assistance grants, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 155

SENATE BILL NO. 2348

(Senators Weston, Cleary, Paulson)
(Representatives K. Anderson, S. Olson, Fisher)

AN ACT to create and enact a new section to chapter 15-10 and a new chapter to title 50 of the North Dakota Century Code, relating to the acceptance of health care sharing ministries by an institution of higher education and health care sharing ministries' exemptions from insurance laws and regulations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

Institutions of higher education - Acceptance of health care sharing ministries as health care coverage.

1. A student's active participation in a health care sharing ministry, as defined under section 2 of this Act, satisfies any requirement that a student enrolled in an institution of higher education maintain health care coverage, except as provided in subsection 2.
2. Notwithstanding subsection 1, this section does not apply to an international student who is required to maintain health insurance coverage in compliance with federal visa regulations, including students holding J, F, or M visas. Institutions of higher education shall require these students to obtain a health insurance policy that meets the minimum standards provided by the United States department of state and a state board of higher education policy governing health insurance requirements for international students.

SECTION 2. A new chapter to title 50 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter, "health care sharing ministry" means a nonprofit organization that:

1. Is recognized as tax exempt under section 501(c)(3) of the United States Internal Revenue Code [26 U.S.C. 501(c)(3)];
2. Limits its participants to members who share a common set of ethical or religious beliefs;
3. Acts as a facilitator among participants who have financial or medical needs to assist participants with financial or medical needs according to criteria established by the health care sharing ministry;
4. With no assumption of risk or promise to pay, provides for the financial or medical needs of a participant through contributions from other participants, which were contributed by participants with no assumption of risk or promise to pay;

5. Provides to participants each month the total dollar amount of qualified needs shared during the previous month according to criteria established by the health care sharing ministry;
6. Annually conducts an audit performed by an independent certified public accounting firm according to generally accepted accounting principles and publishes the audit on the health care sharing ministry's website or provides a copy upon request; and
7. Provides a written disclaimer on or accompanying all applications and guideline materials distributed by or on behalf of the organization which explains:
 - a. The organization facilitating the sharing of medical expenses is not an insurance company and its guidelines and plan of operation are not an insurance policy;
 - b. Whether anyone chooses to assist the participant with medical bills is voluntary;
 - c. Participation in the organization or a subscription to its documents is not insurance; and
 - d. Regardless of whether the participant receives payments or the organization continues to operate, the participant is responsible for the payment of the participant's medical bills.

Health care sharing ministry.

A health care sharing ministry may not be considered to be engaging in the business of insurance and is exempt from regulations applicable to insurance entities.

Approved April 3, 2025

Filed April 3, 2025

CHAPTER 156

SENATE BILL NO. 2159

(Senators Hogue, Kessel, Patten)
(Representatives D. Anderson, Hagert, Porter)

AN ACT to amend and reenact section 15-11-40 of the North Dakota Century Code, relating to projects the state energy research center is permitted to pursue.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-11-40 of the North Dakota Century Code is amended and reenacted as follows:

15-11-40. State energy research center - Report.

1. The state energy research center at the university of North Dakota energy and environmental research center is created to conduct exploratory, transformational, and innovative research that advances future energy opportunities and benefits the state's economy and environment through:
 - a. Exploratory research of technologies and methodologies that facilitate the prudent development, and clean and efficient use, of the state's energy resources;
 - b. Greater access to energy experts for timely scientific and engineering studies to support the state's interests; and
 - c. Education and outreach related to the state's energy resources.
2. The state energy research center shall report all research activities and accomplishments annually to the interim legislative energy development and transmission committee and the industrial commission. Upon request, the state energy research center shall report all research activities and accomplishments to the appropriations committees of the legislative assembly.
3. To carry out the purposes of this section, the energy and environmental research center may:
 - a. Select the research topics and projects to be pursued;
 - b. Enter contracts or agreements with other North Dakota institutions of higher education to support select research topics and projects;
 - c. Enter contracts or agreements with federal, private, and nonprofit organizations to carry out selected research topics and projects; and
 - d. Accept donations, grants, contributions, and gifts from any source to carry out the selected research topics and projects.
4. The ~~half~~ approved by the industrial commission and conducted in consultation with the high-level radioactive waste advisory council, the state energy

research center may ~~not~~ conduct research or pursue projects that will result in the exploration, storage, treatment, or disposal of high-level radioactive waste above ground in North Dakota.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 157

HOUSE BILL NO. 1612

(Representatives Bahl, K. Anderson, O'Brien, Schreiber-Beck, Stemen)
(Senators Axtman, Cory, Meyer)

AN ACT to create and enact a new section to chapter 15-11 of the North Dakota Century Code, relating to the establishment of the North Dakota center for aerospace medicine for mental health support and certification assistance; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-11 of the North Dakota Century Code is created and enacted as follows:

North Dakota center for aerospace medicine.

1. The university of North Dakota with the school of medicine and health sciences shall establish the North Dakota center for aerospace medicine under the John D. Odegard school of aerospace sciences.
2. The North Dakota center for aerospace medicine shall:
 - a. Provide mental health resources and assistance to obtain medical certification from the federal aviation administration to flight students, pilots, and aviation professionals in the fields of commercial aviation, unmanned aircraft systems, and air traffic control;
 - b. Cooperate with the federal aviation administration office of aerospace medicine;
 - c. Support access, including rural access, to mental health resources, aviation medical examiners, and human intervention motivational study aviation medical examiners;
 - d. Provide support to assist aviation medical examiners, human intervention motivational study aviation medical examiners, and applicants with federal aviation administration requirements;
 - e. Facilitate collaboration between research initiatives across the state related to aviation and space medicine; and
 - f. Provide mental health education and outreach.

SECTION 2. APPROPRIATION - UNIVERSITY OF NORTH DAKOTA - NORTH DAKOTA CENTER FOR AEROSPACE MEDICINE - ONE-TIME FUNDING. There is appropriated out of any moneys in the community health trust fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, and from other funds derived from federal funds or other sources, the sum of \$250,000, or so much of the sum as may be necessary, to the university of North Dakota for the purpose of planning, developing, establishing, and operating the

North Dakota center for aerospace medicine, including personnel recruitment and salaries, facility and assessment material costs, professional development and training, education and outreach, and initial research funding, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation provided in this section is considered a one-time funding item.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 158

HOUSE BILL NO. 1600

(Representatives O'Brien, Sanford, Schreiber-Beck)
(Senators Axtman, Sickler)

AN ACT to create and enact a new section to chapter 15-11 of the North Dakota Century Code, relating to the establishment of the immigration law clinic at the university of North Dakota school of law; to provide for a report; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-11 of the North Dakota Century Code is created and enacted as follows:

Immigration law clinic.

1. The university of North Dakota school of law shall employ one full-time staff attorney for the immigration law clinic. The immigration law clinic attorney may not have more than sixty matters open at any one time.
2. Legal services may be provided and legal work may be done remotely, depending on the needs of the client.
3. The university of North Dakota school of law may charge nominal fees, as needed, to operate the immigration law clinic.

SECTION 2. UNIVERSITY OF NORTH DAKOTA SCHOOL OF LAW - IMMIGRATION LAW CLINIC - REPORT TO LEGISLATIVE ASSEMBLY. The university of North Dakota school of law shall prepare a report on the status of the immigration law clinic, including the impact of the operation of the immigration law clinic on the university of North Dakota school of law, the sustainability of the clinic based on fee collections, the number of law students interested in participating in the clinic, the number of law students participating in the clinic, and the number of student hours of involvement. The report must also include the number of businesses, employers, and individuals seeking legal services, the location of the individuals or entities seeking services, and the scope of work requested. The report must also identify any obstacles encountered in developing the clinic, potential future challenges for the clinic, a detailed plan to meet these challenges, and any legislation necessary to support the recommendations for the clinic's successful operation. The university of North Dakota school of law shall present the report to the seventieth legislative assembly.

SECTION 3. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - OFFICE OF MANAGEMENT AND BUDGET - IMMIGRATION LAW CLINIC - ONE-TIME FUNDING. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$400,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing a grant to the university of North Dakota to fund an immigration law clinic at the

university of North Dakota school of law, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation provided in this section is considered a one-time funding item.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 159

HOUSE BILL NO. 1064

(Education Committee)

(At the request of the State Board of Higher Education)

AN ACT to create and enact a new section to chapter 15-18.1 of the North Dakota Century Code, relating to the national council for state authorization reciprocity agreements membership; to amend and reenact sections 15-18.1-01, 15-18.1-02, 15-18.1-05, 15-18.1-06, and 15-18.1-10, and subsection 4 of section 15-18.1-13 of the North Dakota Century Code, relating to postsecondary education institution standards; and to repeal section 15-18.1-03 of the North Dakota Century Code, relating to the authorization of a postsecondary educational institution not operating in this state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-18.1-01 of the North Dakota Century Code is amended and reenacted as follows:

15-18.1-01. Definitions.

As used in this chapter:

1. "Accredited" means approved by an accrediting body recognized by the United States department of education.
2. "Authorization to operate" or like term means approval of the board or North Dakota university system office, as applicable, to operate or to contract to operate a postsecondary educational institution in this state.
- 2-3. "Board" means the state board of higher education.
4. "Distance education" is education using one or more types of technology to deliver instruction to a student who is separated from the instructor and to support regular and substantive interaction between the student and the instructor synchronously or asynchronously.
- 3-5. "Education" or "educational services" or like term includes any class, course, or program of training, instruction, or study.
- 4-6. "Educational credentials" means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify, purport, or are generally taken to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for education at a postsecondary educational institution operating in this state; a postsecondary credential leading to a diploma; certificate; or an associate, bachelor, master, or doctorate degree. This term does not include a postsecondary credential leading to an honorary degree or other unearned degree.

7. "Person" means an individual, organization, government, political subdivision, or government agency or instrumentality. The term does not include environmental elements, artificial intelligence, an animal, or an inanimate object.
- 5-8. "Physical presence" means a presence established by:
- a. Maintaining a physical location in the state where students receive instruction or providing instruction to students at a designated location and time in the state;
 - b. Maintaining an administrative office in the state for students receiving in-person instruction or distance education;
 - c. Maintaining a mailing address in the state and a local telephone number;
 - d. Providing office space in the state for instructional or noninstructional staff; and
 - e. Providing student support services at a physical location in the state, whether operated by or on behalf of the institution.
9. "Postsecondary educational institution" means an academic, technical, home study, business, professional or other school, college, or university, or other person, operating in this state, offering educational credentials or offering instruction or educational services, primarily to any individual who has completed or terminated secondary education or who is beyond the age of compulsory high school attendance, for attainment of educational, or professional objectives at the associate in arts level or higher agency or political subdivision of the state, individual, partnership, company, firm, society, trust, association, corporation, or any combination that:
- a. Is, owns, or operates a postsecondary educational institution.
 - b. Provides a postsecondary course of instruction leading to a degree.
 - c. Uses in its name the term "college", "academy", "institute", or "university" or a similar term to imply the person is primarily engaged in the education of students at the postsecondary level, and charges for its services.
- 6-10. "To grant" includes awarding, selling, conferring, bestowing, or giving.
- 7-11. "To offer" includes, in addition to its usual meanings, advertising, publicizing, soliciting, or encouraging any individual, directly or indirectly, in any form, to perform the act described.
8. "To operate" an educational institution, or like term, means to establish, keep, or maintain any facility or location in this state where, from, or through which, education is offered or given, or educational credentials are offered or granted, and includes contracting with any person to perform any such act.

SECTION 2. AMENDMENT. Section 15-18.1-02 of the North Dakota Century Code is amended and reenacted as follows:

15-18.1-02. Exemptions.

The following education and educational schools or institutions are exempted from the provisions of this chapter:

1. ~~Education sponsored by a bona fide~~ Educational programs conducted by a trade, business, professional, or fraternal organization, ~~so recognized by the board,~~ solely for that organization's membership, or offered on a no-fee basis.
2. Education offered by charitable institutions, organizations, or agencies, so recognized by the board, provided the education is not advertised or promoted as leading toward educational credentials.
3. Postsecondary educational institutions established, operated, and governed by this ~~or any other state or its political subdivisions, as determined by the board and any educational consortium that includes one or more of the institutions.~~
4. Private four-year institutions chartered or incorporated and operating in the state prior to July 1, 1977, so long as the institutions retain accreditation ~~by national or regional accrediting agencies~~ and are recognized by the United States ~~office~~ department of education.
5. Schools of nursing regulated under chapter 43-12.1.
6. Native American colleges operating in this state, established by federally recognized Indian tribes.
7. ~~Postsecondary educational institutions not operating in this state.~~
- 8-7. Institutions whose only physical presence in this state consists of students enrolled in practicums, internships, clinicals, or student teaching in this state.
- 9-8. Postsecondary career schools regulated under chapter 15-20.4.

SECTION 3. AMENDMENT. Section 15-18.1-05 of the North Dakota Century Code is amended and reenacted as follows:

15-18.1-05. Minimum standards to operate with a physical presence in North Dakota.

All postsecondary educational institutions with a physical presence in the state must be accredited ~~by national or regional accrediting agencies recognized by the United States department of education,~~ have a federal financial responsibility composite score greater than one and one-half, and provide students with institutional public disclosures as defined by the board. The board ~~additionally~~ may ~~require such further evidence and make such further investigation as in its judgment may be necessary.~~ Any postsecondary educational institution operating in this state ~~seeking its first authorization to operate may be issued a provisional authorization to operate on an annual basis until the institution becomes eligible for accreditation by a recognized accrediting agency.~~ Institutions ~~issued a provisional authorization to operate must demonstrate a substantial good faith showing of progress toward such status.~~ Only upon accreditation ~~may~~ an institution may become eligible for a regular state authorization to operate. An institution shall give written notification to the board within thirty days of any change to the institution's accreditation status, change of ownership, or change in federal financial responsibility composite score.

SECTION 4. AMENDMENT. Section 15-18.1-06 of the North Dakota Century Code is amended and reenacted as follows:

15-18.1-06. Prohibition - Penalty.

1. A person may not:
 - a. Operate, in this state, a postsecondary educational institution not exempted from the provisions of this chapter, unless the institution has a currently valid authorization to operate issued under this chapter.
 - b. Instruct or educate, or offer to instruct or educate, including advertising or soliciting for such purpose, enroll or offer to enroll, contract or offer to contract with any person for such purpose, or award any educational credential, or contract with any institution or party to perform any such act, at a facility or location in this state unless ~~such the person, group, or entity~~ observes and ~~is in compliance~~ complies with the minimum standards and criteria established by the board and the policies adopted by the board.
 - c. Use the term "university", "institute", or "college" without authorization to do so from the board.
 - d. Grant, or offer to grant, educational credentials, without authorization to do so from the board.
2. A person who violates this section, or who fails or refuses to deposit with the board the records required by the board under this chapter, is subject to a civil penalty not to exceed ~~one hundred one thousand five hundred~~ dollars for each violation. Each day's failure to comply with these provisions is a separate violation. The fine may be imposed by the board ~~in an administrative proceeding or by any court of competent jurisdiction~~ consistent with board policy and procedure.
3. A person who willfully violates this section, or who willfully fails or refuses to deposit with the board the records required by the board under this chapter, is guilty of a class B misdemeanor. The criminal sanctions may be imposed by a court of competent jurisdiction in an action brought by the attorney general of this state or a state's attorney pursuant to section 15-18.1-12.
4. The board may suspend or revoke a person's authorization to offer distance education to North Dakota residents until the person complies with the national council for state authorization reciprocity agreements membership requirements, unless the person is exempt under section 7 of this Act.
5. The North Dakota university system office will notify in writing a person found to be out of compliance and the person will have thirty days to remedy the deficiency. If the deficiency is not remedied within the thirty-day period, penalties may be assessed under subsection 2.

SECTION 5. AMENDMENT. Section 15-18.1-10 of the North Dakota Century Code is amended and reenacted as follows:

15-18.1-10. Board review.

A person aggrieved by a decision of the ~~board~~ North Dakota university system respecting denial or revocation of an authorization to operate, or the placing of

conditions thereon, whether on initial application or on application for renewal may appeal to the board in the manner provided by the board. Appeals must be filed with the North Dakota university system within thirty days of receiving the notice of noncompliance. The board shall review the appeal and issue a final decision.

SECTION 6. AMENDMENT. Subsection 4 of section 15-18.1-13 of the North Dakota Century Code is amended and reenacted as follows:

4. As used in this section, "duly authorized institution of higher learning" means an institution that:
 - a. Has accreditation recognized by the United States ~~secretary~~department of education or has the foreign equivalent of such accreditation;
 - b. Has an authorization to operate under this chapter or under chapter 15-20.4;
 - c. Operates in this state, and is exempt from this chapter under section 15-18.1-02 or is exempt from chapter 15-20.4 under section 15-20.4-02;
 - d. Does not operate in this state and is:
 - (1) Licensed by the appropriate state agency; and
 - (2) An active applicant for accreditation by an accrediting body recognized by the United States ~~secretary~~department of education; or
 - e. Has been found by the state board of higher education or the state board for career and technical education to meet standards of academic quality comparable to those of an institution located in the United States that has accreditation recognized by the United States ~~secretary~~department of education to offer degrees of the type and level claimed.

SECTION 7. A new section to chapter 15-18.1 of the North Dakota Century Code is created and enacted as follows:

Required national council for state authorization reciprocity agreements membership - Exemption.

1. A postsecondary educational institution offering distance education programs to students in North Dakota must be a member of the national council for state authorization reciprocity agreements and comply with the requirements of the council. Institutions must adhere to all standards, policies, and fees established by the national council for state authorization reciprocity agreements for membership and participation, including reporting requirements, quality standards, and consumer protection measures.
2. A postsecondary educational institution that is ineligible to participate in national council for state authorization reciprocity agreements due to composite score requirements is exempt from the requirements under subsection 1 if the postsecondary educational institution:
 - a. Is an eligible participant in student financial aid programs under title IV of the Higher Education Act of 1965 [Pub. L. 89-329; 79 Stat. 1219; 20 U.S.C. 1001 et seq.]; and

- b. At the institution level, has a financial responsibility score calculated by an independent auditor using the methodology prescribed by the United States department of education greater than one and one-half.
- 3. The state board of higher education shall adopt a policy to implement this section, which may include a fee.

SECTION 8. REPEAL. Section 15-18.1-03 of the North Dakota Century Code is repealed.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 160

HOUSE BILL NO. 1498

(Representatives Maki, Monson, Richter)
(Senator Schaible)

AN ACT to amend and reenact sections 15-20.2-07 and 15.1-09-33.1 of the North Dakota Century Code, relating to the powers and duties of center boards and the authority of a school board to pay a first-year signing bonus for teachers; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-20.2-07 of the North Dakota Century Code is amended and reenacted as follows:

15-20.2-07. Powers and duties of center boards.

The powers and duties of a center board are as follows:

1. To supervise, manage, and control an area career and technology center established by the cooperating school districts pursuant to this chapter.
2. To provide career and technical education programs approved by the state board.
3. To contract with, employ, or pay personnel to administer the affairs and to teach in the area career and technology center, and to remove for cause any personnel when the interests of the area career and technology center may require it; provided, that personnel employed by a center board shall have the same statutory rights as provided by law for personnel employed by public school districts.
4. To lease, acquire, or purchase career and technical education equipment for an area career and technology center.
5. To lease, acquire, purchase, or sell career and technical education facilities, including real property, for an area career and technology center; provided, that any purchase or sale of real property must first be approved by two-thirds of the school boards of the participating school districts.
6. To receive and administer any private, local, state, or federal funds provided for the operation and maintenance of an area career and technology center.
7. To enter into contracts consistent with the other powers and duties provided for by this chapter.
8. To accept real or personal property available for distribution by the United States or any of its departments or agencies and also to accept federal grants that may be made available in the field of career and technical education.

9. To offer a first-year signing bonus to an individual who is licensed or approved by the education standards and practices board, has signed a contract of employment with the center board, and was not a classroom teacher in the state during the previous school year. A bonus paid under this subsection:
- a. Is in addition to an amount payable under a negotiated teachers' contract.
 - b. May not be included in the center board's negotiated salary schedule.
 - c. May not be included as salary for continuing contract purposes.

SECTION 2. AMENDMENT. Section 15.1-09-33.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-33.1. School board authority - Payment of signing bonuses.

1. The board of a school district may offer a signing bonus to an individual who:
 - a. Is licensed by the education standards and practices board or approved by the education standards and practices board;
 - b. Has signed a contract of employment in the school district; and
 - c. Has never been employed in the newly assigned role by the board of the school district.
2. The board of a school district may pay to the individual the signing bonus authorized by subsection 1 in:
 - a. One lump sum upon the individual signing a contract of employment; or
 - b. Installments over a period of time not to exceed five years from the date the individual signed a contract of employment.
3. A signing bonus paid under this section:
 - a. Is in addition to any amount payable under a negotiated teachers' contract.
 - b. May not be included in the district's negotiated salary schedule.
 - c. May not be included as salary for continuing contract purposes.
 - d. May not be paid until the individual is licensed and qualified for the newly assigned role by the education standards and practices board.
 - e. May not be used for an individual employed the prior year in the same role by another school district in the state until the individual has been employed in the district for two years.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 161

HOUSE BILL NO. 1188

(Representative Lefor)

AN ACT to amend and reenact section 15-20.2-08 of the North Dakota Century Code, relating to the assessment of fees for area career and technology center expenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-20.2-08 of the North Dakota Century Code is amended and reenacted as follows:

15-20.2-08. Assessment of participating districts for proportionate share of center expenses - Allocation of students - Civil penalty for failure to remit payment.

1. A center board ~~shall~~, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred, shall assess each ~~participating~~
 - a. Participating school district ~~its proportionate share~~ a center membership fee based upon its high school enrollment as compared to the total high school enrollment of all participating school districts in the area career and technology center and ~~shall assess each nonparticipating~~ may assess fees based on access and use of programs.
 - b. Nonparticipating school district receiving services ~~its proportionate share~~ a fee based upon its ~~utilization~~ use of programs.
2. A center board ~~shall, as nearly as possible, allocate, as nearly as possible,~~ the number of students from each participating district to be served in an area career and technology center on the same proportionate basis as is used for the assessment of expenses.

~~A center board utilizing mobile units solely shall, for the purpose of paying any administrative, planning, operating, or capital expenses incurred or to be incurred, assess each participating school district its proportionate share based upon its utilization of programs as compared to total program utilization of all participating school districts in such center. A center board utilizing mobile units solely shall, as nearly as possible, determine the program utilization of each participating school district to be served based upon its high school enrollment as compared to the total high school enrollment of all participating school districts in such center and the school's accessibility to those programs.~~

3. Each participating school district shall remit payment of the assessment of its share of expenses to the center board promptly after receipt of the assessment notice, or within a period of time determined by the center board, but no later than sixty days after the official date of receipt as noted on the assessment notice. A civil penalty of one percent per month must accrue on all assessments not paid when due.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 162

SENATE BILL NO. 2134

(Senators Roers, Davison, Dever)
(Representatives Dockter, Schauer, Stemen)

AN ACT to amend and reenact subsection 1 of section 15-39.1-05.1 of the North Dakota Century Code, relating to the composition of the teachers' fund for retirement board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 15-39.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The authority to set policy for the fund rests in a board of trustees composed as follows:
 - a. The governor shall appoint, from a list of three nominees submitted to the governor by North Dakota united, two board members who are actively employed as elementary or secondary teachers in full-time positions not classified as school administrators. A board member appointed under this subdivision who terminates employment may not continue to serve as a member of the board.
 - b. The governor shall appoint, from a list of three nominees submitted to the governor by the North Dakota council of educational leaders, one board member who is actively employed as a full-time school administrator. A board member appointed under this subdivision who terminates employment may not continue to serve as a member of the board.
 - c. The governor shall appoint, from a list of three nominees submitted to the governor by the North Dakota retired teachers association, two board members who are the retired members of the fund.
 - d. The state treasurer, or a designee from the office of state treasurer, and the superintendent of public instruction, or a designee from the department of public instruction.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 163

HOUSE BILL NO. 1117

(Government and Veterans Affairs Committee)
(Teachers' Fund for Retirement Board of Trustees)

AN ACT to amend and reenact subsection 4 of section 15-39.1-10 of the North Dakota Century Code, relating to eligibility for normal retirement benefits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 15-39.1-10 of the North Dakota Century Code is amended and reenacted as follows:

4. ~~For a member who attains age seventy and one half before January 1, 2020, the member's required beginning date is no later than April first of the calendar year following the year the member attains age seventy and one half or April first of the calendar year following the year the member terminates covered employment, whichever is later. For a member who attains age seventy and one half after December 31, 2019, the member's required beginning date is no later than April first of the calendar year following the year the member attains age seventy two or April first of the calendar year following the year the member terminates covered employment, whichever is later.~~ Payments must be made over a period of time which does not exceed the life expectancy of the member or the joint life expectancy of the member and the beneficiary. Payment of minimum distributions must be made in accordance with section 401(a)(9) of the Internal Revenue Code [26 U.S.C. 401(a)(9)], as amended, and the regulations issued under that section, as applicable to governmental plans.

Approved March 21, 2025

Filed March 24, 2025

ELEMENTARY AND SECONDARY EDUCATION

CHAPTER 164

SENATE BILL NO. 2262

(Senators Braunberger, Schaible)

AN ACT to create and enact a new subsection to section 15.1-01-04 of the North Dakota Century Code, relating to the authority for the kindergarten through grade twelve education coordination council to enter contracts; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁵⁶ **SECTION 1.** A new subsection to section 15.1-01-04 of the North Dakota Century Code is created and enacted as follows:

The council may enter a contract to conduct a study to carry out an objective of this section.

SECTION 2. APPROPRIATION - SUPERINTENDENT OF PUBLIC INSTRUCTION - KINDERGARTEN THROUGH GRADE TWELVE EDUCATION COORDINATION COUNCIL CONTRACTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$60,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of paying contracts entered by the kindergarten through grade twelve education coordination council under section 15.1-01-04, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 29, 2025

Filed April 30, 2025

⁵⁶ Section 15.1-01-04 was also amended by section 2 of Senate Bill No. 2308, chapter 479.

CHAPTER 165

SENATE BILL NO. 2362

(Senators Schaible, Lemm, Weber)
(Representatives Jonas, Pyle)

AN ACT to amend and reenact section 15.1-02-11 of the North Dakota Century Code, relating to the accreditation of schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-02-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-11. Superintendent of public instruction - Accreditation of schools - Rules.

1. The superintendent of public instruction ~~may~~:
 - a. ~~May~~ adopt rules governing the accreditation of public and nonpublic schools. Any rule adopted under this section must incorporate measures of student achievement and bear a direct relationship to improving student achievement.
 - b. ~~May provide schools with a choice of accreditation options, including:~~
 - (1) Accreditation through a state-defined accreditation process established by the superintendent of public instruction; or
 - (2) Accreditation through a nationally recognized accrediting organization, a formal school improvement organization, or a continuous improvement organization approved by the superintendent of public instruction.
 - c. May establish a process to select the accreditation options for schools and a process for schools to select an accreditation option. Development of the process may include input and participation from a steering committee, including representatives of education stakeholder groups, school administrators, secondary and elementary school principals, and school board members.
 - d. Periodically shall review and evaluate the effectiveness of each accreditation option in improving student achievement and school performance.
2. Each accreditation option must:
 - a. Meet or exceed the state standards to ensure consistency in the quality of education.
 - b. Provide measurable outcomes for student achievement, aligning with the state goals.

3. A school may select the accreditation option best aligning to the instructional goals and operational needs of the school, subject to approval by the superintendent of public instruction.
4. The superintendent of public instruction shall contract with an accreditation organization or vendor to create state-provided accreditation to offer to each public school district at no charge.
5. If a district chooses to use an accreditation process from the state-approved list, the district is responsible for any accreditation-related costs.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 166

HOUSE BILL NO. 1363

(Representatives Meier, Dockter, Hagert, Heinert, J. Olson, Hauck, Jonas, Novak,
Rohr)

(Senators Cleary, Dever, Boschee)

AN ACT to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to cardiac emergency response plans for public and nonpublic schools and athletic events.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Superintendent of public instruction - Cardiac emergency response plan for public and nonpublic schools and athletic events.

1. As used in this section:
 - a. "Automated external defibrillator" means a lightweight, portable device capable of delivering an electric shock through an individual's chest to the individual's heart, which is used in the event of cardiac arrest to attempt to stop an irregular heartbeat and allow a normal rhythm to resume.
 - b. "Cardiac arrest" means a life-threatening event in which an individual's heart unexpectedly stops beating.
 - c. "Cardiac emergency response plan" or "plan" means a written document establishing the specific steps to reduce the chance of death from cardiac arrest.
2. The department of health and human services, in collaboration with the superintendent of public instruction, shall create a customizable cardiac emergency response plan template for schools and nonpublic schools to use to develop a plan tailored to the school or nonpublic school.
3. The cardiac emergency response plan template must integrate core elements established by the American heart association or other nationally recognized organization. The plan template must require:
 - a. Review and adoption of the cardiac emergency response plan by the district crisis management team, which must be reviewed annually.
 - b. Activation of the team if an individual experiences sudden cardiac arrest.
 - c. Placement of automated external defibrillators on school grounds.
 - d. Routine maintenance of automated external defibrillators.
 - e. Distribution of the plan on school grounds.

- f. Stipulation of appropriate school personnel, including licensed coaches, school nurses, and athletic trainers, to receive training.
 - g. Coordination with local emergency medical services providers.
 - h. Annual review and evaluation of the plan.
- 4. Beginning with the 2027-28 school year, each public and nonpublic school shall:
 - a. Using the template provided by the department of health and human services, develop a cardiac emergency response plan for inclusion in the school district crisis management plan for use by school personnel if an individual experiences sudden cardiac arrest or a similar life-threatening emergency on school-owned grounds, and school-owned athletic venues.
 - b. Place each automated external defibrillator on school grounds according to the guidelines established by the American heart association or an organization focused on emergency cardiovascular care.
 - c. Identify each automated external defibrillator with appropriate signage.
- 5. A school, board of a school district and each individual member of the board, governing board and each individual governing board member of a nonpublic school, administrator, principal, teacher, school employee, and any member of the school district crisis management team, whether a student or an adult, are immune from any liability that might otherwise be incurred as a result of an injury caused by any act or omission while carrying out any elements of the cardiac emergency response plan as developed or implemented in accordance with this section.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 167

HOUSE BILL NO. 1476

(Representatives Novak, Heinert, Nelson, Richter, Schreiber-Beck)
(Senator Kessel)

AN ACT to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to the assessment of all public school buildings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

School buildings - Assessment - Rules.

The superintendent of public instruction:

1. May collect regularly conducted assessments by school districts of each building located on school grounds in the state, including the interior and exterior of the building, doors, windows, fire sprinklers, fire protection systems, components of heating, cooling, plumbing, electrical, and security systems, and handicap accessibility features.
2. May, every four years, document the inventory of buildings, including building type, original construction year, facility additions, facility addition construction year, and facility square footage as submitted by school districts.
3. May develop and maintain a system for tracking the assessments of buildings, including construction, repairs, modifications, and maintenance recommended for each school.
4. Shall adopt rules under chapter 28-32 to implement this section.
5. May contract for professional services to implement this section, including contracting to study appropriate criteria to establish for public school facility standards.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 168

HOUSE BILL NO. 1144

(Representatives Tveit, D. Anderson, Frelich, Klemin, McLeod, S. Olson, Rohr,
Schatz)
(Senators Weston, Clemens)

AN ACT to amend and reenact section 15.1-06-21 of the North Dakota Century Code, relating to transgender student accommodations and restroom use in public schools; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-06-21 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-21. Transgender student accommodations - Restroom use - Enforcement - Penalty.

1. A board of a school district, public school, or public school teacher may not adopt a policy ~~that requires or prohibits any~~ guidelines, whether implicit or explicit, requiring or prohibiting an individual from using a student's preferred gender pronoun.
2. A board of a school district shall establish, with the approval of the parent or legal guardian, a plan for the use of a separate restroom accommodation for a transgender student.
3. A board of a school district or a public school shall prohibit a student from using a restroom that does not coincide with the student's biological sex.
4. A restroom or shower room on school grounds, which is accessible by multiple individuals at one time, must be designated for use exclusively for males or exclusively for females and may be used only by members of the designated sex. Multi-stall gender neutral restrooms and shower rooms are prohibited. This subsection does not apply to a restroom in existence on July 1, 2025.
5. Notwithstanding subsection 4:
 - a. An individual may use a restroom in accordance with the federal Individuals with Disabilities Education Act of 1990 [20 U.S.C. 1400 et seq.], section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794], the federal Americans with Disabilities Act [42 U.S.C. 12131 et seq.]; and
 - b. A public school may change the designation of a restroom or shower room from one designated sex to the other designated sex to accommodate a school-sponsored event.
6. Unless otherwise required by law, a school district, public school, or public school teacher may not:

- a. Adopt a policy or guidelines, whether implicit or explicit, concerning a particular student's transgender status without approval from the student's parent or legal guardian; or
 - b. Withhold or conceal information about a student's transgender status from the student's parent or legal guardian.
7. The parent of a student in a school district may submit a complaint to the school district, in the manner prescribed by the school district policy, if the school district appears to the parent to be violating this section.
 8. After the parent has made a complaint under subsection 7, if it appears to the parent the school district is violating this section, the parent may submit a complaint to the attorney general.
 9. Upon receipt of a complaint under subsection 8, the attorney general shall enforce this section and may conduct investigations by:
 - a. Examining under oath any individual responsible for an alleged violation of this section.
 - b. Issuing subpoenas.
 - c. Applying to a district court for an order enforcing the subpoena or other investigation demand.
 10. For a violation of this section, the attorney general may seek and obtain a declaratory judgment or injunction in district court which prohibits the board of a school district, a public school, or a public school teacher from continuing the unlawful practice.
 11. The court may assess a civil penalty in an amount not to exceed two thousand five hundred dollars for each violation of this section.

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

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 169

HOUSE BILL NO. 1357

(Representatives Morton, Kasper, Maki, Marschall, Osowski, Schauer, Schreiber-Beck, McLeod, K. Anderson)
(Senators Boschee, Van Oosting)

AN ACT to amend and reenact subsection 1 of section 15.1-06-06, and sections 15.1-07-25.3 and 15.1-07-33 of the North Dakota Century Code, relating to protection of student data and data sharing agreements; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

1. To obtain certification that a public school is approved, the superintendent of the district in which the school is located shall submit to the superintendent of public instruction a compliance report verifying that:
 - a. Each classroom teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
 - b. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 15.1-09-57;
 - c. The school meets all curricular requirements set forth in chapter 15.1-21;
 - d. The school participates in and meets the requirements of a review process that is:
 - (1) Designed to improve student achievement through a continuous cycle of improvement; and
 - (2) Approved by the superintendent of public instruction;
 - e. The physical school plant has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-09 and:
 - (1) Has no unremedied deficiency; or
 - (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee;
 - f. All individuals hired after June 30, 2011, and having unsupervised contact with students at the school, have:

- (1) Undergone a criminal history background check requested by the employing school district; or
 - (2) Undergone a criminal history background check in order to be licensed by the education standards and practices board or by any other state licensing board; and
- g. The school uses North Dakota eTranscripts, or an alternative information system designated by the information technology department in collaboration with the superintendent of public instruction, to generate official transcripts.
- h. The school executed a data sharing agreement with the department under sections 15.1-07-25.3 and 15.1-07-33.

SECTION 2. AMENDMENT. Section 15.1-07-25.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-25.3. Protection of student data - School district policy.

1. The board of ~~each~~ school district shall adopt a policy regarding the protection of student data.
2. The policy must ~~require~~:
 - a. Require that permission be obtained from the board before ~~any~~ student data is shared with an individual who is not a school district employee or ~~shared with~~ any other entity. This provision does not apply to ~~the sharing of data with a student's parent or to the sharing of data, if required as~~ otherwise authorized by law.
 - b. Permit a school district to share student data with the state entity managing a student information system if the school district and the state entity have entered a data sharing agreement, subject to federal and state privacy laws. The data sharing agreement must include a clause that designates the department as an authorized representative of the school district under the Family Educational Rights and Privacy Act of 1974 [20 U.S.C. 1232G] and title 34 Code of Federal Regulations part 99 for purposes of the statewide longitudinal data system.
3. The policy must require the school district superintendent to compile:
 - a. A list of ~~all~~ individuals with whom, and entities with which, student data is shared; and
 - b. A list, by title, of ~~all~~ school district personnel who have access to student data.
4. A school district shall make copies of the policy available upon request.

⁵⁷ **SECTION 3. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

⁵⁷ Section 15.1-07-33 was also amended by section 3 of Senate Bill No. 2308, chapter 479.

15.1-07-33. Student information system - Exemption.

1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction or the information technology department, each school district shall implement the state student information system administered by the ~~information technology department and~~ use it as its principal student information system, and enter a data sharing agreement with the department of public instruction, subject to federal and state privacy laws and section 15.1-07-25.3. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in the state student information system.
2. The ~~statewide longitudinal data system committee~~ superintendent of public instruction may exempt a school district from having to implement and utilize the state student information system if the school district demonstrates that:
 - a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or
 - b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on July 1, 2026.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 170

HOUSE BILL NO. 1105

(Representatives Jonas, Christy, Hager, Longmuir, Murphy)
(Senator Davison)

AN ACT to amend and reenact section 15.1-07-25.4 of the North Dakota Century Code, relating to a school district's virtual learning policies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-07-25.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-25.4. Virtual learning - School district policy - Report to legislative management and legislative assembly.

1. The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and in the case of a school district, qualify for average daily membership in the district.
2. A resident school district may not deny open enrollment to an approved virtual school.
- 2-3. A student or a student's family member may not receive any item, service, or thing of value not given in exchange for fair market consideration from a vendor providing instruction or support under this section.
- 3-4. The superintendent of public instruction shall adopt rules governing policies under this section.
5. A policy adopted by a school district under this section ~~must comply~~:
 - a. Must comply with the rules adopted by the superintendent of public instruction.
 - b. May require registration for virtual instruction to coincide with the school district course registration schedule and deadlines.
 - c. May require that students meet prerequisites to ensure readiness for sequential virtual courses.
 - d. Must require the school district to pay for a virtual instruction course if the school district does not offer the course and obtaining the course credit would contribute to the student meeting high school graduation requirements in time to graduate within the usual time frame.
 - e. May establish the minimum number of courses a student is required to take onsite, whether virtual or in person. The policy may not unreasonably restrict student access to virtual school options and must comply with laws and administrative rules applicable to onsite students, as distinguished from virtual academy students.

f. May grant discretion to the school district to determine whether to pay for a virtual instruction course retake.

~~4-6.~~ The superintendent of public instruction shall provide an annual report to either the legislative management or the legislative assembly. In odd-numbered years, the report must be made to the legislative assembly. In even-numbered years, the report must be made to the legislative management. The annual report must:

a. Contain a comparison of the academic performance of students participating in virtual instruction against students not participating in virtual instruction under this section; and

b. Use the statewide prekindergarten through grade twelve strategic vision framework goals.

~~5-7.~~ If the superintendent of public instruction does not have access to academic performance reports of a school district's virtual instruction subgroup because of the low group size, the district shall provide the annual report required under this section for the district's comparison data.

~~6-8.~~ Students enrolled in an approved virtual school do not generate school district sized weighting factors pursuant to section 15.1-27-03.2.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 171

HOUSE BILL NO. 1562

(Representatives Osowski, Hauck, Heilman, Maki, Morton)

AN ACT to amend and reenact section 15.1-07-34 of the North Dakota Century Code, relating to training for mandated reporters of suspected child abuse or neglect; and to repeal section 15.1-19-29 of the North Dakota Century Code, relating to training for mandated reporters of suspected child abuse or neglect.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-07-34 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-34. Youth behavioral health and child abuse and neglect training ~~for~~ teachers, administrators, and ancillary staff.

1. Every two years, ~~each~~ school district may provide a minimum of eight hours of professional development on youth behavioral health, child abuse, and child neglect to elementary, middle, and high school teachers, and administrators. ~~Each~~ school district may encourage ancillary and support staff to participate in the professional development. Based on the annual needs assessment of the school district, these hours may be designated from the following categories:
 - a. Trauma;
 - b. Social and emotional learning, including resiliency;
 - c. Suicide prevention;
 - d. Bullying;
 - e. Understanding of the prevalence and impact of youth behavioral health wellness on family structure, education, juvenile services, law enforcement, and health care and treatment providers;
 - f. Knowledge of behavioral health symptoms, and risks;
 - g. Awareness of referral sources and evidence-based strategies for appropriate interventions;
 - h. Child protective services;
 - i. Other evidence-based strategies to reduce risk factors for students; or
 - j. Current or new evidence-based behavior prevention or mitigation techniques.
2. Each school within a district shall designate an individual as a behavioral health resource coordinator.

3. The superintendent of public instruction shall collaborate with regional education associations to disseminate information, training and instructional materials, and notice of training opportunities to school districts and nonpublic schools. ~~This~~The training must qualify for continuing education credits that count toward license renewal.
4. The superintendent of public instruction shall maintain the contact information of the behavioral health resource coordinator in each school.
5. Before initial licensure, a public or nonpublic school teacher, administrator, librarian, and counselor shall submit documentation to the education standards and practices board verifying completion of a mandated reporter training program for suspected child abuse or neglect. The department of health and human services shall develop and provide an online interactive training module that may be used by a college of teacher education, an individual educator, and an educational institution to fulfill the training requirement. A college, school, and regional education association may offer a mandated reporter training program that satisfy the requirements outlined in this section for subsequent trainings at the district level.

SECTION 2. REPEAL. Section 15.1-19-29 of the North Dakota Century Code is repealed.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 172

HOUSE BILL NO. 1095

(Representatives Kiefert, Dobervich, Frelich, Karls, McLeod, Mitskog, S. Olson)
(Senator Lee)

AN ACT to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to a child protective services and school district child safety liaison work group.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Child safety liaison work group.

1. As used in this section, "child protective services" means an "authorized agent" or the "department" as the terms are defined under section 50-25.1-02.
2. A school district and the corresponding human service zone may designate representatives to form a child safety liaison work group.
3. The child safety liaison work group:
 - a. Shall focus on child safety issues, including:
 - (1) The roles and responsibilities of child protective services and mandatory reporters;
 - (2) Opportunities for improved relations between the human service zone and school district; and
 - (3) The coordination of services for children and families.
 - b. Must be proportional in member size to the need and population served, and have an equal number of representatives from the school district and human service zone.
 - c. Shall meet at least twice annually.
 - d. Shall report to the human service zone board, the school board, and the children's cabinet by July thirty-first of each year. The report must include recommendations, proposed solutions, progress, training needs, and identified gaps in service coordination.
4. The human service zone is responsible for coordinating the child safety liaison work group meetings.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 173

HOUSE BILL NO. 1132

(Representatives Holle, Hager, Murphy, Rohr, K. Anderson, Christianson, Dressler,
Heilman, Jonas)
(Senators Cleary, Gerhardt, Barta)

AN ACT to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to whole, two percent, and flavored milk served in schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

Whole pasteurized milk served in bulk milk dispensers - Available in schools.

As used in this section "bulk milk" has the same meaning provided in section 4.1-26-01. Notwithstanding chapters 4.1-05, 4.1-25, 4.1-26, 19-02.1, and 23-09 and title 64, a board of a school district or a not-for-profit nonpublic school approved by the superintendent of public instruction may establish a policy allowing a school within the school district to serve whole, two percent, and flavored pasteurized milk through a bulk milk dispenser.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 174

HOUSE BILL NO. 1160

(Representatives Jonas, Longmuir, Nelson, Sanford)

AN ACT to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to the use of personal electronic devices during instructional time.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁵⁸ **SECTION 1.** A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

Personal electronic devices - Prohibition during instructional time.

1. As used in this section:

- a. "Instructional time" means the time from the start of the school day until dismissal at the end of the school day on school premises, for which the signal may be the ringing of a bell, including a structured or unstructured learning experience, recess, a lunch period, and time in between classes. The term does not include private student travel time to and from an area career and technology center or other offsite learning experience or instructional time occurring in virtual environments off school premises.
- b. "Parent" means a parent or guardian of a student who is authorized to make decisions regarding education for the student.
- c. "Personal electronic communication device" means a portable electronic device capable of communication by voice, text, or other data with one or more other parties or devices, or capable of connection to a smartphone, the internet, or a cellular or wireless fidelity network, including a smartphone, cell phone, bluetooth-enabled device, tablet, smartwatch or other wearable device, and gaming device. The term does not include:
 - (1) School-owned devices provided to a student and school-approved devices used by a student in accordance with this section.
 - (2) Portable devices that meet the definition of a medical device under the federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].
- d. "School" means a public school providing prekindergarten, elementary, or secondary education, including area career and technology centers. The term does not include virtual schools, virtual instruction, the North Dakota center for distance education, or education occurring in a home-school environment.

⁵⁸ Section 15.1-07-41 was amended by section 1 of Senate Bill No. 2354, chapter 175.

- e. "School-related activity" means a school sanctioned activity, event, or function, occurring outside of instructional time, at which students are under supervision of the school, whether on or off school premises, including a bus ride, field trip, sporting event, and school dance.
 - f. "Student" means an individual currently enrolled or registered at a school.
2. Each school district or applicable governing body shall adopt and implement a policy for schools which:
- a. Requires all personal electronic communication devices be silenced or turned off, securely locked away, and inaccessible to students during instructional time;
 - b. Ensures students do not have access to personal electronic communication devices, by requiring the devices to be locked or stowed away in a secure lockable pouch, phone locker, pencil pouch, manila envelope, or other inaccessible location;
 - c. Provides schools may limit or allow student access to personal electronic communication devices outside of instructional time, during a school-related activity;
 - d. Includes enforcement provisions to ensure strict compliance with the policy by students and school employees; and
 - e. Provides a student may contact the student's parent or authorized caregiver during the school day if needed by using a school telephone made available to the student in a manner and location designated by the school.
3. Notwithstanding subsection 2, a school may not prohibit a student from possessing or using a personal electronic communication device, if:
- a. A medical provider licensed under title 43 determines the possession or use of a personal electronic communication device is necessary for the health or well-being of the student; or
 - b. The possession or use of a personal electronic communication device is required by the student's individual education program under the Individuals with Disabilities Education Act [Pub. L. 91-230; 84 Stat. 121; 20 U.S.C. 1400 et seq.], a plan under section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794], or other plan that must be accommodated in accordance with state or federal law.
4. A school district shall collect data annually with the goal of measuring the impact of its policy on student behavior, mental health, disciplinary incidents, school attendance, and academic performance. By July 1, 2026, the superintendent of public instruction shall establish a uniform system to enable a school district to report all data as required under this section.

Approved April 25, 2025

Filed April 25, 2025

CHAPTER 175

SENATE BILL NO. 2354

(Senators Axtman, Cleary, Sickler, Thomas)
(Representatives Bosch, O'Brien)

AN ACT to amend and reenact the new section to chapter 15.1-07 of the North Dakota Century Code, as created by House Bill No. 1160, as approved by the sixty-ninth legislative assembly, relating to the use of personal electronic devices in schools providing prekindergarten, elementary, or secondary education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁵⁹ **SECTION 1. AMENDMENT.** The new section to chapter 15.1-07 of the North Dakota Century Code, as created by House Bill No. 1160, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

Personal electronic devices - Prohibition during instructional time.

1. As used in this section:

- a. "Instructional time" means the time from the start of the school day until dismissal at the end of the school day on school premises, for which the signal may be the ringing of a bell, including a structured or unstructured learning experience, recess, a lunch period, and time in between classes. The term does not include private student travel time to and from an area career and technology center or other offsite learning experience or instructional time occurring in virtual environments off school premises.
- b. "Parent" means a parent or guardian of a student who is authorized to make decisions regarding education for the student.
- c. "Personal electronic communication device" means a portable electronic device capable of communication by voice, text, or other data with one or more other parties or devices, or capable of connection to a smartphone, the internet, or a cellular or wireless fidelity network, including a smartphone, cell phone, bluetooth-enabled device, tablet, smartwatch or other wearable device, and gaming device. The term does not include:
 - (1) School-owned devices provided to a student and school-approved devices used by a student in accordance with this section.
 - (2) Portable devices that meet the definition of a medical device under the federal Food, Drug and Cosmetic Act [21 U.S.C. 9 et seq.].
- d. "School" means a public school providing prekindergarten, elementary, or secondary education, including area career and technology centers. The term does not include virtual schools, virtual instruction, the North Dakota center for distance education, or education occurring in a home-school environment.

⁵⁹ Section 15.1-07-41 was created by section 1 of House Bill No. 1160, chapter 174.

- e. "School-related activity" means a school sanctioned activity, event, or function, occurring outside of instructional time, at which students are under supervision of the school, whether on or off school premises, including a bus ride, field trip, sporting event, and school dance.
 - f. "Student" means an individual currently enrolled or registered at a school as defined under subdivision d of this section.
2. Each school district or applicable governing body shall adopt and implement a policy for schools which:
- a. Requires all personal electronic communication devices be silenced or turned off, securely ~~locked~~stowed away, and inaccessible to students during instructional time;
 - b. ~~Ensures students do not have access to personal electronic communication devices, by requiring the devices to be locked or stowed away in a secure lockable pouch, phone locker, pencil pouch, manila envelope, or other inaccessible location;~~
 - e. Provides schools may limit or allow student access to personal electronic communication devices outside of instructional time, during a school-related activity;
 - ~~d.c.~~ Includes enforcement provisions to ensure strict compliance with the policy by students and school employees; and
 - e-d. Provides a student may contact the student's parent or authorized caregiver during the school day if needed by using a school telephone made available to the student in a manner and location designated by the school.
3. Notwithstanding subsection 2, a school may not prohibit a student from possessing or using a personal electronic communication device, if:
- a. A medical provider licensed under title 43 determines the possession or use of a personal electronic communication device is necessary for the health or well-being of the student; or
 - b. The possession or use of a personal electronic communication device is required by the student's individual education program under ~~the~~;
 - (1) ~~The Individuals with Disabilities Education Act [Pub. L. 91-230; 84 Stat. 424; 20 U.S.C. 1400 et seq.], a plan under section;~~
 - (2) Section 504 of the federal Rehabilitation Act of 1973 [29 U.S.C. 794]; or other;
 - (3) A plan that must be accommodated developed in accordance with state or federal law requiring accommodation.
4. A school district shall collect data annually with the goal of measuring the impact of its policy on student behavior, mental health, disciplinary incidents, school attendance, and academic performance. ~~By July 1, 2026, the superintendent of public instruction shall establish a uniform system to enable a school district to report all data as required under this section.~~

5. Upon the adoption and implementation of a policy in accordance with this section, a school district shall:
 - a. Ensure the policy is communicated to students, parents, and authorized caregivers; and
 - b. Publish the policy in student and personnel handbooks.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 176

HOUSE BILL NO. 1178

(Representatives Novak, Hager, Murphy, J. Olson, Schreiber-Beck, Swiontek)
(Senators Boehm, Cory, Mathern)

AN ACT to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to school districts allowing students to leave campus to vote in elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Voting.

Each school district shall adopt a policy allowing a student who is a qualified elector to leave campus to vote in a general, special, or primary election. The policy may include conditions for the student's absence, including a limitation on the length of time the student may be absent or a designated time to vote.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 177

HOUSE BILL NO. 1222

(Representatives Novak, D. Anderson, Frelich, Hagert, Heinert, Porter, M. Ruby,
Lefor)
(Senators Hogue, Luick, Meyer)

AN ACT to amend and reenact sections 15.1-09-33 and 15.1-19-03.1 of the North Dakota Century Code, relating to a requirement for public school students to have the opportunity to recite the pledge of allegiance each morning and immunity for liability stemming from the recitation of the pledge of allegiance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-09-33 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-33. School board - Powers.

The board of a school district may:

1. Establish a system of free public schools for all children of legal school age residing within the district.
2. Organize, establish, operate, and maintain elementary, middle, and high schools.
3. Have custody and control of all school district property and, in the case of the board of education of the city of Fargo, have custody and control of all public school property within the boundaries of the Fargo public school district and to manage and control all school matters.
4. Acquire real property and construct school buildings and other facilities.
5. Relocate or discontinue schools and liquidate the assets of the district as required by law; provided no site may be acquired or building constructed, or no school may be organized, established, operated, maintained, discontinued, or changed in location without the approval of the state board of public school education if outside the boundary of the district.
6. Purchase, sell, exchange, and improve real property.
7. Lease real property for a maximum of one year except in the case of:
 - a. A career and technical education facility constructed in whole or in part with financing acquired under chapter 40-57, which may be leased for up to twenty years; or
 - b. A lease for the installation of a wireless telecommunications facility, which may be leased for up to twenty years.

8. Subject to chapter 32-15, exercise the power of eminent domain to acquire real property for school purposes.
9. Purchase, sell, exchange, improve, and lease for up to one year equipment, furniture, supplies, and textbooks.
10. Recruit or contract with others to recruit homes and facilities which provide boarding care for special education students.
11. Provide dormitories for the boarding care of special education students.
12. Insure school district property.
13. Independently or jointly with other school districts, purchase telecommunications equipment or lease a telecommunications system or network.
14. Provide for the education of students by another school district.
15. Contract with federal officials for the education of students in a federal school.
16. Prescribe courses of study in addition to those prescribed by the superintendent of public instruction or by law.
17. Adopt rules regarding the instruction of students, including their admission, transfer, organization, grading, and government.
18. Join the North Dakota high school activities association and pay membership fees.
19. Adopt alternative curricula for high school seniors who require fewer than four academic units.
20. Contract with, employ, and compensate school district personnel.
21. Contract with and provide reimbursement for the provision of teaching services by an individual certified as an instructor in the areas of North Dakota American Indian languages and culture by the education standards and practices board.
22.
 - a. Suspend school district personnel;
 - b. Delegate to the superintendent of the district the authority to suspend school district personnel, except as provided for in section 15.1-15-10; or
 - c. In the case of a district that does not employ a superintendent, delegate to the individual charged with administering the district the authority to suspend school district personnel, except as provided for in section 15.1-15-10.
23. Dismiss school district personnel.
24. Participate in group insurance plans and pay all or part of the insurance premiums.

25. Contract for the services of a district superintendent, provided that the contract, which may be renewed, does not exceed a period of three years.
26. Contract for the services of a principal.
27. Employ an individual to serve as the school district business manager or contract with any person to perform the duties assigned to a school district business manager by law.
28. Dismiss a school district business manager for cause without prior notice.
29. Dismiss a school district business manager without cause with thirty days' written notice.
30. Defray the necessary and contingent expenses of the board.
31. Levy a tax upon property in the district for school purposes, as permitted in accordance with chapter 57-15.
32. Amend and certify budgets and tax levies, as provided in title 57.
33. Pay dues allowing for the board to hold membership in city, county, state, and national organizations and associations.
34. Designate, at its annual meeting, a newspaper of general circulation as the official newspaper of the district.
35. Authorize schools within the district to display the ten commandments with a display of other historical documents in the school and in a classroom.
36. ~~Authorize schools within the district to permit students to recite the pledge of allegiance.~~

SECTION 2. AMENDMENT. Section 15.1-19-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-19-03.1. Recitation of prayer - Period of silence - Pledge of allegiance.

1. A student ~~may~~ voluntarily may pray aloud or participate in religious speech at any time before, during, or after the schoolday to the same extent a student ~~may~~ voluntarily may speak or participate in secular speech.
2. A student of a public or nonpublic school may not be prohibited from voluntarily participating in any student-initiated prayer at an activity held on the premises of a public or nonpublic school.
3. ~~A school.~~The board of a school district, school administrator, or teacher may not impose any restriction on the time, place, manner, or location of any student-initiated religious speech or prayer which exceeds the restriction imposed on students' secular speech.
4. ~~A school.~~The board of a school, by resolution, may allow a classroom teacher to impose up to one minute of silence for meditation, reflection, or prayer at the beginning of each schoolday.

5. ~~A school~~The board may authorize the voluntary recitation of a school district shall adopt a policy requiring each school to offer all students the opportunity to voluntarily recite the pledge of allegiance by a teacher or one or more students at the beginning of each schoolday. A student may not be required to recite the pledge of allegiance, stand during the recitation of the pledge of allegiance, or salute the American flag.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 178

SENATE BILL NO. 2330

(Senators Boehm, Myrdal, Paulson)
(Representatives McLeod, S. Olson, Rohr)

AN ACT to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to human trafficking and exploitation prevention and awareness education for students at public schools and tribal schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

Human trafficking and exploitation prevention and awareness education.

1. The board of a school district and the governing board of a school operated by a tribal government shall:
 - a. Adopt a policy regarding human trafficking and exploitation prevention and awareness education for students and faculty. As used in this section, "human trafficking" includes sex trafficking.
 - b. Require schoolwide education addressing human trafficking and exploitation prevention and awareness for all students in grades six, ten, and twelve.
 - c. Offer to parents and legal guardians optional workshops or materials or both to support the education of the child of the parent or legal guardian on personal safety and grooming prevention.
2. The education under this section:
 - a. May be provided by a nonprofit organization specializing in outreach and education on human trafficking and exploitation.
 - b. Must be developmentally appropriate, culturally sensitive, and use best practices.
 - c. Must be provided annually to students.
 - d. May include:
 - (1) Definitions and the nature of human trafficking and exploitation;
 - (2) State laws regarding human trafficking and exploitation;
 - (3) Facts and statistics regarding human trafficking and exploitation in the state and across the United States;
 - (4) The victim profiling tactics of human traffickers;

- (5) The role of online computer activity and pornography;
- (6) Methods to identify a potential victim and actions to take following identification of a victim;
- (7) Information regarding:
 - (a) Force, fraud, and coercion;
 - (b) Grooming;
 - (c) The complexities of abuse, indoctrination, and manipulation;
 - (d) The traits of a human trafficking victim;
 - (e) The difference between human trafficking and prostitution; and
 - (f) How human trafficking and exploitation demand is created and which industries influence human trafficking and exploitation; and
- (8) Actionable steps to take against human trafficking and exploitation, including reporting information to the proper authorities.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 179

SENATE BILL NO. 2353

(Senators Davison, Bekkedahl, Rummel)
(Representative Bosch)

AN ACT to amend and reenact sections 15.1-09.1-02.1 and 54-44.4-02 of the North Dakota Century Code, relating to regional education associations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-09.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09.1-02.1. Regional education association - Services to be offered.

1. ~~In order to~~To be eligible for state funding, a regional education association ~~must~~shall offer the following services to its member districts:
 - a. Coordination and facilitation of professional development activities for teachers and administrators employed by its member districts;
 - b. Supplementation of technology support services;
 - c. Assistance with achieving school improvement goals identified by the superintendent of public instruction;
 - d. Assistance with the collection, analysis, and interpretation of student achievement data; and
 - e. Assistance with the expansion and enrichment of curricular offerings.
2. Subsection 1 does not preclude a regional education association from offering additional services, including services to a district that is not a member of the regional education association.
3. A regional education association may enter a contract with the superintendent of public instruction to offer services.

⁶⁰ **SECTION 2. AMENDMENT.** Section 54-44.4-02 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-02. Office of management and budget purchasing services.

1. The office of management and budget shall purchase or lease or otherwise arrange for the procurement, for all state agencies and institutions in the executive branch of state government, all materials, furniture, fixtures, printing, insurance, services, and other commodities. The International Peace Garden may participate in the procurement authorized by this section. The following commodities and services, ~~however,~~ are not subject to the procurement requirements of this chapter:

⁶⁰ Section 54-44.4-02 was also amended by section 3 of House Bill No. 1122, chapter 531, and section 1 of House Bill No. 1269, chapter 530.

- 4. a. Land, buildings, space, or the rental thereof.
- 2. b. Telephone and telegraph service and electrical light and power services.
- 3. c. Public books, maps, periodicals, resource materials, and technical pamphlets.
- 4. d. Department of transportation materials, equipment, and supplies in accordance with section 24-02-16.
- 5. e. Procurements by the industrial commission for energy-related programs under chapters 17-05, 54-17.5, 54-17.6, 54-17.7, 54-63, and 54-63.1 and under those statutes in title 38 authorizing the industrial commission to perform well and hole pluggings, reclamation work, equipment removal, leak prevention, and similar work.
- 6. f. Services for the maintenance or servicing of equipment by the manufacturer or authorized servicing agent of that equipment when the maintenance or servicing can best be performed by the manufacturer or authorized service agent, or when such a contract would otherwise be advantageous to the state.
- 7. g. Emergency purchases the office of management and budget or a purchasing agency cannot make within the required time and which involve public health or public safety, or when immediate expenditures are necessary for repairs of state property to protect it against further loss or damage, or to prevent or minimize serious disruption in state services.
 - a. (1) Emergency purchases made under this subsection must treat all bidders fairly and promote competition as is practicable under the circumstances.
 - b. (2) The procurement file must contain a written determination of:
 - ~~(1)~~ (a) The basis for the emergency; and
 - ~~(2)~~ (b) The basis for the selection of the particular contractor.
 - c. (3) If the emergency circumstances warrant a noncompetitive purchase, the office of management and budget or the purchasing agency shall document within the procurement file a written determination of the basis for the noncompetitive purchase, including the circumstances that justified the noncompetitive purchase.
 - d. (4) If the emergency purchase is subject to federal funding reimbursement, the office of management and budget or the purchasing agency shall ensure the procurement procedures and documentation are adequate to satisfy requirements for federal reimbursement.
 - e. (5) If time allows, emergency purchases for commodities under this subsection may require a sample for use in determining whether an offered product meets specifications.

- 8- h. Commodities and services costing less than a specified amount as determined by written directive by the director of the office of management and budget.
- 9- i. Specified commodities and services as determined by written directive by the director of the office of management and budget.
- 10- j. Employee benefit services, trust-related services, and investment management services obtained by an agency with a fiduciary responsibility regarding those services. Nothing in this subsection may be construed to allow an agency to create or renew a contract perpetually and without limitation.
- 11- k. Services to extract, tow, store, and dispose of abandoned or submerged vehicles as defined in chapter 23.1-15.
- 12- l. Contracts by the agriculture commissioner for agricultural market news services under cooperative agreements with the United States department of agriculture, ombudsmen for pipeline restoration under section 4.1-01-17, environmental impact mitigation services under section 4.1-01-21.1, ombudsmen for wind property issues under section 4.1-01-23, weed control inspection agents under section 4.1-14-02, and hemp testing under section 4.1-18.1-04.2.
- 13- m. Contracts by the state auditor for audits of computer systems under section 54-10-29.
- 14- n. Contracts by the attorney general with experts under section 10-33-145.
- 15- o. Contracts by the department of health and human services for online virtual mental health and suicide prevention simulation-based training programs under subsection 28 of section 50-06-05.1 and brain injury informal supports under section 50-06.4-07.
- p. Contracts by the department of public instruction with a regional education association under section 15.1-09.1-02.1.
- 2. All purchases made by the office of management and budget or a state agency or institution to which authority to purchase has been delegated by the office of management and budget must be made in accordance with this chapter, rules adopted under this chapter, and written policies of the office of management and budget.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 180

HOUSE BILL NO. 1133

(Representatives Longmuir, Jonas, Murphy, Hager)
(Senators Cory, Schaible, Roers)

AN ACT to amend and reenact section 15.1-11-05 of the North Dakota Century Code, relating to the preservation of records by county superintendents of schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-11-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-11-05. Preservation of records.

The county superintendent of schools shall provide for the preservation of all ~~property that is~~ records acquired in an official capacity ~~and which have~~ and which have educational value and interest or which ~~records~~ record official acts by the county superintendent. At the conclusion of the county superintendent's employment, the county superintendent shall deliver the ~~property~~ records to the superintendent's successor.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 181

SENATE BILL NO. 2351

(Senator Beard)

AN ACT to amend and reenact sections 15.1-12-02 and 15.1-12-05 of the North Dakota Century Code, relating to annexation of property to a school district; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-12-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-02. Annexation of property to school district - Exchange - Petition - Requirements.

An individual may petition to have property in one school district annexed to another school district by an exchange of property with property in a contiguous school district. In order to be approved:

1. The petitioner must reside within the boundary of the property to be exchanged;
2. The petitioner must obtain the written approval of one qualified elector from each residence within the boundary of the property referenced in subsection 1;
3. The petitioner must obtain written authorization for the exchange of property from the owner of the property to be exchanged in the adjacent district, provided that the owner need not reside on the property to be exchanged;
4. The difference in the taxable valuation of the property involved in the exchange ~~may not exceed one thousand dollars~~ must be agreed upon by both affected school districts;
5. Each property involved in the exchange is contiguous with the school district to which it is being annexed; and
6. Except as otherwise provided in this section, the annexation by an exchange of property under this section is subject to, and meets, all other statutory requirements regarding annexations.

SECTION 2. AMENDMENT. Section 15.1-12-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-05. Annexation of property to school district - Hearing.

1. Upon receiving a petition for the annexation of property to a school district, the county superintendent shall schedule and give notice of a public hearing regarding the annexation.

2. ~~The~~At least twenty-one days before the date of the public hearing, the county superintendent shall provide notice by certified mail with return receipt regarding the annexation to each owner of real property to be annexed and publish notice of the public hearing in the official newspaper of the county in which the major portion of each affected school district's real property is situated, at least fourteen days before the date of the hearing. If no newspaper is published in the county, the county superintendent shall publish the notice in a newspaper in an adjoining county in this state.
3. Before the hearing, the county committee shall:
 - a. Determine the number of qualified electors residing on the property to be annexed;
 - b. Ensure that two-thirds of such qualified electors have signed the petition; and
 - c. Ensure that all other statutory requirements regarding the petition have been met.
4. At the hearing, the county committee shall accept testimony and documentary evidence regarding:
 - a. The value and amount of property held by each affected school district;
 - b. The amount of all outstanding bonded and other indebtedness of each affected district;
 - c. The levies for bonded indebtedness to which the property will be subjected or from which the property will be exempted, as provided for in section 15.1-12-08;
 - d. The taxable valuation of each affected district and the taxable valuation under the proposed annexation;
 - e. The size, geographical features, and boundaries of each affected district;
 - f. The number of students enrolled in each affected district;
 - g. Each school in the district, including its name, location, condition, the grade levels it offers, and the distance that students living in the petitioned area would have to travel to attend school;
 - h. The location and condition of roads, highways, and natural barriers in each affected district;
 - i. Conditions affecting the welfare of students residing on the property to be annexed;
 - j. The boundaries of other governmental entities;
 - k. The educational needs of communities in each affected district;
 - l. Potential savings in school district transportation and administrative services;

- m. The potential for a reduction in per student valuation disparity between the affected districts;
 - n. The potential to equalize or increase the educational opportunities for students in each affected district; ~~and~~
 - o. The potential modification to the property tax obligation of the owners of the property to be annexed and the concerns of the owners of the property to be annexed; and
 - p. All other relevant factors.
- 5. Following consideration of the testimony and documentary evidence presented at the hearing, the committee shall make specific findings of fact and approve or deny the annexation. If the annexation is approved, the county superintendent shall forward all minutes, records, documentary evidence, and other information regarding the proceeding and the county committee's decision to the state board for final approval of the annexation.
 - 6.
 - a. Except as provided in this subsection, the state board shall conduct a hearing after publication of a notice in the manner required in subsection 2, accept and consider testimony and documentary evidence regarding the proposed annexation, make specific findings, and approve or deny the annexation.
 - b. If no opposition is presented to the county committee at the hearing and the county committee approves the annexation, the state board may review the record of the county committee and give final approval to the annexation without holding its own hearing.
 - 7. If the school districts involved in a proposed annexation include property in more than one county, but the major portion of each district's property is in the same county, the county committee of that county shall consider the annexation petition.
 - 8. If the school districts involved in a proposed annexation are situated in more than one county and the major portion of each district's property is not in the same county, the county committees of those counties encompassing the major portion of each school district shall jointly consider the annexation petition. The county committees shall vote separately on whether to approve the annexation.
 - 9. If the state board denies the annexation, another petition involving any of the same property may not be submitted to the county committee for a period of three months after the state board's denial. A petition involving any of the same property cited in the original petition may not be considered by the state board more than twice in a twelve-month period.
 - 10. Regardless of how many county committees consider the annexation, the decision may be appealed to the state board.
 - 11. Each annexation must receive final approval from the state board.
 - 12. The county superintendent with whom the petition has been filed shall forward all minutes, records, documentary evidence, and other information regarding the annexation, and the county committee's decision to the state board for final approval or for consideration of an appeal.

13. A decision of the state board with respect to an annexation petition may be appealed to the district court of the judicial district in which the property to be annexed is located.

SECTION 3. EMERGENCY. Section 1 of this Act is declared to be an emergency measure.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 182

SENATE BILL NO. 2158

(Senators Schaible, Myrdal)
(Representatives Monson, Hatlestad)

AN ACT to amend and reenact section 15.1-12-29 of the North Dakota Century Code, relating to the distribution of the unobligated cash balance of a dissolved school district.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-12-29 of the North Dakota Century Code is amended and reenacted as follows:

15.1-12-29. Dissolution of school district - Unobligated cash balance - Tax credits or refunds - Distribution to another political subdivision.

1. After ten thousand dollars is set aside, as required by section 15.1-12-28, and after the required amount is deposited in the reimbursement account for job service North Dakota, as required by section 15.1-12-28.1, ~~any~~:
 - a. Any remaining unobligated cash balance, up to an amount equaling a dissolved school district's general fund expenditure for the last school year before the district's dissolution is a credit for real property owners within the boundaries of the dissolved school district, against taxes levied by the district to which their property is now attached. If property from the dissolved district is attached to more than one school district, the percentage of the total credit to which each eligible real property owner is entitled must equal the percentage that the taxable valuation of the individual's real property bears to the total taxable valuation of the dissolved district's property at the time of the attachment order; or
 - b. The county committee may distribute the remaining unobligated cash balance not exceeding five hundred thousand dollars to another political subdivision located partially or wholly within the geographic boundaries of the dissolving school district. After distributing the funds, the county committee shall distribute any remaining unobligated cash balance in accordance with subdivision a.
2. Upon approval of the board of county commissioners, any school district ~~required to provide~~ providing a tax credit under subdivision a of subsection 1 may provide a cash refund in lieu of the tax credit. At the request of the county auditor, the school district holding the unobligated cash balance available under subdivision a of subsection 1 shall pay to the county treasurer the amount to be paid to those who own real property within the dissolved district. The treasurer shall issue the refund to the owner of the property as shown on the county's assessment list at the time of payment. If there is a lien for unpaid taxes against the property, the treasurer shall first apply the property owner's tax credit toward any outstanding balance. Any amount remaining may then be paid to the property owner. The cash refunds must be calculated proportionately to the total taxable value of the dissolved district during the last year taxes were levied.

3. After the requirements of subdivision a of subsection 1 have been met, the county auditor shall distribute any remaining unobligated cash balance among the school districts to which the real property of the dissolved district was attached. The percentage of the remaining unobligated cash balance to which each school district is entitled equals that percentage of the dissolved district's total taxable valuation which was attached to the receiving school district.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 183

HOUSE BILL NO. 1238

(Representatives Ista, Hager, Heinert, Jonas, Murphy, Pyle, Schreiber-Beck)
(Senators Axtman, Boschee, Cleary, Rummel)

AN ACT to amend and reenact section 15.1-13-12.1 of the North Dakota Century Code, relating to the reporting requirements for a lifetime teaching license.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-13-12.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-13-12.1. Teaching license - Lifetime licensure - Report to the board.

1. If an individual has been licensed to teach in this state for a period of ~~thirty~~twenty-five years, the education standards and practices board shall grant the individual lifetime licensure.
2. Nothing in this section precludes the board from taking any action against an individual's lifetime license if the board determines that the action is warranted under this chapter.
3. An individual holding a lifetime license who is or intends to be employed as a teacher shall provide a report to the board at least once every five years. The report:
 - a. Must be made in the form and manner prescribed by the board.
 - b. May not cause the individual holding a lifetime license to incur any cost.
 - c. Must disclose:
 - (1) Whether the individual has violated a criminal statute since the issuance of the lifetime license or the last report; and
 - (2) Any information that may cause the individual's teaching license to be revoked or suspended.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 184

SENATE BILL NO. 2043

(Senator Axtman)

AN ACT to amend and reenact subsection 5 of section 15.1-13-26 of the North Dakota Century Code, relating to denial of or immediate revocation of a teaching license for crimes against a child and sexual offenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 15.1-13-26 of the North Dakota Century Code is amended and reenacted as follows:

5. As used in this section:

- a. "Conviction" means a finding of guilt, a guilty plea, a plea of no contest, a plea of nolo contendere, a judgment of conviction even though the court suspended execution of sentence in accordance with subsection 3 of section 12.1-32-02, or a deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02 or an equivalent statute. The term does not include a finding of guilt overturned on appeal.
- b. "Crime against a child" means violation of section 12.1-16-01, 12.1-16-02, 12.1-16-03, 12.1-16-04, 12.1-17-01.1, 12.1-17-02, 12.1-17-03, 12.1-17-04, 12.1-17-05, 12.1-17-06, 12.1-17-07, 12.1-17-07.1, 12.1-17-10, 12.1-18-01, 12.1-18-02, 12.1-18-03, 12.1-29-01, 12.1-29-02, or 12.1-29-03, or an equivalent federal law or local ordinance, in which the victim is a minor or is otherwise of the age required for the act to be a crime or an attempt to commit these offenses.
- c. "Sexual offense" means a violation of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-07, 12.1-20-11, ~~or 12.1-20-12.1, 12.1-20-12.2, or 12.1-20-12.3~~, or chapter 12.1-27.2, or an equivalent federal law or local ordinance.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 185

SENATE BILL NO. 2213

(Senators Schaible, Axtman)
(Representatives Heinert, Jonas, Richter)

AN ACT to create and enact a new section to chapter 15.1-13 and two new sections to chapter 15.1-21 of the North Dakota Century Code, relating to mathematics curriculum, professional development, screening and intervention, related administrative rules and reporting requirements, and mathematics instructor competency; to provide for a legislative management report; to provide for a department of public instruction mathematics screening pilot program; to provide an appropriation; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶¹ **SECTION 1.** A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

Teaching license - Mathematics instruction competency.

1. The board shall ensure a candidate for teacher licensure, who will be certified to be a secondary mathematics teacher, demonstrates competencies in direct and explicit mathematics instruction and pedagogy.
2. A candidate satisfies the requirements of this section if the candidate demonstrates:
 - a. The candidate has received training in mathematics instruction competencies from an accredited or approved program; or
 - b. Mastery of the topics under subdivision a of subsection 1 of section 3 of this Act.
3. The board may issue a provisional license for up to two years to a teacher licensure candidate who does not meet the requirements of this section.

⁶² **SECTION 2. AMENDMENT.** The new section to chapter 15.1-13 of the North Dakota Century Code, as created by section 1 of this Act, is amended and reenacted as follows:

Teaching license - Mathematics instruction competency.

1. The board shall ensure a candidate for teacher licensure, who will be certified to be ~~an elementary education or~~ secondary mathematics teacher, ~~or both,~~ demonstrates competencies in direct and explicit mathematics instruction and pedagogy.

⁶¹ Section 15.1-13-35.2 was amended by section 2 of Senate Bill No. 2213, chapter 185.

⁶² Section 15.1-13-35.2 was created by section 1 of Senate Bill No. 2213, chapter 185.

2. A candidate satisfies the requirements of this section if the candidate demonstrates:
 - a. The candidate has received training in mathematics instruction competencies from an accredited or approved program; or
 - b. Mastery of the topics under subdivision a of subsection 1 of section 3 of this Act.
3. The board may issue a provisional license for up to two years to a teacher licensure candidate who does not meet the requirements of this section.

⁶³ **SECTION 3.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Mathematics curriculum - Professional development and intervention.

1. Each school district and nonpublic school shall:
 - a. Ensure the portion of its curriculum which is related to mathematics is based on evidence and research, includes differentiated instruction, is aligned to the state standards, and focuses on:
 - (1) Foundational skills, including:
 - (a) Numbers and operations;
 - (b) Algebraic reasoning;
 - (c) Geometry and measurement; and
 - (d) Data, probability, and statistics; and
 - (2) Competencies, including:
 - (a) Problem solving;
 - (b) Connections; and
 - (c) Reasoning and proof.
 - b. Provide continuing professional development for teachers of mathematics, including special education teachers, and school leaders which:
 - (1) Focuses on best practices in mathematics instruction, including:
 - (a) Explicit and differentiated instruction;
 - (b) Data-driven decisionmaking; and
 - (c) The topics under subdivision a.

⁶³ Section 15.1-21-12.2 was amended by section 4 of Senate Bill No. 2213, chapter 185.

- (2) Includes evidence-based programming on the science of mathematics which aligns with the topics under subdivision a.
- c. Implement formative assessments at regular intervals, adjust teaching practices accordingly, and provide targeted interventions for each student who needs additional support.
- d. Implement a research-based intervention program suggested by the state and adopted by the school board, which uses high-quality supplemental materials that incorporate evidence-based instructional strategies adopted by the school board.
- 2. To be approved by the superintendent of public instruction, certify each school or nonpublic school shall:
 - a. Ensure the placement of qualified teachers in grades four through eight;
 - b. Have integrated mathematics instruments used to identify deficiencies in the skills under subdivision a of subsection 1; and
 - c. Have integrated evidence-based instruction and assessment resources to support mathematics development and mastery.

⁶⁴ **SECTION 4. AMENDMENT.** The new section to chapter 15.1-21 of the North Dakota Century Code, as created by section 3 of this Act, is amended and reenacted as follows:

Mathematics curriculum - Professional development and intervention.

- 1. Each school district and nonpublic school shall:
 - a. Ensure the portion of its curriculum which is related to mathematics is based on evidence and research, includes differentiated instruction, is aligned to the state standards, and focuses on:
 - (1) Foundational skills, including:
 - (a) Numbers and operations;
 - (b) Algebraic reasoning;
 - (c) Geometry and measurement; and
 - (d) Data, probability, and statistics; and
 - (2) Competencies, including:
 - (a) Problem solving;
 - (b) Connections; and
 - (c) Reasoning and proof.

⁶⁴ Section 15.1-21-12.2 was created by section 3 of Senate Bill No. 2213, chapter 185.

- b. Provide continuing professional development for teachers of mathematics, including special education teachers, and school leaders which:
 - (1) Focuses on best practices in mathematics instruction, including:
 - (a) Explicit and differentiated instruction;
 - (b) Data-driven decisionmaking; and
 - (c) The topics under subdivision a.
 - (2) Includes evidence-based programming on the science of mathematics which aligns with the topics under subdivision a.
- c. Implement formative assessments at regular intervals, adjust teaching practices accordingly, and provide targeted interventions for each student who needs additional support.
- d. Implement a research-based intervention program suggested by the state and adopted by the school board, which uses high-quality supplemental materials that incorporate evidence-based instructional strategies adopted by the school board.

e. For a student in kindergarten through grade three:

- (1) Use a screening process for early identification of mathematics deficiencies and characteristics of dyscalculia;
- (2) Inform the student's parent or legal guardian about the screening process, the student's results, and the importance of early intervention;
- (3) Provide resources and guidance to the student's parent or legal guardian to support mathematics learning at home; and
- (4) If the student is identified as having characteristics of mathematics deficiencies or dyscalculia, develop an education plan with accommodations.

2. A school district or special education unit shall provide a screening process under paragraph 1 of subdivision e of subsection 1 for a student upon request by a parent, legal guardian, or teacher.

2-3. To be approved by the superintendent of public instruction, certify each school or nonpublic school shall:

- a. Ensure the placement of qualified teachers in grades four through eight;
- b. Have integrated mathematics instruments used to identify deficiencies in the skills under subdivision a of subsection 1; and
- c. Have integrated evidence-based instruction and assessment resources to support mathematics development and mastery.

SECTION 5. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Mathematics curriculum and professional development - Rules - Reports to the superintendent of public instruction and the legislative management.

1. The superintendent of public instruction, in collaboration with the kindergarten through grade twelve education coordination council, shall adopt rules to implement section 3 of this Act, including rules to monitor implementation.
2. The superintendent of public instruction and the regional education associations shall support school districts with implementation of section 3 of this Act. The superintendent of public instruction shall provide periodic reports to the legislative management on the implementation and effectiveness of section 3 of this Act in improving educational outcomes and student competency in mathematics and shall publish the reports submitted by school districts on the website of the department of public instruction.

SECTION 6. PILOT PROGRAM - DEPARTMENT OF PUBLIC INSTRUCTION - MATHEMATICS SCREENING TOOL - REPORT. Beginning with the 2025-26 school year and continuing through the 2026-27 school year, the superintendent of public instruction shall establish and operate a pilot program to provide screening services for students in grades four through eight. The pilot program must include individualized mathematics learning tools that use a skill-level screener and skill-level assessments to identify student needs, measure progress across multiple grades, and report on that progress to evaluate and improve student learning and performance outcomes. The individualized learning tools must be aligned with the 2023 North Dakota mathematics content standards, skills progressions, and competencies. Up to \$300,000 of the appropriation under section 7 of this Act must be allocated for the pilot program, including professional development for mathematics teachers on the screening tool. The superintendent shall compile data on the implementation of the pilot program, including student mathematics outcomes and the impact of each screening service and instrument used. The superintendent shall report the initial findings to the seventieth legislative assembly. The superintendent shall report the final findings to the seventy-first legislative assembly.

SECTION 7. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - MATHEMATICS CURRICULUM AND PROFESSIONAL DEVELOPMENT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing support to schools and regional education associations to improve kindergarten through grade eight mathematics curriculum, instruction, and student achievement, for the biennium beginning July 1, 2025, and ending June 30, 2027. Funds must be directed toward district-level professional development, including training, instructional rounds, coaching, and workshops designed to improve mathematics instruction and student achievement. Funds must be directed to support partnerships with regional educational associations for the delivery of district-level training and coordination of this mathematics improvement initiative. Up to \$200,000 of the appropriation in this section may be allocated for state-level staffing or department of public instruction administrative expenses. Up to \$300,000 of the appropriation in this section must be allocated for the pilot program established under section 6 of this Act.

SECTION 8. EFFECTIVE DATE. Sections 2 and 4 of this Act become effective on July 1, 2027.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 186

HOUSE BILL NO. 1261

(Representative Schreiber-Beck)

AN ACT to repeal sections 15.1-18-05 and 15.1-18-06 of the North Dakota Century Code, relating to special education strategist credentials.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Sections 15.1-18-05 and 15.1-18-06 of the North Dakota Century Code are repealed.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 187

HOUSE BILL NO. 1223

(Representatives Jonas, Heilman, Longmuir, Murphy, Richter, Hager)
(Senator Boschee)

AN ACT to amend and reenact section 15.1-19-09 of the North Dakota Century Code, relating to the suspension and expulsion of kindergarten through grade twelve students.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-19-09 of the North Dakota Century Code is amended and reenacted as follows:

15.1-19-09. Students - Suspension and expulsion - Rules.

1. The board of a school district shall adopt rules regarding the suspension and expulsion of a student. The rules for expulsion must provide for a procedural due process hearing ~~in the manner provided for in~~ subsection 2 of section 15.1-19-10; before the determination to expel a student is made. A student's parent or representative must be allowed to participate in the expulsion hearing.
2. A school district may suspend a student ~~may be suspended~~ for up to ten days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.
3. A school district may suspend a student who is enrolled in an alternative education program for which state per student payments are available ~~may be suspended~~ for up to twenty days for insubordination, habitual indolence, disorderly conduct, or for violating a school district weapons policy.
4. A school district may expel a student, including one enrolled in an alternative education program, may be expelled from school for up to twelve months for insubordination, habitual indolence, or disorderly conduct; ~~provided the expulsion does not last beyond the termination of the current school year. A student who violates the school district's weapons policy may be expelled for up to twelve months. The school district shall consider the severity of the infraction, the age of the student, and the disciplinary history of the student to determine the duration of the expulsion. If the student satisfies the conditions for reinstatement established by the school district, if any, the school district may review and reduce the duration of the expulsion. A student who violates the school district's weapons policy may be expelled under section 15.1-19-10.~~

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 188

SENATE BILL NO. 2196

(Senators Roers, Axtman, Gerhardt)
(Representatives Dobervich, Heinert, Novak)

AN ACT to amend and reenact subsection 3 of section 15.1-19-16 of the North Dakota Century Code, relating to student self-administration of asthma or anaphylaxis medication.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 15.1-19-16 of the North Dakota Century Code is amended and reenacted as follows:

3. For purposes of this section, "emergency medication" includes a prescription drug delivered by inhalation to alleviate asthmatic symptoms and any device that contains a premeasured dose of epinephrine autoinjectable pen to prevent or treat a life-threatening allergic reaction.

Approved March 28, 2025

Filed March 31, 2025

CHAPTER 189

HOUSE BILL NO. 1247

(Representatives D. Johnston, Bolinske, Frelich, Heilman, K. Anderson, Steiner,
Wolff, VanWinkle)

(Senators Myrdal, Wobbema, Paulson, Cory)

AN ACT to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to protection of a student victim of a sexual offense.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-19 of the North Dakota Century Code is created and enacted as follows:

Student sexual offense - Victim protection.

1. As used in this section:

- a. "Responsible student" means a student enrolled in a school who is an adjudicated juvenile or an adult convicted of committing a sexual offense upon another student enrolled in the same school.
- b. "Sexual offense" means an offense under chapter 12.1-20 for which "sexual act" or "sexual contact", as defined in section 12.1-20-02, is an element and the offenses under sections 12.1-20-05, 12.1-20-05.1, 12.1-20-12.1, 12.1-20-12.2, and 12.1-20-12.3.

2. A responsible student enrolled in the same school as the victim shall adhere to a safety plan developed by the school which may include:

- a. Consideration of the victim's input.
- b. No contact between the responsible student and the victim.
- c. Holding an expulsion hearing for the responsible student which grants procedural due process to the responsible student as provided by law and within the time period prescribed under section 15.1-19-09. For a misdemeanor offense, before holding an expulsion hearing, school administration shall review the offense to determine whether an expulsion hearing is warranted.
- d. Transferring a responsible student to an alternative education program, which may include virtual education if the responsible student is properly supervised.
- e. Transferring a responsible student to another school or building within the school district.
- f. Separating the responsible student from the victim at all times in school buildings and educational activities, if transferring the responsible student is not possible.

- g. Scheduled reviews of the safety plan to assess necessary adjustments and ensure continued safety of the victim.
 - h. Other measures school administration deems appropriate to ensure the safety of the victim.
 - 3. The school shall determine the duration of a separation resulting from the safety plan based on:
 - a. The victim's input and well-being;
 - b. The responsible student's age at the time of adjudication or conviction;
 - c. The nature and severity of the offense;
 - d. The responsible student's compliance with recommended intervention programs;
 - e. The input of the victim or responsible student's legal guardian or custodian, child welfare and mental health professionals, and legal representatives; and
 - f. Other factors school administration deems appropriate.
 - 4. A victim or the victim's legal guardian or custodian may request a review of the safety plan, including modification or removal of restrictions.
 - 5. Upon adjudication or conviction of a responsible student, the juvenile court in a juvenile case or the state's attorney in an adult case shall provide the superintendent or designee of the school district in which the responsible student is enrolled with a copy of the order of disposition or judgment and, upon consent of the victim, the victim's name. A record provided under this section is confidential under section 27-20.2-21.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 190

HOUSE BILL NO. 1200

(Representatives Louser, Bolinske, Fisher, Heinert, Hoverson, D. Ruby, M. Ruby,
VanWinkle, Richter)
(Senators Burckhard, Castaneda, Lemm)

AN ACT to amend and reenact section 15.1-21-02.2 of the North Dakota Century Code, relating to the waiver and substitution of one unit required for high school graduation under emergent circumstances.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-21-02.2 of the North Dakota Century Code is amended and reenacted as follows:

~~15.1-21-02.2. High school graduation — Minimum requirements. (Effective through July 31, 2025)~~

- ~~1. Except as provided in section 15.1-21-02.3 and subsection 2, the following twenty-two units of high school coursework constitute the minimum requirement for high school graduation:~~
 - ~~a. Four units of English language arts from a sequence that includes literature, composition, and speech;~~
 - ~~b. Three units of mathematics, which may include one unit of computer science approved by the superintendent of public instruction;~~
 - ~~c. Three units of science, consisting of:~~
 - ~~(1) (a) One unit of biology;~~
 - ~~(b) One unit of chemistry; and~~
 - ~~(c) One unit of physics; or~~
 - ~~(2) (a) One unit of biology;~~
 - ~~(b) One unit of physical science; and~~
 - ~~(c) One unit or two one-half units of any other science which may include one unit of computer science or cybersecurity approved by the superintendent of public instruction;~~
 - ~~d. Three units of social studies, including:~~
 - ~~(1) One unit of United States history;~~
 - ~~(2) (a) One-half unit of United States government and one-half unit of economics; or~~

- ~~(b) One unit of problems of democracy; and~~
 - ~~(3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;~~
 - e. ~~(1) One unit of physical education; or~~
 - ~~(2) One-half unit of physical education and one-half unit of health;~~
 - f. ~~Three units of:~~
 - ~~(1) Foreign languages;~~
 - ~~(2) Native American languages;~~
 - ~~(3) Fine arts; or~~
 - ~~(4) Career and technical education courses; and~~
 - g. ~~Any five additional units.~~
- 2. ~~If approved by the board of a school district or nonpublic school, a school district or nonpublic school may develop eligibility criteria or programmatic requirements to allow a passing score on the relevant portions of the GED assessment to receive credit for the corresponding requirements of subdivisions a through d of subsection 1.~~

High school graduation - Minimum requirements. ~~(Effective after July 31, 2025)~~

1. Except as provided in section 15.1-21-02.3 and subsection 2, the following twenty-two units of high school coursework constitute the minimum requirement for high school graduation:
 - a. Four units of English language arts from a sequence that includes literature, composition, and speech;
 - b. Three units of mathematics, which may include one unit of computer science approved by the superintendent of public instruction;
 - c. Three units of science, consisting of:
 - (1) (a) One unit of biology;
 - (b) One unit of chemistry; and
 - (c) One unit of physics; or
 - (2) (a) One unit of biology;
 - (b) One unit of physical science; and
 - (c) One unit or two one-half units of any other science which may include one unit of computer science or cybersecurity approved by the superintendent of public instruction;

- d. Three units of social studies, including:
 - (1) One unit of United States history, including Native American tribal history;
 - (2) (a) One-half unit of United States government and one-half unit of economics; or
(b) One unit of problems of democracy; and
 - (3) One unit or two one-half units of any other social studies, which may include civics, civilization, geography and history, multicultural studies, North Dakota studies, psychology, sociology, and world history;
 - e. (1) One unit of physical education; or
(2) One-half unit of physical education and one-half unit of health;
 - f. Three units of:
 - (1) Foreign languages;
 - (2) Native American languages;
 - (3) Fine arts; or
 - (4) Career and technical education courses;
 - g. Any five additional units; and
 - h. One unit of computer science or cybersecurity whether under subdivision b, c, or both.
 - i. The requirements of subdivision h are waived if the student has completed a computer science and cybersecurity integration plan approved by the school board.
2. If approved by the board of a school district or nonpublic school, a school district or nonpublic school may ~~develop~~:
- a. Develop eligibility criteria or programmatic requirements to allow a passing score on the relevant portions of the GED assessment to receive credit for the corresponding requirements of subdivisions a through d of subsection 1.
 - b. Establish a policy to allow a student to receive credit for no more than one unit under subsection 1 for completing an alternative course, including an elective course or dual-credit course, if the student demonstrates an emergent circumstance.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 191

HOUSE BILL NO. 1098

(Representatives Jonas, Heinert, Murphy, Schreiber-Beck, Swiontek, Warrey)
(Senator Schaible)

AN ACT to amend and reenact section 15.1-21-02.10 of the North Dakota Century Code, relating to a North Dakota scholarship for students interested in a teaching career; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶⁵ **SECTION 1. AMENDMENT.** Section 15.1-21-02.10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-02.10. North Dakota scholarship.

~~Any~~A resident student who meets the requirements of section 15.1-21-02.6 is eligible to receive a North Dakota scholarship if the student:

1. Completed an individual consultative process or a nine-week course under subsection 2 of section 15.1-21-18;
2. Completed the civics test under section 15.1-21-27;
3. Completed a four-year rolling plan, as determined by the superintendent of public instruction;
4. Obtained a cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1;
5. Completed the requirements in at least four of the following while enrolled in grades nine through twelve:
 - a. Twenty-five hours of community service;
 - b. A ninety-five percent attendance rate as determined under section 15.1-20-02.1, not including any school-related absences;
 - c. A career exploration experience, as determined by the superintendent of public instruction;
 - d. At least two years in organized cocurricular activities;
 - e. At least two years in organized extracurricular activities;

⁶⁵ Section 15.1-21-02.10 was also amended by section 1 of House Bill No. 1404, chapter 192.

- f. A capstone project, as determined by the superintendent of public instruction;
 - g. An online learning course; and
 - h. Successful demonstration of competency in twenty-first century skills, as determined by the superintendent of public instruction; and
6. Completed the requirements in two of the following subdivisions while enrolled in grades nine through twelve:
- a. (1) Received:
 - (a) A composite score of at least twenty-four on an ACT; or
 - (b) A score of at least 1180 on an SAT; and
 - (2) Completed the requirements in at least two of the following:
 - (a) A grade of at least "C" in an advanced placement course, or an equivalent course proficiency score;
 - (b) A grade of at least "C" in a dual-credit English or mathematics course, or an equivalent course proficiency score;
 - (c) A grade of at least "C" in one unit of algebra II, or an equivalent course proficiency score;
 - (d) A grade of at least "C" in three fine arts courses;
 - (e) A score of at least three on an advanced placement examination;
 - (f) A score of at least four on an international baccalaureate examination; and
 - (g) A cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1, in core courses required for admission to institutions of higher education under the control of the state board of higher education;
 - b. (1) Earned:
 - (a) Four units of career and technical education, including two units from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; or
 - (b) Three units of the same world language, indigenous language, or sign language; or
 - (c) Two units of career and technical education, one unit of teaching profession education or educational methodology and one unit of advanced placement psychology, dual-credit psychology, child development, peer-to-peer leadership, child-related careers, or any combination thereof;

- (2) Received:
 - (a) A composite score of at least twenty-four on an ACT;
 - (b) A score of at least 1180 on an SAT; or
 - (c) A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction; and
- (3) Successfully completed the requirements in at least two of the following:
 - (a) A career-ready practices course developed and recommended by the department of career and technical education and approved by the superintendent of public instruction;
 - (b) A grade of at least "C" in a dual-credit course, or an equivalent course proficiency score;
 - (c) A technical assessment or industry credential, as determined by the department of career and technical education;
 - (d) Forty hours in a workplace learning experience, approved by the superintendent of public instruction;
 - (e) Forty hours in a work-based learning experience aligned to the Strengthening Career and Technical Education for the 21st Century Act [Pub. L. 115-224; 132 Stat. 1563; 20 U.S.C. 2301 et seq.]; and
 - (f) Received:
 - [1] A score of at least three on a reading and mathematics assessment administered under subsection 1 of section 15.1-21-08 while enrolled in grades nine through twelve; or
 - [2] ACT scores of at least nineteen in English and at least twenty-two in mathematics if the school in which the student was enrolled used an ACT assessment for accountability; or
- c. (1) Received:
 - (a) A score of at least fifty on an ASVAB test; or
 - (b) A score of at least thirty-one on an ASVAB test and successfully completed basic training in one of the branches of the United States military before high school graduation or within ninety days of graduating from high school. Upon successful completion from basic training, the student must provide a certificate of completion from basic training to the department of public instruction;
- (2) Obtained a grade of at least "C" in a physical education course, or an equivalent course proficiency score; and
- (3) Completed:

- (a) Any two of subparagraphs a through f of paragraph 2 of subdivision a, or any two of subparagraphs a through f of paragraph 3 of subdivision b;
- (b) Two units of junior reserve officers' training corps; or
- (c) Phase one of the cadet civil air patrol program.

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

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 192

HOUSE BILL NO. 1404

(Representatives Schreiber-Beck, Conmy, Hager, Pyle, Novak)
(Senator Rummel)

AN ACT to amend and reenact subsection 6 of section 15.1-21-02.10 of the North Dakota Century Code, relating to requirements to qualify for the North Dakota scholarship.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶⁶ **SECTION 1. AMENDMENT.** Subsection 6 of section 15.1-21-02.10 of the North Dakota Century Code is amended and reenacted as follows:

6. Completed the requirements in two of the following subdivisions while enrolled in grades nine through twelve:
 - a. (1) Received:
 - (a) A scale score on the state's annual accountability assessment administered under subsection 1 of section 15.1-21-08, which is determined by the superintendent of public instruction to be of equal academic rigor to the score under subparagraph b;
 - (b) A composite score of at least twenty-four on an ACT; or
 - ~~(b)(c)~~ A score of at least 1180 on an SAT; and
 - (2) Completed the requirements in at least two of the following:
 - (a) A grade of at least "C" in an advanced placement course, or an equivalent course proficiency score;
 - (b) A grade of at least "C" in a dual-credit English or mathematics course, or an equivalent course proficiency score;
 - (c) A grade of at least "C" in one unit of algebra II, or an equivalent course proficiency score;
 - (d) A grade of at least "C" in three fine arts courses;
 - (e) A score of at least three on an advanced placement examination;
 - (f) A score of at least four on an international baccalaureate examination; and
 - (g) A cumulative grade point average of at least 3.0 on a 4.0 grading scale, or an equivalent course proficiency score if the student was

⁶⁶ Section 15.1-21-02.10 was also amended by section 1 of House Bill No. 1098, chapter 191.

enrolled in a school district participating in an approved innovative education program under section 15.1-06-08.2 and the school district obtained a waiver under section 15.1-06-08.1, in core courses required for admission to institutions of higher education under the control of the state board of higher education;

b. (1) Earned:

(a) Four units of career and technical education, including two units from a coordinated plan of study recommended by the department of career and technical education and approved by the superintendent of public instruction; or

(b) Three units of the same world language, indigenous language, or sign language;

(2) Received:

(a) A scale score on the state's annual accountability assessment administered under subsection 1 of section 15.1-21-08, which is determined by the superintendent of public instruction to be of equal academic rigor to the score under subparagraph b;

(b) A composite score of at least twenty-four on an ACT;

~~(b)~~(c) A score of at least 1180 on an SAT; or

~~(e)~~(d) A score of at least five on each of three WorkKeys assessments recommended by the department of career and technical education and approved by the superintendent of public instruction; and

(3) Successfully completed the requirements in at least two of the following:

(a) A career-ready practices course developed and recommended by the department of career and technical education and approved by the superintendent of public instruction;

(b) A grade of at least "C" in a dual-credit course, or an equivalent course proficiency score;

(c) A technical assessment or industry credential, as determined by the department of career and technical education;

(d) Forty hours in a workplace learning experience, approved by the superintendent of public instruction;

(e) Forty hours in a work-based learning experience aligned to the Strengthening Career and Technical Education for the 21st Century Act [Pub. L. 115-224; 132 Stat. 1563; 20 U.S.C. 2301 et seq.]; and

(f) Received:

~~[4] A a score of at least three on a reading and mathematics assessment administered under subsection 1 of section 15.1-21-08 while enrolled in grades nine through twelve; or~~

~~[2] ACT scores of at least nineteen in English and at least twenty-two in mathematics if the school in which the student was enrolled used an ACT assessment for accountability; or~~

c. (1) Received:

(a) A score of at least fifty on an ASVAB test; or

(b) A score of at least thirty-one on an ASVAB test and successfully completed basic training in one of the branches of the United States military before high school graduation or within ninety days of graduating from high school. Upon successful completion from basic training, the student must provide a certificate of completion from basic training to the department of public instruction;

(2) Obtained a grade of at least "C" in a physical education course, or an equivalent course proficiency score; and

(3) Completed:

(a) Any two of subparagraphs a through f of paragraph 2 of subdivision a, or any two of subparagraphs a through f of paragraph 3 of subdivision b;

(b) Two units of junior reserve officers' training corps; or

(c) Phase one of the cadet civil air patrol program; or

(d) Two units of any combination of the following courses:

[1] Introduction to military careers;

[2] ASVAB essentials: skills for military success;

[3] Military health and fitness;

[4] Career foundations in military leadership; or

[5] Military leadership capstone.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 193

HOUSE BILL NO. 1533

(Representatives Pyle, Grindberg, Novak, O'Brien, Schreiber-Beck, Vollmer)
(Senators Cleary, Meyer, Axtman)

AN ACT to amend and reenact section 15.1-21-21 of the North Dakota Century Code, relating to financial literacy and concepts of personal finance curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-21-21 of the North Dakota Century Code is amended and reenacted as follows:

15.1-21-21. Financial literacy - Concepts of personal finance - Inclusion in curriculum.

1. ~~Beginning July 1, 2010, each~~Each school district shall require each student to complete one-half unit of financial literacy or ensure that its curriculum for either economics or problems of democracy includes the exposure of students to concepts of personal finance, including:
 - a. ~~Checkbook mechanics, including writing checks, balancing, and statement reconciliation~~Budgeting and money management;
 - b. ~~Saving for larger purchases~~and investing;
 - c. ~~Credit, including credit card usage, interest, and fees~~ and debt management;
 - d. ~~Earning power, including jobs for teenagers~~Banking and financial services;
 - e. ~~Taxation and paycheck withholdings~~income;
 - f. ~~College costs~~Consumer skills and smart spending;
 - g. ~~Making and living within a budget~~Insurance and risk management; and
 - h. ~~Mortgages, retirement savings, and investments~~College and career financial planning;
 - i. Retirement planning; and
 - j. Entrepreneurship and economic concepts.
2. Upon written request, the superintendent of public instruction may allow a school district annually to select courses other than economics or problems of democracy for purposes of exposing students to the concepts of personal finance, as listed in this section, provided the school district can demonstrate that the number of students exposed to the concepts in the other selected courses would meet or exceed the number of students exposed under the requirements of subsection 1.

3. The requirements of this section may be provided by the regular classroom teacher of the course in which the concepts of personal finance are incorporated.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 194

SENATE BILL NO. 2275

(Senators Luick, Bekkedahl, Davison, Lemm)
(Representative Fisher)

AN ACT to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to a pilot program to provide grants to schools that provide instruction in a foreign language to students in kindergarten through grade three; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Curriculum - Kindergarten through grade three - Foreign language - Pilot program.

Beginning with the 2025-26 school year and continuing through the 2026-27 school year, the superintendent of public instruction shall establish and operate a pilot program to provide annual grants to schools that provide instruction in a foreign language to students in kindergarten through grade three. Grants awarded under the program may be used for program costs, materials, or stipends. Grants awarded under this program may not exceed two thousand five hundred dollars per school per year. The superintendent shall develop the requirements and procedures for a school to participate in the program.

SECTION 2. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - FOREIGN LANGUAGE TEACHER STIPENDS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$49,500, or so much of the sum as may be necessary, to the department of public instruction, for the purpose of creating a pilot program to provide grants to schools that provide instruction in a foreign language to students in kindergarten through grade three, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 195

HOUSE BILL NO. 1369

(Representatives Heinert, Richter)
(Senators Lemm, Schaible)

AN ACT to amend and reenact sections 15.1-27-04.1, 15.1-32-19, 15.1-36-02, 48-01.2-02.1, 48-01.2-10, and 57-15-14.2 of the North Dakota Century Code, and section 15.1-36-08 as amended by section 1 of Senate Bill No. 2149, as approved by the sixty-ninth legislative assembly, relating to the determination of state aid, boarding care costs, the coal development trust fund, the school construction assistance revolving loan fund, public improvement construction, bonds from contractors for public improvements, and school district levies; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04.1. Baseline funding - Establishment - Determination of state aid. (Effective through June 30, 2025) (Retroactive application - See note)

1. ~~To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:~~
 - a. ~~All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;~~
 - b. ~~An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;~~
 - c. ~~An amount equal to seventy five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:~~
 - (1) ~~Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;~~
 - (2) ~~Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;~~
 - (3) ~~Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the~~

~~operation of an educational program provided at a residential treatment facility, tuition received for the provision of an adult farm management program, and beginning in the 2021-22 school year, seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid, and an additional seventeen percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid each school year thereafter, until the 2024-25 school year when sixty-eight percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;~~

- ~~(4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;~~
- ~~(5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and~~
- ~~(6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c) (3);~~
- d. ~~An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:~~
 - ~~(1) Mobile home tax revenue;~~
 - ~~(2) Telecommunications tax revenue; and~~
 - ~~(3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit; and~~
- e. ~~Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.~~
- 2. a. ~~The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.~~
- b. ~~For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to~~

- ~~calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.~~
- ~~e. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. For the 2023-24 school year the superintendent shall reduce the district's baseline funding per weighted student unit by forty percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2023-24 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.~~
3. ~~a. For the 2023-24 school year, the superintendent shall calculate state aid as the greater of:~~
- ~~(1) The district's weighted student units multiplied by ten thousand six hundred forty six dollars;~~
 - ~~(2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand six hundred forty six dollars; or~~
 - ~~(3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by forty percent and then the difference added to the amount determined in paragraph 1.~~
- ~~b. For the 2024-25 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:~~
- ~~(1) The district's weighted student units multiplied by eleven thousand seventy two dollars;~~
 - ~~(2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by eleven thousand seventy two dollars; or~~

- ~~(3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by fifty five percent for the 2024-25 school year and the reduction percentage increasing by fifteen percent each school year thereafter until the difference is reduced to zero, and then the difference added to the amount determined in paragraph 1.~~
4. ~~After determining the product in accordance with subsection 3, the superintendent of public instruction shall:~~
- ~~a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, except the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent, adjusted pursuant to section 15.1 27-04.3; and~~
 - ~~b. Subtract an amount equal to seventy five percent of all revenue types listed in subdivisions c and d of subsection 1. Before determining the deduction for seventy five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:~~
 - ~~(1) Tuition revenue shall be adjusted as follows:~~
 - ~~(a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition revenue received for the provision of an adult farm management program, tuition received for the education of high-cost and special education students, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of subdivision e of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and~~
 - ~~(b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1 29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.~~
 - ~~(2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in 2022 by the school district for sinking and interest relative to the total mills levied in 2022 by the school district for all purposes.~~
5. ~~The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.~~

- ~~6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.~~
- ~~7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:~~
 - ~~a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;~~
 - ~~b. The total number of mills levied in the previous calendar year by each school district for all purposes; and~~
 - ~~c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.~~

~~Baseline funding – Establishment – Determination of state aid. (Effective after June 30, 2025)~~

1. To determine the amount of state aid payable to each district, the superintendent of public instruction shall establish each district's baseline funding. A district's baseline funding consists of:
 - a. All state aid received by the district in accordance with chapter 15.1-27 during the 2018-19 school year;
 - b. An amount equal to the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment;
 - c. An amount equal to seventy-five percent of the revenue received by the school district during the 2017-18 school year for the following revenue types:
 - (1) Revenue reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (2) Mineral revenue received by the school district through direct allocation from the state treasurer and not reported under code 2000 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08;
 - (3) Tuition reported under code 1300 of the North Dakota school district financial accounting and reporting manual, as developed by the superintendent of public instruction in accordance with section 15.1-02-08, with the exception of revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition received for the provision of an adult farm management program, and beginning in the 2025-26 school year, eighty-five percent of tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid, until the 2026-27 school year, and

- each school year thereafter, when all tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid must be excluded from the tuition calculation under this paragraph;
- (4) Revenue from payments in lieu of taxes on the distribution and transmission of electric power;
 - (5) Revenue from payments in lieu of taxes on electricity generated from sources other than coal; and
 - (6) Revenue from the leasing of land acquired by the United States for which compensation is allocated to the state under 33 U.S.C. 701(c)(3); ~~and~~
- d. An amount equal to the total revenue received by the school district during the 2017-18 school year for the following revenue types:
- (1) Mobile home tax revenue;
 - (2) Telecommunications tax revenue; and
 - (3) Revenue from payments in lieu of taxes and state reimbursement of the homestead credit and disabled veterans credit-; and
- e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter.
2. a. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's 2017-18 weighted student units to determine the district's baseline funding per weighted student unit.
- b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.

- c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. For the 2023-24 school year the superintendent shall reduce the district's baseline funding per weighted student unit by forty percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2023-24 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3.
3. a. For the ~~2023-24~~2025-26 school year, the superintendent shall calculate state aid as the greater of:
- (1) The district's weighted student units multiplied by ~~ten thousand six hundred forty six~~eleven thousand three hundred forty-nine dollars;
 - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ~~ten thousand six hundred forty six~~eleven thousand three hundred forty-nine dollars; or
 - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by ~~forty seven~~percent and then the difference added to the amount determined in paragraph 1.
- b. For the ~~2024-25~~2026-27 school year and each school year thereafter, the superintendent shall calculate state aid as the greater of:
- (1) The district's weighted student units multiplied by ~~seventy two~~six hundred thirty-three dollars;
 - (2) One hundred two percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units, not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ~~eleven thousand seventy two~~six hundred thirty-three dollars; or
 - (3) The district's baseline funding as established in subsection 1 less the amount in paragraph 1, with the difference reduced by ~~fifty five~~eighty-five percent for the ~~2024-25~~2026-27 school year and the reduction percentage increasing by fifteen percent each school year thereafter until the difference is reduced to zero, and then the difference added to the amount determined in paragraph 1.

4. After determining the product in accordance with subsection 3, the superintendent of public instruction shall:
 - a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district; and
 - b. Subtract an amount equal to seventy-five percent of all revenue types listed in ~~subdivisions c and d~~ subdivision c and paragraphs 1 and 2 of subdivision d of subsection 1 and revenue from payments in lieu of taxes. Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:
 - (1) Tuition revenue shall be adjusted as follows:
 - (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility, tuition revenue received for the provision of an adult farm management program, tuition received for the education of high-cost and special education students, and tuition received under an agreement to educate students from a school district on an air force base with funding received through federal impact aid as directed each school year in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and
 - (b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.
 - (2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in ~~2022~~2024 by the school district for sinking and interest relative to the total mills levied in ~~2022~~2024 by the school district for all purposes.
5. The amount remaining after the computation required under subsection 4 is the amount of state aid to which a school district is entitled, subject to any other statutory requirements or limitations.
6. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction the final average daily membership for the current school year.
7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:

- a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
- b. The total number of mills levied in the previous calendar year by each school district for all purposes; and
- c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

SECTION 2. AMENDMENT. Section 15.1-32-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-19. Boarding care costs - Reimbursement of school district.

The superintendent of public instruction shall reimburse a student's school district of residence an amount equal to eighty percent of the room and board costs paid by the district for a student with disabilities who is placed in a facility that is located either within or outside of the student's school district of residence in order to receive special education services. The student's school district of residence is liable for any room and board costs in excess of those reimbursed as provided in this section. The placement of a student with disabilities in a public or private facility will be made by a school district and approved by the superintendent of public instruction. The placement of a student with disabilities in a facility designated by public instruction may consult with the commissioner of the department of health and human services on congregate care facilities.

SECTION 3. AMENDMENT. Section 15.1-36-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-02. Coal development trust fund - Board of university and school lands - School construction projects - Unanticipated construction projects and emergency repairs - Loans.

1. Up to sixty million dollars from the coal development trust fund is available to the board of university and school lands for loans under this section.
2. To be eligible for a loan under this section, the school district must demonstrate a need based on an unanticipated construction project, an unanticipated replacement project, an emergency repair, or a legislatively defined condition, and the board of a school district shall:
 - a. Obtain the approval of the superintendent of public instruction for the construction project under section 15.1-36-01; and
 - b. Submit to the superintendent of public instruction an application containing all information deemed necessary by the superintendent, including potential alternative sources or methods of financing the construction project.
3. The superintendent of public instruction shall consider each loan application in the order the application received approval under section 15.1-36-01.
4. If the superintendent of public instruction approves the loan, the board of university and school lands shall issue a loan from the coal development trust fund.

- a. For a loan made under this ~~section~~ subsection:
- ~~a-(1)~~ (1) Except for loans provided for a school construction project on an air force base, the minimum loan amount is two hundred fifty thousand dollars and the maximum loan amount for which a school district may qualify is five million dollars;
 - ~~b-(2)~~ (2) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - ~~c-(3)~~ (3) The interest rate of the loan may not exceed two percent per year.
- b. During the 2025-27 biennium, a loan for a school construction project on an air force base is an allowable condition under subsection 2. For a loan made for a school construction project on an air force base under this subsection:
- (1) The maximum loan amount for which the school district may qualify is the lesser of twenty percent of the project cost or twenty million dollars;
 - (2) The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application;
 - (3) The interest rate of the loan may not exceed two percent per year; and
 - (4) The school district must obtain all necessary federal authorizations and funding commitments for the project.
5. a. If a school district seeking a loan under this section received an allocation of the oil and gas gross production tax during the previous fiscal year in accordance with chapter 57-51, the board of the district shall provide to the board of university and school lands, and to the state treasurer, its evidence of indebtedness indicating the loan originated under this section.
- b. If the evidence of indebtedness is payable solely from the school district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the loan does not constitute a general obligation of the school district and may not be considered a debt of the district.
- c. If a loan made to a school district is payable solely from the district's allocation of the oil and gas gross production tax in accordance with section 57-51-15, the terms of the loan must require the state treasurer withhold the dollar amount or percentage specified in the loan agreement, from each of the district's oil and gas gross production tax allocations, in order to repay the principal and interest of the evidence of indebtedness. The state treasurer shall deposit the amount withheld into the fund from which the loan originated.
- d. Any evidence of indebtedness executed by the board of a school district under this subsection is a negotiable instrument and not subject to taxation by the state or any political subdivision of the state.
6. For purposes of this section, a "construction project" means the purchase, lease, erection, or improvement of any structure or facility by a school board, provided the acquisition or activity is within a school board's authority.

⁶⁷ **SECTION 4. AMENDMENT.** Section 15.1-36-08 of the North Dakota Century Code as amended by section 1 of Senate Bill No. 2149, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

15.1-36-08. School construction assistance revolving loan fund - Bank of North Dakota - School construction projects - Continuing appropriation.

1. The school construction assistance revolving loan fund is a special revolving loan fund administered by the Bank. The fund consists of all moneys appropriated or transferred to the fund by the legislative assembly, all interest or other earnings of the fund, and all repayments of loans made from the fund.
2. Moneys in the fund, interest upon the moneys in the fund, and payments to the fund of principal and interest are appropriated to the Bank on a continuing basis for the purpose of providing low-interest school construction loans and for paying administrative costs, in accordance with this section.
3. For a school construction project not located on an air force base, to be eligible for a loan under this section, the board of a school district shall:
 - a. Propose a new construction or remodeling project with a cost of at least one million dollars and an expected utilization of at least thirty years;
 - b. Obtain the approval of the superintendent of public instruction for the project under section 15.1-36-01;
 - c. (1) Publish in the official newspaper of the district the information regarding the proposed estimated additional millage and the dollar increase per one thousand dollars of taxable valuation in accordance with section 21-03-13 along with the notice of the election in accordance with section 21-03-12 or along with the initial resolution in accordance with subsection 7 of section 21-03-07; and
(2) Post the information on the school district's website before the date of the election or during the protest period in accordance with chapter 21-03;
 - d. Receive authorization for a bond issue in accordance with chapter 21-03; and
 - e. Submit a completed application to the Bank.
4. For a school construction project located on an air force base, to be eligible for a loan under this section, the board of the school district shall:
 - a. Propose a new construction or remodeling project on an air force base which has a cost of at least one million dollars and an expected utilization of at least thirty years;
 - b. Obtain the approval of the superintendent of public instruction for the project under section 15.1-36-01;
 - c. Obtain all necessary federal authorizations and funding commitments for the project; and

⁶⁷ Section 15.1-36-08 was also amended by section 1 of Senate Bill No. 2149, chapter 198.

- d. Submit a completed application to the Bank.
5. ~~The superintendent of public instruction shall designate, until June 30, 2027, or until a loan is made as identified in this section, twenty million dollars of funds available for loans in the school construction assistance revolving loan fund for a loan to provide matching funds for the construction of facilities on an air force base.~~
6. The superintendent of public instruction shall review loan applications based on a prioritization system that includes a review of all applications filed during the twelve-month period preceding April first and gives consideration to:
 - a. Student occupancy and academic needs in the district;
 - b. The age of existing structures to be replaced or remodeled;
 - c. Building design proposals that are based on safety and vulnerability assessments;
 - d. Community support;
 - e. Cost; and
 - f. Any other criteria established by the superintendent of public instruction, after consultation with an interim committee appointed by the legislative management.
- 7-6. If the superintendent of public instruction approves the loan, the Bank shall issue a loan from the school construction assistance revolving loan fund. For a loan made under this section:
 - a. If the school construction project totals less than seventy-five million dollars, the maximum loan amount for which a school district may qualify is ~~fifteen million~~ ten million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of ~~twelve million~~ eight million dollars;
 - b. If the school construction project totals seventy-five million dollars or more, the maximum loan amount for which a school district may qualify is ~~thirty million~~ twenty million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of ~~twenty four million~~ sixteen million dollars;
 - c. If the school construction project is on an air force base, the maximum loan amount for which the school district may qualify is the lesser of twenty percent of the project cost or twenty million dollars;
 - d. The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
 - e. The interest rate of the loan may not exceed two percent per year.

- f. A district with a school construction loan secured on the open bond market may apply to refinance the loan when callable with the school construction assistance revolving loan fund under this subsection.

8-7. The Bank may adopt policies and establish guidelines to administer this loan program in accordance with this section. The Bank may use a portion of the interest paid on the outstanding loans as a servicing fee to pay for administration costs which may not exceed one-half of one percent of the amount of the interest payment. The Bank shall deposit principal and interest payments made by school districts for loans under this section in the school construction assistance revolving loan fund. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit must be paid from the fund.

SECTION 5. AMENDMENT. Section 48-01.2-02.1 of the North Dakota Century Code is amended and reenacted as follows:

48-01.2-02.1. Public improvement construction threshold.

1. The threshold for bidding construction of a public improvement is two hundred fifty thousand dollars. The threshold for procuring plans, drawings, and specifications from an architect or engineer for construction of a public improvement is two hundred fifty thousand dollars.
2. Notwithstanding the thresholds in subsection 1, if the state or a political subdivision undertakes the construction of a public improvement and there is reason to believe that engineering or architectural services are necessary to protect the health, safety, or welfare of the public, the state or political subdivision shall consider consulting with an engineer or architect.

SECTION 6. AMENDMENT. Section 48-01.2-10 of the North Dakota Century Code is amended and reenacted as follows:

48-01.2-10. Bonds from contractors for public improvements.

1. Unless otherwise provided under this chapter, a governing body authorized to enter a contract for the construction of a public improvement in excess of two hundred fifty thousand dollars shall take from the contractor a bond before permitting any work to be done on the contract. The bond must be for an amount equal at least to the price stated in the contract. The bond must be conditioned to be void if the contractor and all subcontractors fully perform all terms, conditions, and provisions of the contract and pay all bills or claims on account of labor performed and any supplies, and materials furnished and used in the performance of the contract, including all demands of subcontractors. The requirement that bills and claims be paid must include the requirement that interest of the amount authorized under section 13-01-14 be paid on bills and claims not paid within ninety days. The bond is security for all bills, claims, and demands until fully paid, with preference to labor and material suppliers as to payment. The bond must run to the governing body, but any person having a lawful claim against the contractor or any subcontractor may sue on the bond.
2. A governing body may not require any person required to provide a surety bond to obtain the surety bond from a specified insurance or surety company or insurance producer or to submit financial data to the company or producer.

⁶⁸ **SECTION 7. AMENDMENT.** Section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14.2. School district levies.

1. The board of a school district may levy a tax ~~not exceeding the amount in dollars that the school district levied for the prior year, plus twelve percent,~~ up to a levy of seventy mills on the taxable valuation of the district, for any purpose related to the provision of educational services. The proceeds of this levy must be deposited into the school district's general fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
2. The board of a school district may levy no more than twelve mills on the taxable valuation of the district, for miscellaneous purposes and expenses. The proceeds of this levy must be deposited into a special fund known as the miscellaneous fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
3. The board of a school district may levy no more than three mills on the taxable valuation of the district for deposit into a special reserve fund, in accordance with chapter 57-19.
4. The board of a school district may levy no more than the number of mills necessary, on the taxable valuation of the district, for the payment of tuition, in accordance with section 15.1-29-15. The proceeds of this levy must be deposited into a special fund known as the tuition fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
5. The board of a school district may levy no more than five mills on the taxable valuation of the district, pursuant to section 57-15-15.1, for purposes of developing a school safety plan in accordance with section 15.1-09-60. The proceeds of this levy must be deposited into a special fund known as the school safety plan fund and used in accordance with this subsection.
6. Nothing in this section limits the board of a school district from levying:
 - a. Mills for a building fund, as permitted in sections 15.1-09-49 and 57-15-16; and
 - b. Mills necessary to pay principal and interest on the bonded debt of the district, including the mills necessary to pay principal and interest on any bonded debt incurred under section 57-15-17.1 before July 1, 2013.

SECTION 8. EFFECTIVE DATE. Section 7 of this Act is effective for taxable years beginning after December 31, 2024. Sections 1, 2, 5, and 6 of this Act are effective July 1, 2025.

Approved May 12, 2025

Filed May 12, 2025

⁶⁸ Section 57-15-14.2 was also amended by section 23 of House Bill No. 1176, chapter 555.

CHAPTER 196

HOUSE BILL NO. 1214

(Representatives Richter, Heinert, Novak, J. Olson, Sanford, Murphy, Jonas)
(Senators Barta, Rummel, Schaible, Sickler)

AN ACT to create and enact section 15.1-27-31.2 of the North Dakota Century Code, relating to transportation weighted student unit equivalents; to amend and reenact sections 15.1-31-05 and 15.1-27-31.2 of the North Dakota Century Code, relating to open enrollment transportation; to repeal sections 15.1-27-26.1, 15.1-27-27.1, 15.1-27-28.1, 15.1-27-30.1, and 15.1-27-31.1 of the North Dakota Century Code, relating to payments for school district transportation of students, special education students, and career and technical education students, the distribution of transportation payments in the event of school district closure, and state transportation payments to school districts; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁶⁹ **SECTION 1.** Section 15.1-27-31.2 of the North Dakota Century Code is created and enacted as follows:

15.1-27-31.2. Transportation average daily membership equivalents converted to weighted student unit equivalents - Determination.

1. The superintendent of public instruction shall determine transportation average daily membership equivalents for eligible school districts providing schoolbus transportation in contract schoolbuses, or in district-owned and operated schoolbuses, and for eligible school districts with students riding commercial buses to and from a school within the incorporated limits of a city. Transportation average daily membership equivalents must be determined as follows:
 - a. 0.0011 multiplied by the number of eligible large bus miles;
 - b. 0.00052 multiplied by the number of eligible small bus miles;
 - c. 0.01 multiplied by the number of eligible large bus runs;
 - d. 0.00468 multiplied by the number of eligible small bus runs;
 - e. 0.012 multiplied by the number of square miles in the school district;
 - f. 2.0 multiplied by the number of educational school plants within the school district boundary; and
 - g. 0.00025 multiplied by the number of eligible miles transported by a student's family and reimbursed by the school district.

⁶⁹ Section 15.1-27-31.2 was amended by section 2 of House Bill No. 1214, chapter 196.

2. The superintendent of public instruction shall determine each school district's total transportation average daily membership equivalent by adding the products derived under subsection 1 and then multiplying the total transportation average daily membership equivalent by 0.091 to determine the school district's weighted student unit equivalent.
3. Subject to legislative appropriation, the superintendent of public instruction shall pay each school district providing schoolbus transportation in contract schoolbuses, or in district-owned and operated schoolbuses, an amount equal to the school district's weighted student unit equivalent multiplied by the per student payment rate for the applicable school year in subsection 3 of section 15.1-27-04.1. For school districts whose eligible bus miles and eligible bus runs remain the same, or increase from the prior year, the transportation payment under this subsection may not be less than the transportation payment received by the school district for the preceding year.
4. To be eligible, school districts must certify compliance with state law relating to schoolbus standards and school vehicle driver requirements. The superintendent of public instruction may adopt rules governing certification of compliance under this subsection.
5. Each year, the superintendent of public instruction shall determine the school district's transportation average daily membership equivalent based on the latest available miles and runs. Eligible miles and runs include miles and runs transporting eligible students to and from:

 - a. School, including miles students are transported by family transportation in accordance with section 15.1-30-02;
 - b. Special education programs approved by the superintendent of public instruction, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located, including miles students are transported by family transportation pursuant to subsection 6; and
 - c. Career and technology centers and career and technical education courses, either within the district or in other school districts offered through cooperative arrangements approved by the state board for career and technical education, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located.
6. To be eligible for special education miles, a student transported by a family member must:

 - a. Be a student with a disability as defined in chapter 15.1-32;
 - b. Have an individualized education program that requires the student attend a public or nonpublic school located outside the student's school district of residence; and
 - c. Be transported by an adult family member in family provided transportation reimbursed by the school district for no more than two round trips per day between the home of the student and the school.

7. If a school district ceases to exist, the superintendent of public instruction shall adjust, in the first year after closure, the transportation average daily membership equivalents of each school district in the state which enrolls students who attended the former school. The superintendent of public instruction shall determine the transportation average daily membership equivalents the former school district would have been entitled to for providing transportation services during the school district's final year of operation and shall prorate those transportation average daily membership equivalents to each enrolling school district based on the number of students enrolled from the former school. Transportation average daily membership equivalents of the enrolling school districts after the first year will be based on reported transportation average daily membership equivalents.
8. This section does not apply to miles and runs:
 - a. Incurred in providing transportation for students to attend extracurricular activities or events; or
 - b. Related to students who are participating in open enrollment, or who are enrolled pursuant to a written contract entered by the sending and admitting districts which waives the charge and collection of tuition for the student.
9. The superintendent of public instruction may adopt rules relating to information reported by school districts and reporting deadlines.

⁷⁰ **SECTION 2. AMENDMENT.** Section 15.1-27-31.2 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-31.2. Transportation average daily membership equivalents converted to weighted student unit equivalents - Determination.

1. The superintendent of public instruction shall determine transportation average daily membership equivalents for eligible school districts providing schoolbus transportation in contract schoolbuses, or in district-owned and operated schoolbuses, and for eligible school districts with students riding commercial buses to and from a school within the incorporated limits of a city. Transportation average daily membership equivalents must be determined as follows:
 - a. 0.0011 multiplied by the number of eligible large bus miles;
 - b. 0.00052 multiplied by the number of eligible small bus miles;
 - c. 0.01 multiplied by the number of eligible large bus runs;
 - d. 0.00468 multiplied by the number of eligible small bus runs;
 - e. 0.012 multiplied by the number of square miles in the school district;
 - f. 2.0 multiplied by the number of educational school plants within the school district boundary; and

⁷⁰ Section 15.1-27-31.2 was created by section 1 of House Bill No. 1214, chapter 196.

- g. 0.00025 multiplied by the number of eligible miles transported by a student's family and reimbursed by the school district.
2. The superintendent of public instruction shall determine each school district's total transportation average daily membership equivalent by adding the products derived under subsection 1 and then multiplying the total transportation average daily membership equivalent by 0.091 to determine the school district's weighted student unit equivalent.
3. Subject to legislative appropriation, the superintendent of public instruction shall pay each school district providing schoolbus transportation in contract schoolbuses, or in district-owned and operated schoolbuses, an amount equal to the school district's weighted student unit equivalent multiplied by the per student payment rate for the applicable school year in subsection 3 of section 15.1-27-04.1. ~~For school districts whose eligible bus miles and eligible bus runs remain the same, or increase from the prior year, the transportation payment under this subsection may not be less than the transportation payment received by the school district for the preceding year.~~
4. To be eligible, school districts must certify compliance with state law relating to schoolbus standards and school vehicle driver requirements. The superintendent of public instruction may adopt rules governing certification of compliance under this subsection.
5. Each year, the superintendent of public instruction shall determine the school district's transportation average daily membership equivalent based on the latest available miles and runs. Eligible miles and runs include miles and runs transporting eligible students to and from:
 - a. School, including miles students are transported by family transportation in accordance with section 15.1-30-02;
 - b. Special education programs approved by the superintendent of public instruction, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located, including miles students are transported by family transportation pursuant to subsection 6; and
 - c. Career and technology centers and career and technical education courses, either within the district or in other school districts offered through cooperative arrangements approved by the state board for career and technical education, regardless of whether the students transported live within the incorporated limits of the city in which the students' school is located.
6. To be eligible for special education miles, a student transported by a family member must:
 - a. Be a student with a disability as defined in chapter 15.1-32;
 - b. Have an individualized education program that requires the student attend a public or nonpublic school located outside the student's school district of residence; and

- c. Be transported by an adult family member in family provided transportation reimbursed by the school district for no more than two round trips per day between the home of the student and the school.
7. If a school district ceases to exist, the superintendent of public instruction shall adjust, in the first year after closure, the transportation average daily membership equivalents of each school district in the state which enrolls students who attended the former school. The superintendent of public instruction shall determine the transportation average daily membership equivalents the former school district would have been entitled to for providing transportation services during the school district's final year of operation and shall prorate those transportation average daily membership equivalents to each enrolling school district based on the number of students enrolled from the former school. Transportation average daily membership equivalents of the enrolling school districts after the first year will be based on reported transportation average daily membership equivalents.
8. This section does not apply to miles and runs:
 - a. Incurred in providing transportation for students to attend extracurricular activities or events; or
 - b. Related to students who are participating in open enrollment, or who are enrolled pursuant to a written contract entered by the sending and admitting districts which waives the charge and collection of tuition for the student.
9. The superintendent of public instruction may adopt rules relating to information reported by school districts and reporting deadlines.

SECTION 3. AMENDMENT. Section 15.1-31-05 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-05. Open enrollment - Transportation.

A school district of residence may provide transportation to a student participating in open enrollment. If a district of residence does not provide transportation to a student participating in open enrollment, transportation may be provided by the admitting district. A school district may not ~~receive transportation aid disbursements under subdivision a of subsection 1 of section 15.1-27-26.1 or subsection 3 of section 15.1-27-26.1 for~~ include any factors associated with transporting students who are participating in open enrollment, or who are enrolled pursuant to a written contract entered by the sending and admitting districts which waives the charge and collection of tuition for the student in the calculation of transportation average daily membership equivalents under section 15.1-27-31.2.

SECTION 4. REPEAL. Sections 15.1-27-26.1, 15.1-27-27.1, 15.1-27-28.1, 15.1-27-30.1, and 15.1-27-31.1 of the North Dakota Century Code are repealed.

SECTION 5. EFFECTIVE DATE. Section 2 of this Act becomes effective on July 1, 2027.

Approved May 5, 2025

Filed May 6, 2025

CHAPTER 197

HOUSE BILL NO. 1164

(Representatives Schreiber-Beck, Grindberg, Hauck, J. Olson)
(Senator Hogan)

AN ACT to amend and reenact subdivision a of subsection 5 of section 15.1-32-01 of the North Dakota Century Code, relating to definitions of terms used for special education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision a of subsection 5 of section 15.1-32-01 of the North Dakota Century Code is amended and reenacted as follows:

- a. "Student with a disability" means an individual who is at least three years of age but who has not reached the age of twenty-one before August first of the year in which the individual turns twenty-one and who requires special education and related services because of:
 - (1) An intellectual disability;
 - (2) ~~A~~Being deaf or hard of hearing impairment, including deafness;
 - (3) Deaf-blindness;
 - (4) A speech or language impairment;
 - (5) A visual impairment, including blindness;
 - (6) An emotional ~~disturbance~~disability;
 - (7) An orthopedic impairment;
 - (8) Autism;
 - (9) A traumatic brain injury;
 - (10) ~~Other~~An other health impairment; or
 - (11) A specific learning disability.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 198

SENATE BILL NO. 2149

(Senators Schaible, Cory, Meyer)
(Representatives Louser, Sanford)

AN ACT to amend and reenact section 15.1-36-08 of the North Dakota Century Code, relating to the school construction assistance revolving loan fund; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁷¹ **SECTION 1. AMENDMENT.** Section 15.1-36-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-08. School construction assistance revolving loan fund - Bank of North Dakota - School construction projects - Continuing appropriation.

1. The school construction assistance revolving loan fund is a special revolving loan fund administered by the Bank of ~~North Dakota~~. The fund consists of all moneys appropriated or transferred to the fund by the legislative assembly, all interest or other earnings of the fund, and all repayments of loans made from the fund.
2. Moneys in the fund, interest upon the moneys in the fund, and payments to the fund of principal and interest are appropriated to the Bank of ~~North Dakota~~ on a continuing basis for the purpose of providing low-interest school construction loans and for paying administrative costs, in accordance with this section.
3. ~~To~~For a school construction project not located on an air force base, to be eligible for a loan under this section, the board of a school district shall:
 - a. Propose a new construction or remodeling project with a cost of at least one million dollars and an expected utilization of at least thirty years;
 - b. Obtain the approval of the superintendent of public instruction for the project under section 15.1-36-01;
 - c. (1) Publish in the official newspaper of the district the information regarding the proposed estimated additional millage and the dollar increase per one thousand dollars of taxable valuation in accordance with section 21-03-13 along with the notice of the election in accordance with section 21-03-12 or along with the initial resolution in accordance with subsection 7 of section 21-03-07; and
(2) Post the information on the school district's website before the date of the election or during the protest period in accordance with chapter 21-03;

⁷¹ Section 15.1-36-08 was also amended by section 4 of House Bill No. 1369, chapter 195.

- d. Receive authorization for a bond issue in accordance with chapter 21-03; and
 - e. Submit a completed application to the Bank of ~~North Dakota~~.
4. For a school construction project located on an air force base, to be eligible for a loan under this section, the board of the school district shall:
- a. Propose a new construction or remodeling project on an air force base which has a cost of at least one million dollars and an expected utilization of at least thirty years;
 - b. Obtain the approval of the superintendent of public instruction for the project under section 15.1-36-01;
 - c. Obtain all necessary federal authorizations and funding commitments for the project; and
 - d. Submit a completed application to the Bank.
5. The superintendent of public instruction shall designate, until June 30, 2027, or until a loan is made as identified in this section, twenty million dollars of funds available for loans in the school construction assistance revolving loan fund for a loan to provide matching funds for the construction of facilities on an air force base.
6. The superintendent of public instruction shall review loan applications based on a prioritization system that includes a review of all applications filed during the twelve-month period preceding April first and gives consideration to:
- a. Student occupancy and academic needs in the district;
 - b. The age of existing structures to be replaced or remodeled;
 - c. Building design proposals that are based on safety and vulnerability assessments;
 - d. Community support;
 - e. Cost; and
 - f. Any other criteria established by the superintendent of public instruction, after consultation with an interim committee appointed by the legislative management.
- 5-7. If the superintendent of public instruction approves the loan, the Bank of ~~North Dakota~~ shall issue a loan from the school construction assistance revolving loan fund. For a loan made under this section:
- a. If the school construction project totals less than seventy-five million dollars, the maximum loan amount for which a school district may qualify is fifteen million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of twelve million dollars;

- b. If the school construction project totals seventy-five million dollars or more, the maximum loan amount for which a school district may qualify is thirty million dollars. However, if a school district's unobligated general fund balance on the preceding June thirtieth exceeds the limitation under section 15.1-27-35.3, the loan amount under this section may not exceed eighty percent of the project's cost up to a maximum loan amount of twenty-four million dollars;
- c. If the school construction project is on an air force base, the maximum loan amount for which the school district may qualify is the lesser of twenty percent of the project cost or twenty million dollars;
- d. The term of the loan is twenty years, unless the board of the school district requests a shorter term in the written loan application; and
- ~~d-e.~~ The interest rate of the loan may not exceed two percent per year.
- ~~e-f.~~ A district with a school construction loan secured on the open bond market may apply to refinance the loan when callable with the school construction assistance revolving loan fund under this subsection.
- ~~f.~~ ~~A district that qualifies for a loan under subdivision a, which was approved for a loan of up to ten million dollars for a construction project bid after January 1, 2021, and before June 30, 2024, may apply for a loan in an amount equal to the difference between fifteen million dollars and the amount of the approved loan. Districts qualifying under this subdivision may submit an application for additional funding to the superintendent of public instruction before August 1, 2023.~~
- ~~g.~~ ~~A district that qualifies for a loan under subdivision b, which was approved for a loan of up to ten million dollars for a construction project bid after January 1, 2021, and before June 30, 2024, may apply for a loan in an amount equal to the difference between thirty million dollars and the amount of the approved loan. Districts qualifying under this subdivision may submit an application for additional funding to the superintendent of public instruction before August 1, 2023.~~
- ~~6-8.~~ The Bank may adopt policies and establish guidelines to administer this loan program in accordance with this section. The Bank of North Dakota may use a portion of the interest paid on the outstanding loans as a servicing fee to pay for administration costs which may not exceed one-half of one percent of the amount of the interest payment. The Bank of North Dakota shall deposit principal and interest payments made by school districts for loans under this section in the school construction assistance revolving loan fund. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit must be paid from the fund.

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

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 199

SENATE BILL NO. 2241

(Senators Axtman, Hogue, Schaible)
(Representatives Bosch, Heinert, Lefor)

AN ACT to create and enact a new chapter to title 15.1 of the North Dakota Century Code, relating to the authorization and administration of public charter schools; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 15.1 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter:

1. "At-risk student" means a student with an economic or academic disadvantage requiring additional services or assistance to succeed in educational programs, including special education students and English language learners.
2. "Charter performance agreement" means an agreement for a fixed term between a public charter school and the superintendent of public instruction describing academic, operational, and financial performance expectations, defining operational responsibilities, and outlining the autonomy and accountability for each party to the agreement.
3. "Education service provider" means a for-profit or nonprofit entity a public charter school intends to enter a performance agreement with for education services and resources, including academic program design and implementation, educational services and resources, administrative support, charter implementation, or management.
4. "Public charter school" means a public school operating to achieve specific educational objectives according to the charter performance agreement as authorized and overseen by the superintendent of public instruction.
5. "Public meeting" means a meeting subject to the requirements for public meetings under chapter 44-04.

Public charter schools - Authority - Governance - Requirements.

A public charter school formed under this chapter:

1. Is a public school within the state's public education system.
2. May decide matters related to budgeting, curriculum, and operating procedures, subject to the school's charter performance agreement.

3. Shall obtain insurance against loss or damage to its property, liability resulting from the use of its property, and liability from the acts or omissions of its officers and employees.
4. Is under the control of a governing board, the members of which are elected or selected pursuant to the school's charter performance agreement.
5. Is established by a charter performance agreement between the governing board and the superintendent of public instruction.
6. Is a school to which a parent or guardian may choose to send the parent or guardian's child.
7. Provides a program of education that:
 - a. Meets or exceeds state performance standards, instructional hours, and graduation requirements.
 - b. Includes one or more grade levels from kindergarten through grade twelve.
 - c. May focus on at-risk students, including English language learners, students in foster care, and students involved with the juvenile justice system.
 - d. May include a specific academic approach or theme.
8. May receive and disburse funds for school purposes.
9. May enter an agreement or cooperate with a public or nonpublic entity for services for students with special needs, English language learners, and other specialized populations or administrative services.
10. May sue and be sued in its name.
11. May not engage in religious practices in its educational program, admissions, employment policies, or operations.
12. May not charge tuition or fees for any services provided for students, except fees for field trips, clubs, organizations, and athletic participation.
13. Must be an in-person school. A public charter school may not provide online, virtual, or home education as the primary method of educational programming.
14. Is responsible for collecting, analyzing, and reporting student data from state assessments administered by the superintendent of public instruction under section 15.1-21-08 in accordance with the performance framework in the approved charter performance agreement.
15. Is subject to the public school approval requirements under section 15.1-06-06.

Applicability of other laws, rules, and regulations.

1. Except as provided in this chapter, a public charter school is not subject to a state or local law, rule, regulation, policy, or procedure related to education.

2. A public charter school is subject to federal laws and authorities related to education.

Superintendent of public instruction - Information - Guidance - Rules.

The superintendent of public instruction:

1. Shall publish information and procedures regarding forming and operating a public charter school and enrolling students in a public charter school.
2. May provide assistance and guidance for developing effective authorization and oversight procedures.
3. Shall adopt rules in accordance with chapter 28-32 to implement this chapter.

Charter schools - Eligibility - Enrollment.

1. A prospective student is eligible to enroll in a public charter school if the prospective student resides in the state.
2. A public charter school:
 - a. Shall enroll all students who wish to attend the school, unless the number of students exceeds the enrollment capacity of a program, class, grade level, or building.
 - b. Shall determine admission by a lottery if initial capacity is insufficient to enroll all students who timely submit an application. The selection process must take place in a public setting. An applicant must have a fair opportunity to be selected in the lottery. The lottery must be randomized and conducted competently, transparently, and impartially.
 - c. May not base admissions on ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in the English language, or academic or athletic ability, except as provided under this section.
 - d. May limit enrollment to students to a given age group, grade level, or pursuant to a special emphasis stated in the school's application for a charter performance agreement.
 - e. Shall give enrollment preference to students and the siblings of students enrolled in the public charter school the previous school year.
 - f. May give enrollment preference to children of a public charter school's employees, if the students constitute no more than ten percent of the total student population.

Superintendent of public instruction - Powers and duties - Report to the legislative management.

1. The superintendent of public instruction shall:
 - a. Evaluate an application from the organizer of a proposed public charter school.
 - b. Deny an application that does not meet identified educational needs.

- c. Determine whether a charter school application merits approval, conditional approval, renewal, or revocation.
 - d. Negotiate and execute a charter performance agreement with an approved public charter school.
 - e. Monitor the performance and compliance of a public charter school.
- 2. The superintendent of public instruction shall provide to the legislative management a report within three years of approving the first public charter school summarizing the:
 - a. Strategic vision and progress of each public charter school.
 - b. Performance of each operating public charter school, according to the performance measures and expectations specified in the charter performance agreement.
 - c. Status of charter applications, including charter schools that were not approved, not renewed, and closed.
 - d. Oversight and services provided by the superintendent of public instruction to public charter schools.
 - e. Total amount of fees collected from each public charter school, how the funds were expended to support the public charter school, and the costs incurred by the superintendent of public instruction to oversee each public charter school.
- 3. To cover costs of overseeing public charter schools in accordance with this chapter, the superintendent of public instruction may:
 - a. Expend resources available to the department of public instruction, seek grant funds, and establish partnerships.
 - b. Charge an administrative fee of up to three percent of annual per student allocations received by each public charter school.
- 4. An employee of the superintendent of public instruction may not serve as an employee, trustee, agent, representative, or vendor of a public charter school.
- 5. The superintendent of public instruction is not liable for the acts, omissions, debts, or other obligations of a public charter school.

Establishment of a public charter school - Conversion to a public charter school - Application requirements.

- 1. To establish a public charter school, the organizer of a public charter school shall submit an application to the superintendent of public instruction and notify the board of the school district where the public charter school will be located of the intent to establish a public charter school.
- 2. For a school seeking to convert to a public charter school, the application must demonstrate support for the proposed public charter school conversion with a petition signed by a majority of teachers and parents or guardians of students at the existing school. Students who attended the school before conversion to a public charter school may be given enrollment preference.

3. The superintendent of public instruction shall create an application to establish a public charter school or convert to a public charter school, which must include the following essential elements:
 - a. School mission and vision.
 - b. Academic program.
 - c. Grade levels to be offered and growth plan.
 - d. Student evaluation plans.
 - e. Governance plan.
 - f. Organization chart.
 - g. Plan to serve at-risk students.
 - h. Community input and involvement.
 - i. Finances and audits.
 - j. Student policies, including discipline plans.
 - k. Staff policies.

Education service providers.

If a proposed public charter school intends to enter an agreement with an education service provider for education or management services, in addition to the other application requirements, a public charter school organizer shall:

1. Explain the selection process and reasoning for selecting the education service provider.
2. Provide evidence of the education service provider's success in serving student populations similar to the targeted population, including demonstrated academic achievement and, if applicable, successful management of nonacademic school functions.
3. Provide information on the proposed duration of the service performance agreement, roles, responsibilities, and scope of services and resources to be provided by the education service provider, performance evaluation measures and timelines, compensation structure, methods of performance agreement oversight and enforcement, and conditions for renewal and termination of the performance agreement.
4. Explain the relationship between the governing board, the school's leadership and management team, and the education service provider, specifying how the governing board and the school's leadership and management team will monitor and evaluate the performance of the education service provider.
5. Provide a statement of assurance the governing board and the school's leadership and management team are legally and operationally independent from the education service provider.

6. Ensure faculty performance agreements are separate from management performance agreements.
7. Ensure the governing board retains the right to terminate the performance agreement for failure to meet defined performance standards after notice has been given to the education service provider, a reasonable cure period has expired, and material deficiencies have not been cured.
8. Disclose and explain any existing or potential conflicts of interest between the governing board, the school's leadership and management team, and the education service provider or any affiliated business entities.

Application review process - Approval decisions.

1. The application review process must include a thorough evaluation of the application and an in-person interview with the applicant at a public meeting.
2. The superintendent of public instruction shall:
 - a. Grant charters to applicants demonstrating competence in the charter application.
 - b. Base decisions on documented evidence collected through the application review process.
 - c. Follow charter granting policies and practices that are transparent, merit based, and avoid a conflict of interest or the appearance of a conflict of interest.
3. No later than ninety days after the deadline for filing applications, the superintendent of public instruction shall approve or deny each application. The superintendent of public instruction shall publicly notice and publish public charter school application decisions.
4. An approval decision may include reasonable conditions the applicant must meet before a charter performance agreement may be executed. Reasonable conditions may not include enrollment caps.
5. If the superintendent of public instruction conditionally approves or denies an application, the superintendent of public instruction clearly shall state the reasons in writing.
6. The superintendent of public instruction shall maintain a list of approved charter applications in chronological order by date of approval.
7. An approved application is not a charter performance agreement.

Charter performance agreements - Performance-based accountability - Data reporting.

1. If an application is approved, the superintendent of public instruction and the governing board of the public charter school shall execute a charter performance agreement no later than sixty days after approval, including:
 - a. Academic, operational, and fiscal performance expectations and measures by which the public charter school will be judged.

- b. A description of the standards and processes under which the superintendent of public instruction will oversee and monitor the public charter school.
 - c. Actions the superintendent of public instruction may pursue to revoke a charter performance agreement.
- 2. A charter performance agreement must be signed by the superintendent of public instruction and the public charter school's governing board.
- 3. A public charter school may not commence operations without a charter performance agreement executed in accordance with this section and approved in a public meeting.
- 4. A public charter school governing board or its designee may negotiate with the superintendent of public instruction to amend a charter performance agreement. The superintendent of public instruction's review of the charter performance agreement must be limited to the proposed request for amendments.
- 5. The charter performance agreement must include:
 - a. Indicators related to student academic proficiency, student academic growth, attendance, recurrent enrollment, readiness for success upon graduation, financial performance, governance performance, and family and community engagement.
 - b. Annual performance targets to support the public charter school's compliance with federal and state requirements.
- 6. More than one public charter school may be authorized under a charter performance agreement as approved by the superintendent of public instruction, if the public charter schools are separate and distinct from one another.

Charter performance agreement - Terms - Delayed opening.

- 1. An initial charter performance agreement term is five years. The term commences on the public charter school's first day of operation.
- 2. A public charter school may delay its opening for up to one school year after approval. If the public charter school requires an opening delay of more than one school year, the public charter school shall request an extension from the superintendent of public instruction, which may be granted at the discretion of the superintendent.
- 3. The superintendent of public instruction may grant renewal of a charter performance agreement for successive terms of five years.

Superintendent of public instruction - Monitoring - Annual evaluation - Opportunity for remediation.

- 1. The superintendent of public instruction shall monitor the performance and legal compliance of the public charter schools, including an annual evaluation for each public charter school according to the charter performance agreement.

2. If a public charter school's performance or legal compliance is unsatisfactory, the superintendent of public instruction promptly shall notify the public charter school and provide a reasonable opportunity for the school to remedy the problems identified by the superintendent of public instruction. A public charter school must be given at least fifteen days to respond to the superintendent of public instruction's notification.

Public charter school performance report - Renewal responsibilities.

1. The superintendent of public instruction shall issue a public charter school performance report for each five-year term of a charter performance agreement no later than seventy-five days before a public charter school's fourth year of operation begins.
2. The report must include renewal application guidance, as needed, and notice of any concerns that may jeopardize the public charter school's position in seeking renewal if not timely rectified.
3. A public charter school must be given at least thirty days to respond to the performance report and submit any corrections or clarifications for the report.

Renewal application - Decision.

1. The superintendent of public instruction shall create a uniform renewal application and evaluation process.
2. The governing board shall submit a renewal application to the superintendent of public instruction no later than the first day of instruction of a public charter school's final authorized year of operation.
3. The renewal application must include:
 - a. A performance report and additional evidence in support of renewal.
 - b. Improvements undertaken or planned for the school.
 - c. Plans for the next charter term.
4. Renewal decisions must be supported by evidence of the public charter school's performance under the performance framework in the charter performance agreement.
5. The superintendent of public instruction shall render a decision on a renewal application no later than forty-five days after the renewal application was filed.
6. The public charter school is entitled to a public meeting with the superintendent of public instruction regarding the renewal decision.
7. The superintendent of public instruction shall provide to the public charter school and publish a report summarizing the basis for each decision, including supporting evidence.

Charter performance agreement - Revocation - Nonrenewal.

1. A charter performance agreement may be revoked at any time or not renewed if the superintendent of public instruction determines the public charter school:

- a. Failed to comply with this chapter or other law.
 - b. Committed a material violation of a term, condition, standard, or procedure required under the charter performance agreement.
 - c. Failed to meet or make sufficient progress toward the performance expectations under the charter performance agreement.
 - d. Failed to meet accepted standards of fiscal management.
2. Revocation may not occur before a public meeting with the charter holder occurs, unless the superintendent of public instruction determines the continued operation of the public charter school presents an imminent public safety issue, in which case the charter performance agreement may be revoked immediately.
3. A public charter school has thirty days to respond to the superintendent of public instruction's notice to revoke the school's charter performance agreement.
4. If the superintendent of public instruction revokes or does not renew a charter performance agreement, the superintendent of public instruction shall publish the reasons for the revocation or nonrenewal.

School closure and dissolution.

If a public charter school intends to close and dissolve, the school shall:

1. Notify the parents or guardians of students of the intent to close and dissolve.
2. Transition students and student records as necessary.
3. Properly distribute the public charter school's assets, first to satisfy outstanding payroll obligations for employees of the public charter school and then to other creditors of the public charter school. If the assets of the public charter school are insufficient to pay creditors, the distribution of assets may be determined by court order.

Local education agency status.

A public charter school:

1. Is a local education agency for purposes related to the funding of special education services within the limits of legislative appropriations.
2. Shall provide services to students in public charter schools as required by federal, state, and local law and the charter performance agreement.

Governing board.

1. A governing board:
 - a. May enter more than one charter performance agreement concurrently.
 - b. Shall adopt a viable conflict of interest policy and code of ethics.

- c. Shall adopt a policy to avoid nepotism in hiring and supervision. The policy must require disclosure to the board of potential nepotism in hiring and supervision. An individual with a nepotism conflict may not be involved in the hiring decision or supervision of an employee.
 - d. Shall have access to education service provider records to oversee the education service provider contract.
 - e. Is a public entity under chapter 44-04.
2. Individuals compensated by an education service provider are prohibited from serving as a voting member on a governing board contracting with the education service provider, except if approved by the superintendent of public instruction.

Public school employees.

- 1. Public charter school teachers must be licensed by the education standards and practices board and must meet the requirements under chapter 15.1-18.
- 2. An employee of a public charter school is eligible to participate in retirement and benefits programs of the state, if the public charter school elects to participate and satisfies the requirements of the internal revenue service.

Generally accepted accounting principles - Independent audits.

A public charter school shall:

- 1. Adhere to generally accepted accounting principles.
- 2. Engage a qualified certified public accountant or public accountant to independently audit the public charter school's finances once every six months. The public charter school shall submit the audit to the superintendent of public instruction.

Funding - Categorical aid - Transportation.

- 1. A public charter school shall certify to the superintendent of public instruction its student enrollment in accordance with section 15.1-27-02.
- 2. The state shall pay to the public charter school an amount equal to the statewide average amount distributed per student under subsection 5 of section 15.1-27-04.1 for the previous year for each student enrolled in the public charter school.
- 3. The state shall pay the proportionate share of moneys derived from federal and state categorical aid programs to public charter schools with students or teachers who are eligible for such aid. A public charter school that receives categorical aid shall comply with related reporting requirements.
- 4. A public charter school may enter a contract with a local school district or private provider to provide transportation to students of the public charter school.

5. Any moneys remaining in an account of a public charter school at the end of a budget year must remain in the account for use by the public charter school during subsequent budget years.
6. This chapter does not prohibit any person from providing funding or other assistance to a public charter school. The governing board of a public charter school may accept gifts, donations, and grants and may expend or use gifts, donations, and grants in accordance with the conditions prescribed by the donor, if the condition is not contrary to law or the charter performance contract.

Facilities - Activities.

1. A public charter school may enter an agreement with a public or private entity for the use of the entity's facility.
2. A public charter school holds a right of first refusal to part or all of an unused state-owned facility or property located in the state. The superintendent of public instruction shall maintain a list of available buildings.
3. A facility or part of a facility that is the location of a public charter school is exempt from property taxes under subsection 6 of section 57-02-08.
4. A public charter school may enter a cooperative agreement with a public or private school to facilitate athletics and other activities.
5. A public charter school may become a member of the North Dakota high school activities association.

Approved April 21, 2025

Filed April 22, 2025

ELECTIONS

CHAPTER 200

HOUSE BILL NO. 1165

(Representatives Louser, Rohr, D. Ruby, Satrom, Schauer, Vetter, Lefor)
(Senators Boehm, Castaneda, Paulson, Roers, Hogue)

AN ACT to amend and reenact section 4.1-20-16, subsection 1 of section 4.1-20-18, section 16.1-01-00.1, subsection 1 of section 16.1-01-09, section 16.1-01-15.1, subsection 3 of section 16.1-05-01, section 16.1-06-02, subdivision g of subsection 1 of section 16.1-06-04, section 16.1-07-07, subsection 4 of section 16.1-07-08, section 16.1-07-09, subsection 3 of section 16.1-07-21, section 16.1-07-24, subsection 2 of section 16.1-07-26, sections 16.1-11-27 and 16.1-11.1-04, subsection 1 of section 16.1-11.1-07, subsection 3 of section 16.1-12-02.2, and subsection 2 of section 16.1-13-05 of the North Dakota Century Code, relating to absentee ballots, election practices and administration; and to repeal sections 16.1-07-30 and 40-21-10 of the North Dakota Century Code, relating to election notices and municipal voter registration.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4.1-20-16 of the North Dakota Century Code is amended and reenacted as follows:

4.1-20-16. Nominating petitions - Petitions required - Final filing date.

1. Any individual running for the office of supervisor shall present to the county auditor of the county in which the district lies a petition giving that individual's name and mailing address and the title and term of the office, and containing the signatures of not less than twenty-five nor more than three hundred qualified electors of the district. When a district lies in more than one county, the petition must be filed with the county auditor of the county where the candidate resides, and that county auditor shall certify to the county auditors of the other counties in which the district lies the name and mailing address of the candidate filing such petition. ~~At the same time, the county auditor, or auditors in the case of multicounty districts, also shall certify to the secretary of state the name and mailing address of each individual filing a nominating petition according to this section.~~
2. An individual may not participate directly or indirectly in the nomination for more than one individual for each office to be filled. The final filing date for nominating petitions is no later than four p.m. sixty-four days before the day of the election.
3. Upon receipt of the petition or the certification as provided in this section, the county auditor shall place, without fee, the name of the candidate so nominated on the no-party ballot at the ensuing general election.

SECTION 2. AMENDMENT. Subsection 1 of section 4.1-20-18 of the North Dakota Century Code is amended and reenacted as follows:

1. At each general election, one district supervisor must be elected for a term of six years, or until the successor is duly elected and qualified, to each expiring or vacant term. The county auditor of the county or counties in which the district lies shall ~~return to the secretary of state before four p.m. on the tenth day following any general election a certified abstract of the votes cast in the county at the election for each candidate for district supervisor. The secretary of state shall canvass the returns and issue certificates of election under chapter 16.1-15. When a district lies in more than one county, the county auditor of the county in which the candidate resides shall issue the certificate of election.~~

SECTION 3. AMENDMENT. Section 16.1-01-00.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-00.1. Definitions.

~~For purposes of~~As used in this title, unless the context otherwise requires, "candidate" means:

1. "Candidate" means:
 - a. An individual holding public office;
 - b. An individual who publicly has declared that individual's candidacy for nomination for election or election to public office or has filed or accepted a nomination for public office;
 - c. An individual who has formed a campaign or other committee for that individual's candidacy for public office;
 - d. An individual who has circulated a nominating petition to have that individual's name placed on the ballot; and
 - e. An individual who, in any manner, has solicited or received a contribution for that individual's candidacy for public office, whether before or after the election for that office.
2. "Complete residential address" means the description of an individual's physical residence, which includes a house or unit number, street, city, state, zip code, general delivery, or rural route address.

SECTION 4. AMENDMENT. Subsection 1 of section 16.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

1. a. A request of the secretary of state for approval of a petition to initiate or refer a measure may be presented over the signatures of the sponsoring committee on individual signature forms that have been notarized. The secretary of state shall prepare a signature form that includes provisions for identification of the measure; the printed name, signature, and address of the committee member; and notarization of the signature. The filed signature forms must be originals.

- b. Upon receipt of a petition to initiate or refer a measure, the secretary of state shall draft a short and concise statement that fairly represents the measure. The statement must be submitted to the attorney general for approval or disapproval. ~~An approved statement must be affixed to the petition before it is circulated for signatures, must be called the "petition title", and must be placed immediately before the full text of the measure.~~
- c. The secretary of state and the attorney general shall complete their review of a petition in not less than five, nor more than seven, business days, excluding Saturdays.
- d. An approved statement must be affixed to the petition by the sponsoring committee. The statement must be called the "petition title" and placed immediately before the full text of the measure. The petition packet, including the approved statement and affidavits from the sponsoring committee members, must be submitted for final review by the secretary of state within fifteen business days, excluding Saturdays, before the petition can be approved to circulate for the collection of signatures. Petition packets and affidavits not received within fifteen business days are considered withdrawn.

SECTION 5. AMENDMENT. Section 16.1-01-15.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-15.1. Use of nonpublic funds prohibited - Penalty.

1. The state and political subdivisions may not solicit, accept, or use any grants or donations from private persons for elections operations or administration except:
 - a. The use of privately owned facilities for polling places;
 - b. Food for poll workers; and
 - c. Other nonmonetary donations that are not used to prepare, process, mark, collect, or tabulate ballots or votes.
2. The state or any political subdivision of this state may not use a private entity to administer an election.
3. An individual who knowingly violates subsection 1 is guilty of a class A misdemeanor.

SECTION 6. AMENDMENT. Subsection 3 of section 16.1-05-01 of the North Dakota Century Code is amended and reenacted as follows:

3. If at any time before or during an election, it appears to ~~an election inspector, by the affidavit of two or more qualified electors of the precinct, or precincts for a multiprecinct polling place, a county auditor~~ that any election judge is disqualified under this chapter, the auditor shall order the election inspector ~~shall~~ to remove that judge at once and ~~shall~~ fill the vacancy by appointing a qualified individual of the same political party as that of the judge removed. If the disqualified judge had taken the oath of office as prescribed in this chapter, the inspector shall place the oath or affidavit before the state's attorney of the county.

SECTION 7. AMENDMENT. Section 16.1-06-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-02. Ballots prepared by county auditor or local official - Penalty.

For a local election, the ballots must be printed and distributed under the direction of the auditor or clerk of the local subdivision. For all other elections, the secretary of state shall prescribe a ballots printing vendor. Ballots must be printed and distributed under the direction of the county auditor, subject to the supervision and approval of the secretary of state as to the legal sufficiency of the form, style, wording, and contents of the ballots. If an auditor or clerk of a local subdivision, a county auditor, or the secretary of state causes or approves the printing of a ballot listing an individual as a candidate when the official knows or should know the individual does not meet the qualifications, or has not satisfied the requirements to be a candidate, the official is guilty of an infraction.

SECTION 8. AMENDMENT. Subdivision g of subsection 1 of section 16.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

- g. Provide text boxes at the bottom of the first side of the ballot. The text box at the bottom of the first column is to contain the words "Official Ballot, the name of the county, the name or number of the precinct, and the date of the election". The text box is to contain the words "All ballots, other than those used to vote absentee, must first be initiated by appropriate election officials in order to be counted". The text box at the bottom of the third column is to contain the ~~word "initials"~~ phrase "election official initials" preceded by a blank line where the judge or inspector shall initial the ballot.

SECTION 9. AMENDMENT. Section 16.1-07-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-07. Delivering application form for ballot.

The officers specified in section 16.1-07-05, upon request, shall provide an application form for an absent voter's ballot to the voter or may deliver the application form to the voter upon a personal application made at the officer's office. The officers ~~may~~ also may make available or distribute the applications, prescribed by the secretary of state, to the public without any specific request being made for the applications. For every primary, general, special statewide, district, or county election, the county auditor shall mail the applications in an envelope prescribed by the secretary of state.

SECTION 10. AMENDMENT. Subsection 4 of section 16.1-07-08 of the North Dakota Century Code is amended and reenacted as follows:

4. For every primary, general, special statewide, district, or county election, the county auditor shall use the outgoing, return, and secrecy envelopes prescribed by the secretary of state. If there is more than one ballot to be voted by an elector of the precinct and the voting system will be unable to tabulate one or more of the ballots, one of each kind must be included and a secrecy envelope and a return envelope must be enclosed with the ballot or ballots. The front of the return envelope must bear the official title and post-office address of the officer supplying the voter with the ballot and upon the other side a printed voter's affidavit in substantially the following form:

Precinct _____
Name _____
Residential Address _____
City _____ ND Zip Code _____

Under penalty of possible criminal prosecution for making a false statement, I swear that I reside at the residential address provided above, that I have resided in my precinct for at least thirty days next preceding the election, and this is the only ballot I will cast in this election.

Applicant's Signature _____
Date _____

The signature on this affidavit will be compared to the signature on the affidavit included in the application for the absentee ballot.

SECTION 11. AMENDMENT. Section 16.1-07-09 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-09. Canvassing of mailed absent voter's ballot received late.

1. ~~In congressional, state, county, city, or school district elections, if an envelope postmarked or otherwise officially marked by the United States postal service or other mail delivery system before the date of election and containing an absent voter's ballot must be received by the officer before the close of polls on election day. An absent voter's ballot is received by the officer after election day, the ballot must be tallied by after the close of polls on election day must be forwarded to the canvassing board of the county, the governing body of the city, or the school board of the school district, as the case may be, at the time the returns are canvassed. Any envelope without a postmark or other official marking by the United States postal service or other mail delivery system or with an illegible postmark or other official marking and containing an absentee voter's ballot must be received by mail by the proper officer prior to the meeting of the~~
2. Before forwarding a ballot to the canvassing board under this section, the officer forwarding the ballot shall print the date and time of receipt on the envelope. An absent voter may personally deliver the absent voter's ballot to the appropriate officer's office at any time before ~~five p.m. the close of polls on the day before the election day.~~ Any envelope containing an absent voter's ballot ~~with a postmark or official date stamp on received after the day of close of polls on election or thereafter day~~ may not be tallied with the ballots timely submitted for the election. ~~Before forwarding any ballot to a canvassing board pursuant to this section, the officer forwarding the ballot shall print the date of receipt on the envelope.~~ Upon receipt, the canvassing board shall determine that the elector was qualified to vote in that precinct, that the elector did not previously vote in that precinct on the date of the election, and that the signatures on the absentee ballot application and the voter's affidavit were signed by the same individual before allowing the ballot to be tallied.

SECTION 12. AMENDMENT. Subsection 3 of section 16.1-07-21 of the North Dakota Century Code is amended and reenacted as follows:

3. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under the Uniformed and Overseas Citizens Absentee Voting Act [42 U.S.C. 1973ff-2] as an application for a military-overseas ballot simultaneously with the submission of the federal

write-in absentee ballot, if the declaration is received by the appropriate election official by ~~midnight on the day before the~~ close of polls on election day.

SECTION 13. AMENDMENT. Section 16.1-07-24 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-24. Timely casting of ballot.

To be valid, a military-overseas ballot must be submitted for mailing or other authorized means of delivery not later than ~~41:50 p.m. on the day before the~~ close of polls on election day at the place where the voter completes the ballot. A military-overseas ballot must be received by the appropriate election official before the canvassing board meeting.

SECTION 14. AMENDMENT. Subsection 2 of section 16.1-07-26 of the North Dakota Century Code is amended and reenacted as follows:

2. If, at the time of completing a military-overseas ballot and balloting materials, the voter has affirmed under penalty of perjury under section 16.1-07-27 that the ballot was timely submitted, the ballot may not be rejected on the basis that it ~~has a late postmark, an unreadable postmark, or no postmark~~ was received by the officer after the close of polls on election day.

SECTION 15. AMENDMENT. Section 16.1-11-27 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-27. Arrangement of names on ballots.

Sample ballots used for publication purposes must be arranged using the rotation of the ballot in the precinct ~~in the county which cast the highest total vote for governor at the last general election at which the office of governor was filled. In the event that this determination is no longer possible due to changes in precinct boundaries, the precincts are to be and~~ ordered according to the precincts with the greatest ~~voting age~~ voting eligible voter population to the least. ~~This information is to be provided by the North Dakota state data center or based on the best available data as determined by the county auditor.~~ On the official ballot used at the election, including electronic voting system ballots, the names of candidates beside or under headings designating each office to be voted for must be alternated in the following manner:

1. The ballot must first be arranged with all the names for each office on the ballot in an order determined by lot by the county auditor and prepared by the county auditor for all state, district, and county offices. The position of names that require alternating under the provisions of this section must be alternated by an algorithm approved by the secretary of state designed to ensure to the extent possible that each name on the ballot for an office is listed in each position order on an equal number of precinct ballots spread across the county. There must be a different alternation sequence for each of the following, based on the geographical area by which the office is filled:
 - a. Offices to be filled by the electors of the state, the entire county, or any district which includes the entire county.
 - b. Offices to be filled by the electors of districts smaller than the county, with a different rotation for each of those districts.

2. Although the names are to be alternated within the offices on the ballot, the name order for an office is to be the same for all ballots within a precinct.

SECTION 16. AMENDMENT. Section 16.1-11.1-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11.1-04. Voting by electors.

Upon receipt of a mail ballot, an elector shall mark it, sign the return identification envelope, and comply with the instructions provided with the ballot. The elector may return the completed ballot to the county auditor by mail or, ~~before five p.m. on the day before~~ by the close of polls on election day, to any other place of deposit designated by the auditor. ~~The elector may not deliver the completed ballot to an election board at a polling location.~~ If the elector returns the ballot by mail, the elector shall provide the postage, and the ballot must be ~~postmarked no later than the day before~~ received by the officer by the close of polls on election day.

SECTION 17. AMENDMENT. Subsection 1 of section 16.1-11.1-07 of the North Dakota Century Code is amended and reenacted as follows:

1. The ballot is returned in the return identification envelope ~~with a postmark or official date stamp of at least the day before~~ by the close of polls on election day and ~~received prior to the meeting of the canvassing board day~~;

SECTION 18. AMENDMENT. Subsection 3 of section 16.1-12-02.2 of the North Dakota Century Code is amended and reenacted as follows:

3. An individual who intends to be a write-in candidate for any legislative district office shall file a certificate of write-in candidacy with the secretary of state. The certificate must contain the name, address, and signature of the candidate. Certificates must be filed by four p.m. on the ~~fourth~~ twenty-first day before the election.

SECTION 19. AMENDMENT. Subsection 2 of section 16.1-13-05 of the North Dakota Century Code is amended and reenacted as follows:

2. The county auditor shall publish a copy of the sample ballot of the general election once each week for two consecutive weeks before the election in the official county newspaper. If no newspaper is published in the county, the publication must be in a newspaper published in an adjoining county in the state. The form of the sample ballot as ordered and arranged by the county auditor must conform in all respects to the form prescribed by the secretary of state for the sample general election ballot. The county auditor shall publish the sample ballot in all forms appropriate for the method or methods of voting in the county. Candidates from each legislative district within the boundaries of the county must be listed in a separate box or category within the sample ballot by legislative district number to enable the voters in each legislative district to ascertain the legislative candidates in their specific district. Sample ballots used for publication purposes must be arranged ~~using the rotation of the ballot in the precinct in the county that cast the highest total vote for governor at the last general election at which the office of governor was filled in accordance with section 16.1-11-27.~~ The notice must include a statement in substantially the following format:

The arrangement of candidate names appearing on ballots in your precinct may vary from the published sample ballots, depending upon the precinct and legislative district in which you reside.

SECTION 20. REPEAL. Sections 16.1-07-30 and 40-21-10 of the North Dakota Century Code are repealed.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 201

HOUSE BILL NO. 1297

(Representatives Koppelman, Heilman, Heinert, Kasper, Louser)
(Senators Castaneda, Clemens, Enget, Paulson, Wobbema, Larson)

AN ACT to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to prohibiting approval voting and ranked-choice voting in elections; and to amend and reenact subsection 7 of section 11-09.1-05 and subsection 9 of section 40-05.1-06 of the North Dakota Century Code, relating to home rule powers in counties and cities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁷² **SECTION 1. AMENDMENT.** Subsection 7 of section 11-09.1-05 of the North Dakota Century Code is amended and reenacted as follows:

7. Provide for all matters pertaining to county elections, except as to qualifications of electors and the limitations provided under section 2 of this Act.

SECTION 2. A new section to chapter 16.1-01 of the North Dakota Century Code is created and enacted as follows:

Approval voting - Ranked-choice voting - Prohibition.

1. For purposes of this section:
 - a. "Approval voting" means a method in which a qualified elector may vote for all candidates the voter approves of in each race for public office, and the candidates receiving the most votes are elected until all necessary seats are filled in each race.
 - b. "Ranked-choice voting" means a method in which a qualified elector may rank candidates in a race for public office in order of preference, and all submitted ballots are tabulated in multiple rounds following the elimination of a candidate until a single candidate attains a majority of votes.
2. Approval voting or ranked-choice voting may not be used in an election held within this state to elect or nominate a candidate to any local, state, or federal elective office.
3. An ordinance enacted or adopted by a county, city, or other political subdivision, including an ordinance enacted or adopted under a home rule charter, which conflicts with this section is void.

⁷³ **SECTION 3. AMENDMENT.** Subsection 9 of section 40-05.1-06 of the North Dakota Century Code is amended and reenacted as follows:

⁷² Section 11-09.1-05 was also amended by section 2 of House Bill No. 1307, chapter 104.

⁷³ Section 40-05.1-06 was also amended by section 4 of House Bill No. 1307, chapter 104.

9. To provide for all matters pertaining to city elections, except as to qualifications of electors and the limitations provided under section 2 of this Act.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 202

SENATE BILL NO. 2230

(Senators Myrdal, Hogue, Meyer)
(Representatives McLeod, Rohr)

AN ACT to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to the secretary of state's duty to distribute educational and informational materials before an election; to provide an appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 16.1-01 of the North Dakota Century Code is created and enacted as follows:

Secretary of state to distribute information to qualified electors regarding ballot measures.

1. For each statewide constitutional measure approved by the legislative assembly, initiated measure, or referendum appearing on the ballot of a special, primary, or general election, the secretary of state shall create and distribute objective and factual educational materials to each individual listed as "active voter" in the central voter file not less than forty-five days before the election at which the question will be voted upon. Materials created under this subsection also must be posted at all voting locations.
2. The materials created and distributed under subsection 1 must contain:
 - a. An objective summary of the measure;
 - b. The anticipated fiscal impact of the measure;
 - c. Whether the measure was approved by the legislative assembly or originated as an initiative or referred petition; and
 - d. An objective analysis of a vote in favor and a vote opposed.

SECTION 2. APPROPRIATION - SECRETARY OF STATE - BALLOT MEASURE EDUCATIONAL MATERIALS - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$600,000, or so much of the sum as may be necessary, to the secretary of state for the purpose of creating and distributing objective and factual educational materials focusing on the accuracy, fairness, and readability of measures placed on a statewide election ballot as provided in section 1 of this Act, for the biennium beginning July 1, 2025, and ending June 30, 2027. The funding in this section is considered a one-time funding item.

SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 2027, and after that date is ineffective.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 203

HOUSE BILL NO. 1099

(Representative Conmy)

AN ACT to amend and reenact section 16.1-06-07.1 of the North Dakota Century Code, relating to the printing of presidential candidate names on a general election ballot.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-06-07.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-07.1. Arrangement of names on ballot - Presidential electors.

1. In presidential election years the ballot provided for in section 16.1-06-05 must include the designation of the office of president and vice president as the first listing of the continuous listing of the designation of each office to be voted for. The names of presidential electors, presented in one certificate of nomination, must be arranged in a group enclosed in brackets under the designation of the office of president and vice president on the right side of the ballot column.
2. To the left and opposite the center of each group of electors' names must be printed in bold type the ~~surname~~name of the presidential candidate represented and in line with ~~such surname~~the candidate's name must be placed a single oval. A mark within ~~such an~~ oval by the voter must be designated as a vote for all the electors. The appropriate party designation must appear, in smaller type, under the ~~surname~~name of the presidential candidate represented.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 204

SENATE BILL NO. 2175

(Senators Roers, Boehm, Castaneda)
(Representatives Henderson, Hendrix, Satrom)

AN ACT to amend and reenact section 16.1-06-15 of the North Dakota Century Code, relating to conducting and reporting postelection audits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-06-15 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-15. Mandatory testing of voting systems before each election and after tabulation of ballots.

1. All voting systems used in this state must be tested according to guidelines established by the secretary of state and as follows to ascertain whether the automatic tabulating equipment will accurately count the votes cast for all offices and measures. The testing must be conducted ~~prior to~~before each election at which the system will be used. The testing must be done by the county auditor or county auditor's designee, and after each test, the testing materials and any preaudited ballots used during the test must be sealed and retained in the same manner as election materials after an election.
2. The test of a voting system employing paper ballots must be conducted by processing a preaudited group of ballots on which are recorded a predetermined number of valid votes for each candidate and measure and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. During the test a different number of valid votes must be assigned to each candidate for an office and for and against each measure. If an error is detected, the cause of it must be ascertained and corrected, and an errorless count must be secured and filed as provided in this section.
3. The test must be conducted at least one week before the election. One week before the test is conducted, the county auditor must send the district chairman of each political party having a candidate on the ballot a notice of the test. The notice must state the time, place, and date of the test or tests and that the district chairman or district chairman's designee may attend.
4. At the conclusion of the test, the programming for each voting device must be sealed within the device with a unique numbered seal that must be verified by the election inspector before the opening of the polls to make sure the programming has not been removed from the device.
5. After each statewide primary, general, and special election, the secretary of state shall order a random testing of the voting system programming postelection audit for one precinct polling location selected randomly in each county of the state ~~according to logic and accuracy testing~~

~~procedures detailed in subsection 2 and as may be further defined by the. The~~
~~postelection audit must be commenced on the sixth day following election day~~
~~and concluded by the eighth day following election day. The county recorder~~
~~shall deliver to the county auditor the wrapped ballots from the polling location~~
~~subject to the postelection audit. The secretary of state may further define the~~
~~procedure for conducting a postelection audit in writing. This test is to be~~
~~conducted before the meeting of the county canvassing board.~~

6. The county auditor shall appoint an election board consistent with the procedure under section 16.1-05-01 to conduct the postelection audit. The county auditor shall notice the date, time, and location of the postelection audit. The election board shall review the ballots received under subsection 5 from one federal contest, one statewide contest, one legislative contest if a legislative contest appeared on the ballot, and one county contest. If the election board discovers a discrepancy between the automated tabulating equipment and the results of the postelection audit, the secretary of state may request additional postelection audits within the county, which must serve as the official record used during canvassing.
7. Upon completion of the postelection audit, the election board shall prepare the ballots as specified in section 16.1-15-08 and the county auditor shall deliver the ballots to the county recorder for storage as required under section 16.1-15-13. The election board shall submit the results of the postelection audit to the secretary of state, who shall publish the results.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 205

HOUSE BILL NO. 1469

(Representatives Bosch, Lefor)
(Senator Hogue)

AN ACT to amend and reenact sections 16.1-09-02, 16.1-09-03, and 16.1-09-05 of the North Dakota Century Code, relating to the statement of interests filed with the secretary of state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-09-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-09-02. Statement of interests to be filed.

1. Every candidate for elective office shall sign and file the statement of interests as required by this chapter. In a year when a president and vice president of the United States are to be chosen, presidential and vice presidential candidates shall file with the secretary of state either a statement of interests as required by this chapter or a copy of the personal disclosure statement that is required by the federal election commission. Candidates for elective office who are required to file ~~such the~~ statements shall ~~de-se~~file the statements with the filing officer for that election at the time of filing a certificate of nomination, a certificate of endorsement, a petition of nomination, or a certificate of write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is appropriate.
2. An individual who has filed a statement as the result of candidacy in a primary election need not refile before running in the following general election. A write-in candidate who is not required to file a certificate of write-in candidacy shall file the statement of interests after the candidate's election at the time of filing the required oath of office. Every individual who is appointed by the governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment.
3. A filing officer may not include a candidate's name on the ballot if an error is discovered on the statement and the candidate is unable to or refuses to make the necessary correction before the sixty-fourth day before the election.
4. While holding office, an individual required to file the statement of interests under this section, except candidates elected to hold federal office, shall submit an annual statement of interests to the appropriate filing officer by January thirty-first. A filing officer shall collect fees for late filings pursuant to section 16.1-08.1-06.1.

SECTION 2. AMENDMENT. Section 16.1-09-03 of the North Dakota Century Code is amended and reenacted as follows:

16.1-09-03. Contents of statement of interests.

The statement of interests required to be filed under this chapter applies to the candidate or appointee and that person's spouse and must include:

1. The name of the business or employer and an identification of the principal source of income, defined in the state income tax return as "principal occupation", of both the candidate or appointee and that person's spouse.
2. The name of each business or trust, not the principal source of income, in which the person making the statement, and that person's spouse, have a financial interest.
3. A list of the associations or institutions with which the person making the statement, and that person's spouse, are closely associated, or for which they serve as a director or officer, and which may be affected by legislative action, in the case of a statement submitted by a legislative candidate, or action by the candidate or appointee in that person's capacity as an officeholder.
4. The identity by name of all business offices, business directorships, and fiduciary relationships the person making the statement, and that person's spouse, have held in the preceding calendar year.
5. A list of political subdivisions and any agency or department of the state to which the person providing the statement, or the person's spouse, sold goods or services of more than five thousand dollars in the preceding calendar year from:
 - a. An employer identified under subsection 1 in which the person or the person's spouse has an ownership interest of ten percent or more; or
 - b. A business or trust identified in subsection 2 in which the person or the person's spouse has an ownership interest of ten percent or more and the business or trust is directly related to the official duties of the office the person is seeking or holding.

SECTION 3. AMENDMENT. Section 16.1-09-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-09-05. Powers and duties of the secretary of state and county and city auditors.

The secretary of state, or the county or city auditor, when appropriate shall:

1. Accept and file any statement submitted pursuant to this chapter.
2. Make statements filed available for public inspection and copying during regular office hours. A reasonable fee may be charged to cover the cost of copying. Proceeds from any fees charged must be deposited in the general fund of the appropriate governmental entity.
3. Publish all statements filed with the secretary of state under this chapter on a website maintained by the secretary of state.
4. Preserve statements filed under this chapter for the term of office to which the person making disclosure is elected or appointed ~~or until a new statement is~~

~~filed and preserve.~~ Preserve statements filed pursuant to ~~under~~ this chapter by ~~these~~ candidates who are not elected or appointed for a period of one year after the date of receipt.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 206

HOUSE BILL NO. 1204

(Representatives Schatz, Dressler, Fisher, Frelich, Meier, Toman)
(Senators Luick, Van Oosting)

AN ACT to amend and reenact section 16.1-10-04 of the North Dakota Century Code, relating to the publication of false information in political advertisements; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-10-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-10-04. Publication of false information in political advertisements - Penalty.

1. A person is guilty of a class A misdemeanor if ~~that~~the person knowingly, or with reckless disregard for its truth or falsity, publishes ~~any~~ political advertisement or news release ~~that contains any~~containing an assertion, representation, or statement of fact, including information concerning a candidate's prior public record, which is untrue, deceptive, or misleading, ~~whether~~ on behalf of or in opposition to any candidate for public office, initiated measure, referred measure, constitutional amendment, or any other issue, question, or proposal on an election ballot, ~~and whether the publication which~~ is published by radio, television, newspaper, text message, telephone call, pamphlet, folder, display cards, signs, posters, billboard advertisements, websites, electronic transmission, social media, or ~~by~~ any other public means or commercial medium.
2. This section does not apply to a newspaper, television or radio station, or other commercial medium that is not the source of the political advertisement or news release.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 207

HOUSE BILL NO. 1167

(Representatives Warrey, Bahl, Christianson, Christy, Dobervich, Vollmer)
(Senators Meyer, Weber, Sickler)

AN ACT to create and enact a new section to chapter 16.1-10 of the North Dakota Century Code, relating to artificial intelligence disclosure statements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 16.1-10 of the North Dakota Century Code is created and enacted as follows:

Use of artificial intelligence - Disclosure - Exception - Definition.

1. Any action taken for a political purpose, including communication and political advertising in support of or opposition to a candidate, political committee, or a political party, or for the purpose of promoting passage or defeat of initiated or referred measures or petitions, containing images, graphics, videos, audio, text, or other digital content created in whole or in part with the use of artificial intelligence to visually or audibly impersonate a human, prominently must state the following disclaimer: "THIS CONTENT GENERATED BY ARTIFICIAL INTELLIGENCE."
2. This section does not apply to content solely using artificial intelligence for text generation, grammar correction, spelling checks, stylistic editing, or enhancing existing content without creating a new impersonation of human likeness or voice.
3. For purposes of this section, "artificial intelligence" means a machine-based system capable of creating images, graphics, videos, audio, text, and other digital content based on human-defined objectives or data patterns. The term does not include systems that are explicitly programmed with rules or tools solely designed to assist with grammar, spelling, or word suggestions without generating human likeness or voice.

Approved April 10, 2025

Filed April 11, 2025

FIRES

CHAPTER 208

SENATE BILL NO. 2090

(State and Local Government Committee)
(At the request of the Insurance Commissioner)

AN ACT to amend and reenact section 18-01-02, subsection 1 of section 18-01-03.1, sections 18-01-06, 18-01-07, 23-15-04, and 54-12-01 of the North Dakota Century Code, relating to updating language for the state fire marshal department and to the attorney general's authority to appoint the state fire marshal; to repeal sections 18-01-35 and 18-01-36 of the North Dakota Century Code, relating to fund fees collected by the state fire marshal department; and to provide for a retroactive application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 18-01-02 of the North Dakota Century Code is amended and reenacted as follows:

18-01-02. Duties of state fire marshal and deputy state fire marshals.

The state fire marshal and deputy state fire marshals may enforce all the laws of the state providing for:

1. The prevention of fires.
2. The storage, sale, and use of combustibles ~~and~~ explosives, and fireworks.
3. The fire and life safety code compliance of hazardous materials.
- ~~3-4.~~ The installation and maintenance of ~~automatic or other fire alarms and fire extinguishing equipment~~ fire protection and life safety systems.
- ~~4-5.~~ The ~~means and adequacy of exits in case of fires~~ fire and life safety code compliance ~~from~~ of all public and private elementary and secondary schools, from all public places, and from all other places in which fifty or more persons congregate from time to time for any purpose.
- ~~5-6.~~ The suppression of arson and the investigation of the ~~cause and~~ origin and cause of fires and explosions.
- ~~6-7.~~ The education of the citizens of North Dakota through organized programs on the hazards of fire.

SECTION 2. AMENDMENT. Subsection 1 of section 18-01-03.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The state fire marshal and the state fire marshal's deputies may perform fire safety inspections of those facilities required to be inspected under administrative rules of the department of health and human services. ~~The state fire marshal shall charge a fee not to exceed fifty dollars for conducting these fire safety inspections in an amount determined by administrative rules adopted by the state fire marshal. Inspection fees received by the state fire marshal must be deposited into the insurance regulatory trust fund operating fund.~~

SECTION 3. AMENDMENT. Section 18-01-06 of the North Dakota Century Code is amended and reenacted as follows:

18-01-06. Fire chiefs and auditors or secretaries of cities and rural fire protection districts must report fires.

Within thirty days after the occurrence of any fire in which property in a city or rural fire protection district has been destroyed or damaged, an organization that is contracted by a political subdivision for fire protection or the fire chief of such city or rural fire protection district, if a fire department is maintained therein, or the auditor of the city or the secretary of the rural fire protection district, if a fire department is not maintained therein, shall report the cause, if known, and the origin and circumstances of the fire and the name of the owner and occupant of such property, to the state fire marshal. Reports shall be submitted in a form compliant and compatible with the national fire incident reporting requirements emergency response information system, or in a manner prescribed by the state fire marshal. Such report must show whether such fire was the result of carelessness, accident, or design. The provisions of this section must be complied with, insofar as the same are applicable, if the fire is of unknown origin, regardless of the amount of damage caused thereby.

SECTION 4. AMENDMENT. Section 18-01-07 of the North Dakota Century Code is amended and reenacted as follows:

18-01-07. State fire marshal may direct investigation - Report of investigation - Records in state fire marshal's office.

An investigation of each fire must be made by the officers required to report the occurrence of fires under section 18-01-06. ~~The state fire marshal shall furnish blanks upon which reports of investigations of fires must be submitted and, when~~ When the state fire marshal deems it expedient or necessary, the state fire marshal may supervise and direct any of such investigations. Within ~~one week~~ thirty days after the occurrence of a fire, the officer investigating it shall furnish to the state fire marshal a written report containing a statement of the facts relating to the ~~cause and origin and~~ cause of the fire and such other information as the state fire marshal may require. ~~The state fire marshal shall keep in the state fire marshal's office~~ have access to a record of all fires ~~occurring~~ reported in the state together with the facts, circumstances, and statistics in connection therewith and showing the origin of such fires as the same may be determined from the reports ~~filed in the state fire marshal's office.~~

SECTION 5. AMENDMENT. Section 23-15-04 of the North Dakota Century Code is amended and reenacted as follows:

23-15-04. Exceptions.

1. This chapter does not prohibit:
 - a. A licensed wholesaler, dealer, or jobber from selling at wholesale fireworks that are not prohibited.

- b. The sale of any kind of fireworks for shipment directly out of the state.
 - c. The use of fireworks by transportation agencies for signal purposes or illumination.
 - d. The sale or use of blank cartridges for a show or theater, for signal or ceremonial purposes in athletics or sports, or for use by military organizations.
2. An application for a license as distributor must be made to the state fire marshal on forms prescribed by the state fire marshal. An application for a license as a retailer must be made to the county sheriff on forms prescribed by the state fire marshal. Each application must be accompanied by the required fee, which must be two hundred fifty dollars for a distributor's license and twenty dollars for a retailer's license. Fees for distributors' licenses must be deposited in the ~~general fund~~ insurance regulatory trust fund in the state treasury and fees for retailers' licenses must be deposited in the county general fund. The license is valid only for the calendar year in which issued and must at all times be displayed at the place of business of the licensee. The licenses are in addition to any other license required by law or municipal ordinance. The licensing provisions of this section do not apply to a retailer who is required to become licensed by any municipality. Any license fee levied by a municipality must be deposited in the municipality's general fund.
 3. A person not licensed as a wholesaler or retailer may not bring any fireworks into this state, and a retailer may not sell any fireworks that have not been purchased from a wholesaler licensed under this chapter. A person licensed under this chapter shall keep available for inspection by the state fire marshal or any sheriff, police officer, or local fire marshal a copy of each invoice for fireworks purchased as long as any fireworks included on the invoice are held in the licensee's possession, which invoice must show the license number of the wholesaler from whom the purchase was made.

SECTION 6. AMENDMENT. Section 54-12-01 of the North Dakota Century Code is amended and reenacted as follows:

54-12-01. Attorney general - Duties.

The attorney general shall:

1. Appear for and represent the state before the supreme court in all cases in which the state is interested as a party.
2. Institute and prosecute all actions and proceedings in favor or for the use of the state which may be necessary in the execution of the duties of any state officer.
3. Appear and defend all actions and proceedings against any state officer in the attorney general's official capacity in any of the courts of this state or of the United States. If both parties to an action are state officers, the attorney general may determine which officer the attorney general will represent and the other officer may employ counsel to represent that other officer.
4. Consult with and advise the several state's attorneys in matters relating to the duties of their office.

5. Attend the trial of any party accused of crime and assist in the prosecution when in the attorney general's judgment the interests of the state require it.
6. Consult with and advise the governor and all other state officers and when requested give written opinions on all legal or constitutional questions relating to the duties of such officers respectively.
7. Prepare, when necessary, proper drafts for contracts and other writings relating to subjects in which the state is interested.
8.
 - a. Give written opinions, when requested by a member of the legislative assembly, upon legal questions unless the request:
 - (1) Requires the attorney general to make a factual determination;
 - (2) Involves the constitutionality of a statute;
 - (3) Concerns the internal operation or management of the judicial branch of government;
 - (4) Is likely to be or presently is pending before a court or a court has ruled on the issue;
 - (5) Provides private legal advice; or
 - (6) Involves matters regarding whether a criminal offense has occurred.
 - b. If the attorney general declines to issue an opinion for a reason in subdivision a, the attorney general shall inform the individual who requested the opinion in a written response within sixty days of the request.
9. Enforce the proper application of funds appropriated to the public institutions of the state and prosecute breaches of trust in the administration of such funds.
10. Prosecute corporations and limited liability companies, when necessary, for failure or refusal to make the reports required by law.
11. Keep in proper books a register of all cases prosecuted or defended by the attorney general or the attorney general's assistants, in behalf of this state or its officers, and of all proceedings had in relation thereto, including a record of all actions wherein the state is a party, or is interested, prosecuted by the state's attorneys of the several counties and reported to the attorney general as provided by law, and deliver the same to the attorney general's successor in office.
12. Keep in the attorney general's office a book in which the attorney general shall record all the official opinions given by the attorney general during the attorney general's term of office, such book to be delivered by the attorney general to the attorney general's successor in office.
13. Pay into the state treasury all moneys received by the attorney general for the use of the state.

14. Serve as superintendent of the bureau of criminal investigation and perform all duties incident to the proper and efficient conduct of that office.
15. Attend to and perform any other duties which from time to time may be required by law.
16. ~~Appoint the state fire marshal and supervise the operation of the state fire marshal department.~~
47. Give written opinions, when requested by the governing body or city attorney of a city in the state of North Dakota.
- ~~48-17.~~ Repealed by S.L. 1991, ch. 637, § 9.
- ~~49-18.~~ Give written opinions to public entities as defined in subdivision a or b of subsection 13 of section 44-04-17.1, when requested by an interested person under section 44-04-21.1.

⁷⁴ **SECTION 7. REPEAL.** Sections 18-01-35 and 18-01-36 of the North Dakota Century Code are repealed.

SECTION 8. RETROACTIVE APPLICATION. Section 6 of this Act applies retroactively to cases arising after July 31, 2023.

Approved March 24, 2025

Filed March 25, 2025

⁷⁴ Section 18-01-36 was amended by section 4 of House Bill No. 1031, chapter 64.

CHAPTER 209

SENATE BILL NO. 2135

(Senators Klein, Erbele, Kessel, Schaible)
(Representatives Pyle, Brandenburg)

AN ACT to amend and reenact subsection 2 of section 18-04-05 and section 18-05.1-02 of the North Dakota Century Code, relating to the firefighters death benefits fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 18-04-05 of the North Dakota Century Code is amended and reenacted as follows:

2. The insurance commissioner shall transfer an amount of up to ~~ten thousand~~ one hundred twenty-five thousand dollars per biennium, as may be necessary, to the firefighters death benefit fund for distribution under chapter 18-05.1.

SECTION 2. AMENDMENT. Section 18-05.1-02 of the North Dakota Century Code is amended and reenacted as follows:

18-05.1-02. Payments from firefighters death benefit fund.

The insurance commissioner shall pay ~~ten thousand~~ twenty-five thousand dollars to a deceased firefighter's survivor upon receipt of a request for payment and evidence of a line of duty death from the fire chief or the fire chief's designee of a city fire department, rural fire department, or rural fire protection district.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 210

HOUSE BILL NO. 1086

(Industry, Business and Labor Committee)
(At the request of the Insurance Commissioner)

AN ACT to amend and reenact sections 18-13-03 and 26.1-01-07.1 of the North Dakota Century Code, relating to the use of the reduced cigarette ignition propensity and the insurance regulatory trust fund; to repeal section 18-13-08 of the North Dakota Century Code, relating to the fire prevention and public safety fund; and to provide a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 18-13-03 of the North Dakota Century Code is amended and reenacted as follows:

18-13-03. Certification and product change. (Contingent expiration date - See note)

1. Each manufacturer shall submit to the state fire marshal a written certification attesting that each cigarette listed in the certification has been tested in accordance with section 18-13-02 and each cigarette listed in the certification meets the performance standard set forth in subdivision c of subsection 1 of section 18-13-02.
2. Each cigarette listed in the certification must be described with the following information:
 - a. Brand or trade name on the package;
 - b. Style, such as light or ultra light;
 - c. Length in millimeters;
 - d. Circumference in millimeters;
 - e. Flavor, such as menthol or chocolate, if applicable;
 - f. Filter or nonfilter;
 - g. Package description, such as soft pack or box;
 - h. Marking approved in accordance with section 18-13-04;
 - i. The name, address, and telephone number of the laboratory, if different than the manufacturer that conducted the test; and
 - j. The date that the testing occurred.

3. The certifications must be made available to the insurance commissioner for purposes consistent with this chapter and the state tax commissioner for the purposes of ensuring compliance with this section.
4. Each cigarette certified under this section must be recertified every three years.
5. ~~For each cigarette listed in the certification or recertification, a manufacturer shall pay to the state fire marshal an initial fee of two hundred fifty dollars. The state fire marshal may adjust this shall establish an annual fee annually to ensure the fee defrays~~ defray the actual costs of the processing, testing, enforcement, and oversight activities required by this chapter. All fees collected must be deposited in the insurance regulatory trust fund.
6. ~~There is established in the state treasury a special fund to be known as the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund. The fund must consist of all certification fees submitted by manufacturers, and, in addition to any other moneys made available, be available pursuant to legislative appropriation, to the state fire marshal solely to support processing, testing, enforcement, and oversight activities under this chapter.~~
7. If a manufacturer has certified a cigarette under this section and makes any change to the cigarette which is likely to alter its compliance with the reduced cigarette ignition propensity standards required by this chapter, that cigarette may not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards set forth in section 18-13-02 and maintains records of that retesting as required by section 18-13-02. Any altered cigarette that does not meet the performance standards set forth in section 18-13-02 may not be sold in this state.

SECTION 2. AMENDMENT. Section 26.1-01-07.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-01-07.1. Insurance regulatory trust fund established.

1. There is hereby created a trust fund designated "insurance regulatory trust fund". The following amounts must be deposited in the insurance regulatory trust fund:
 - a. All sums received under section 18-13-03.
 - b. All sums received under section 26.1-01-07.
 - ~~b-c.~~ All sums received under section 26.1-01-07.2 from the insurance regulatory trust fund investments.
 - ~~e-d.~~ All retaliatory fees imposed upon persons by the insurance department as authorized by law.
 - ~~d-e.~~ All administrative penalties, fines, and fees collected by the commissioner from any person subject to this title.
 - ~~e-f.~~ Any other amounts provided by legislative appropriation.

2. The moneys so received and deposited in the insurance regulatory trust fund are reserved for use by the insurance department to defray the expenses of the department in the discharge of its administrative and regulatory powers and duties as prescribed by law subject to the applicable laws relating to the appropriations of state funds and to the deposit and expenditure of state moneys. The insurance department is responsible for the proper expenditure of these moneys as provided by law.
3. Except as otherwise provided by law, after the fiscal year has been closed and all expenses relating to the fiscal year have been accounted for, the office of management and budget shall transfer any fund balance remaining in the insurance regulatory trust fund that exceeds one million dollars to the general fund.

SECTION 3. REPEAL. Section 18-13-08 of the North Dakota Century Code is repealed.

SECTION 4. TRANSFER - REDUCED CIGARETTE IGNITION PROPENSITY FUND TO INSURANCE REGULATORY TRUST FUND. The office of management and budget shall transfer any remaining balance in the reduced cigarette ignition propensity fund to the insurance regulatory trust fund on August 1, 2025.

Approved March 27, 2025

Filed March 31, 2025

FOODS, DRUGS, OILS, AND COMPOUNDS

CHAPTER 211

SENATE BILL NO. 2064

(Judiciary Committee)

(At the request of the State Board of Pharmacy)

AN ACT to amend and reenact sections 19-03.1-05, 19-03.1-09, and 19-03.1-11 of the North Dakota Century Code, relating to the scheduling of controlled substances; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 19-03.1-05 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-05. Schedule I.

1. The controlled substances listed in this section are included in schedule I.
2. Schedule I consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.
3. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation:
 - a. Acetylmethadol.
 - b. Allylprodine.
 - c. Alphacetylmethadol.
 - d. Alphameprodine.
 - e. Alphamethadol.
 - f. Benzethidine.
 - g. Betacetylmethadol.
 - h. Betameprodine.
 - i. Betamethadol.

- j. Betaprodine.
- k. Brorphine.
- l. Clonitazene.
- m. Dextromoramide.
- n. Diampromide.
- o. Diethylthiambutene.
- p. Difenoxin.
- q. Dimenoxadol.
- r. Dimepheptanol.
- s. Dimethylthiambutene.
- t. Dioxaphetyl butyrate.
- u. Dipipanone.
- v. Ethylmethylthiambutene.
- w. Etonitazene.
- x. Etoxidine.
- y. Furethidine.
- z. Hydroxypethidine.
- aa. Isotonitazene (also known as N,N-diethyl-2-(2-(4- isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine).
- bb. Ketobemidone.
- cc. Levomoramide.
- dd. Levophenacymorphan.
- ee. Morpheridine.
 - ff. MPPP (also known as 1-methyl-4-phenyl-4-propionoxypiperidine).
- gg. Noracymethadol.
- hh. Norlevorphanol.
 - ii. Normethadone.
- jj. Norpipanone.
- kk. PEPAP (1-(2-Phenylethyl)-4-Phenyl-4-acetoxypiperidine).

- ll. Phenadoxone.
- mm. Phenampromide.
- nn. Phenomorphan.
- oo. Phenoperidine.
- pp. Piritramide.
- qq. Proheptazine.
- rr. Properidine.
- ss. Propiram.
- tt. Racemoramide.
- uu. Tilidine.
- vv. Trimeperidine.
- ww. 3,4-dichloro-*N*-[2-(dimethylamino)cyclohexyl]-*N*-methylbenzamide (also known as U-47700).
- xx. 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (also know as MT-45).
- yy. 3,4-dichloro-*N*-[1-(dimethylamino)cyclohexyl]methyl}benzamide (also known as AH-7921).
- zz. Zipeprol.
- aaa. 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine (also known as Butonitazene).
- bbb. 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-*N,N*-diethylethan-1-amine (also known as Etodesnitazene and etazene).
- ccc. *N,N*-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (also known as Flunitazene).
- ddd. *N,N*-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (also known as Metodesnitazene).
- eee. *N,N*-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (also known as Metonitazene).
- fff. 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (also known as *N*-Pyrrolidino Etonitazene and Etonitazepyne).
- ggg. *N,N*-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (also known as Protonitazene).
- hhh. *N*-ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (Other name: *N*-desethyl isotonitazene).

iii. 2-(4-ethoxybenzyl)-5-nitro-1-(2-(piperidin-1-yl)ethyl)-1H-benzimidazole
(Other names: N-piperidiny l etonitazene; etonitazepipne).

iii. 2-Methyl AP-237 (1-(2-methyl-4-(3-phenylprop-2-en-1-yl)piperazin-1-yl)butan-1-one).

kkk. Fentanyl derivatives. Unless specifically excepted or unless listed in another schedule or are not FDA approved drugs, and are derived from N-(1-(2-Phenylethyl)-4-piperidiny l)-N-phenylpropanamide (Fentanyl) by any substitution on or replacement of the phenethyl group, any substitution on the piperidine ring, any substitution on or replacement of the propanamide group, any substitution on the anilido phenyl group, or any combination of the above. Examples include:

- (1) N-[1-(1-methyl-2-phenethyl)-4-piperidiny l]-N-phenylacetamide (also known as Acetyl-alpha-methylfentanyl).
- (2) N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidy l]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido)piperidine (also known as Alpha-methylfentanyl).
- (3) N-[1-methyl-2-(2-thienyl)ethyl-4-piperidiny l]-N-phenylpropanamide (also known as Alpha-methylthiofentanyl).
- (4) N-[1-(2-hydroxy-2-phenethyl)-4-piperidiny l]-N-phenylpropanamide (also known as Beta-hydroxyfentanyl).
- (5) N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidiny l]-N-phenylpropanamide (also known as Beta-hydroxy-3-methylfentanyl).
- (6) N-[3-methyl-1-(2-phenylethyl)-4-piperidy l]-N-phenylpropanamide (also known as 3-Methylfentanyl).
- (7) N-[3-methyl-1-(2-thienyl)ethyl-4-piperidiny l]-N-phenylpropanamide (also known as 3-Methylthiofentanyl).
- (8) N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidiny l]propanamide (also known as Para-fluorofentanyl).
- (9) N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny l]propanamide (also known as Thiofentanyl).
- (10) N-(1-phenylethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (also known as Furanyl Fentanyl).
- (11) N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide; N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide (also known as Butyryl Fentanyl).
- (12) N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropionamide; N-[1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidiny l]-N-phenylpropanamide (also known as Beta-Hydroxythiofentanyl).
- (13) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (also known as Acetyl Fentanyl).

- (14) N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (also known as Acryl Fentanyl).
- (15) N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (also known as Valeryl Fentanyl).
- (16) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (also known as 4-Fluoroisobutyryl Fentanyl).
- (17) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (also known as Ortho-fluorofentanyl, 2-Fluorofentanyl).
- (18) N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (also known as Tetrahydrofuranyl Fentanyl).
- (19) 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (also known as Methoxyacetyl Fentanyl).
- (20) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (also known as Cyclopropyl Fentanyl).
- (21) N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (also known as Ocfentanil).
- (22) N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (also known as Cyclopentyl Fentanyl).
- (23) N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (also known as Isobutyryl Fentanyl).
- (24) N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (also known as Para-chloroisobutyryl Fentanyl).
- (25) N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (also known as Para-methoxybutyryl Fentanyl).
- (26) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (also known as Para-fluorobutyryl Fentanyl).
- (27) N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propionamide (also known as 2'-fluoro Ortho-fluorofentanyl; 2'-fluoro 2-fluorofentanyl).
- (28) N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide (also known as Ortho-methyl Acetylfentanyl; 2-methyl acetylfentanyl).
- (29) N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide (also known as Beta'-phenyl Fentanyl; 3-phenylpropanoyl fentanyl and Hydrocinnamoyl Fentanyl).
- (30) N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide (also known as Thiofuranyl Fentanyl; 2-thiofuranyl fentanyl; thiophene fentanyl).
- (31) (E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide (also known as Crotonyl Fentanyl).

- (32) N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide (4'-methyl acetyl fentanyl).
- (33) N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propionamide (beta-methyl fentanyl).
- (34) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide (ortho-fluorobutyl fentanyl; 2-fluorobutyl fentanyl).
- (35) 2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide (ortho-methyl methoxyacetyl fentanyl; 2-methyl methoxyacetyl fentanyl).
- (36) N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (para-methyl fentanyl; 4-methyl fentanyl).
- (37) N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide (phenyl fentanyl; benzoyl fentanyl).
- (38) Ethyl (1-phenethylpiperidin-4-yl)(phenyl)carbamate (fentanyl carbamate).
- (39) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide (ortho-fluoroacryl fentanyl).
- (40) N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (ortho-fluoroisobutyl fentanyl).
- (41) N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide (para-fluoro furanyl fentanyl).
- (42) 2',5'-dimethoxyfentanyl(N-(1-(2,5-dimethoxyphenethyl)piperidine-4-yl)-N-phenylpropionamide).
- (43) 3-furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-3-carboxamide).
- (44) alpha'-methyl butyl fentanyl(2-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide).
- (45) beta-methylacetyl fentanyl(N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)acetamide).
- (46) isovaleryl fentanyl(3-methyl-N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide).
- (47) meta-fluorofentanyl(N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide).
- (48) meta-fluorofuranyl fentanyl(N-3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide.
- (49) meta-fluoroisobutyl fentanyl(N-(3-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide).

- (50) ortho-chlorofentanyl(N-(2-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide.
- (51) ortho-fluorofuranyl fentanyl(N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide).
- (52) ortho-methylcyclopropylfentanyl(N-2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide.
- (53) para-chlorofentanyl(N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide).
- (54) para-fluoro valeryl fentanyl(N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)pentanamide).
- (55) para-methoxyfuranyl fentanyl(N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide).
- (56) para-methylcyclopropyl fentanyl(N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)cyclopropanecarboxamide).
- (57) tetrahydrothiofuranyl fentanyl(N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrothiophene-2-carboxamide).
4. Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- Acetorphine.
 - Acetyldihydrocodeine.
 - Benzylmorphine.
 - Codeine methylbromide.
 - Codeine-N-Oxide.
 - Cyprenorphine.
 - Desomorphine.
 - Dihydromorphine.
 - Drotebanol.
 - Etorphine (except hydrochloride salt).
 - Heroin.
 - Hydromorphenol.
 - Methyldesorphine.
 - Methyldihydromorphine.

- o. Morphine methylbromide.
 - p. Morphine methylsulfonate.
 - q. Morphine-N-Oxide.
 - r. Myrophine.
 - s. Nicocodeine.
 - t. Nicomorphine.
 - u. Normorphine.
 - v. Pholcodine.
 - w. Thebacon.
5. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term "isomer" includes the optical, position, and geometric isomers):
- a. Alpha-ethyltryptamine, its optical isomers, salts, and salts of isomers (also known as etryptamine; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole).
 - b. Alpha-methyltryptamine.
 - c. 4-methoxyamphetamine (also known as 4-methoxy- α -methylphenethylamine; paramethoxyamphetamine; PMA).
 - d. N-hydroxy-3,4-methylenedioxamphetamine (also known as N-hydroxy- α -methyl-3,4(methylenedioxy)phenylamine, and N-hydroxy MDA).
 - e. Ibogaine (also known as 7-Ethyl-6, 6B, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5 H-pyrido [1', 2':1,2] azepino (5,4-b) indole; Tabernanthe iboga).
 - f. Lysergic acid diethylamide.
 - g. Marijuana.
 - h. Parahexyl (also known as 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro- 6,6,9-trimethyl-6H-dibenzol[b,d]pyran; Synhexyl).
 - i. Peyote (all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or its extracts).
 - j. N-ethyl-3-piperidyl benzilate.

k. N-methyl-3-piperidyl benzilate.

l. Psilocybin.

m. (1) Tetrahydrocannabinols, meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant; such as the following:

(a) Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers.
Other names: Delta-9-tetrahydrocannabinol.

(b) Delta-6 cis or trans tetrahydrocannabinol, and their optical isomers.
Other names: Delta-8-tetrahydrocannabinol.

(c) Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers.

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

(2) Tetrahydrocannabinols do not include:

(a) The allowable amount of total tetrahydrocannabinol found in hemp or an allowed hemp commodity or product as defined in chapter 4.1-18.1; or

(b) A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].

n. Cannabinoids, synthetic. It includes the chemicals and chemical groups listed below, including their homologues, salts, isomers, and salts of isomers. The term "isomer" includes the optical, position, and geometric isomers.

(1) Indole acetamides. Any compound structurally derived from 1H-indole-3-acetamide or 1H-2-acetamide substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the hydrogen of the acetamide by a phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:

(a) Substitution to the indole ring to any extent; or

- (b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group to any extent; or
 - (c) A nitrogen heterocyclic analog of the indole ring; or
 - (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
 - (e) Examples include:
 - [1] N-cyclohexyl-2-(1-pentylindol-3-yl)acetamide - Other names: CH-PIATA, Cyclohexyl-PIATA, CHX-PIATA, CH-PIACA, and CHX-PIACA.
 - [2] N-cyclohexyl-2-[1-[(4-fluorophenyl)methyl]indol-3-yl]acetamide - Other names: CH-FUBIATA and CH-FUBIACA.
 - [3] 2-[[2-[1-[(4-fluorophenyl)methyl]indol-3-yl]acetyl]amino]-3,3-dimethyl-butanamide - Other names: ADB-FUBIATA, FUB-ACADB, and AD-18.
- (2) Indole carboxaldehydes. Any compound structurally derived from 1H-indole-3-carboxaldehyde or 1H-2-carboxaldehyde substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the hydrogen of the carboxaldehyde by a phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:
- (a) Substitution to the indole ring to any extent; or
 - (b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, pyrrolidinyl, piperazinyl, or propionaldehyde group to any extent; or
 - (c) A nitrogen heterocyclic analog of the indole ring; or
 - (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
 - (e) Examples include:
 - [1] 1-Pentyl-3-(1-naphthoyl)indole - Other names: JWH-018 and AM-678.
 - [2] 1-Butyl-3-(1-naphthoyl)indole - Other names: JWH-073.
 - [3] 1-Pentyl-3-(4-methoxy-1-naphthoyl)indole - Other names: JWH-081.

- [4] 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole - Other names: JWH-200.
- [5] 1-Propyl-2-methyl-3-(1-naphthoyl)indole - Other names: JWH-015.
- [6] 1-Hexyl-3-(1-naphthoyl)indole - Other names: JWH-019.
- [7] 1-Pentyl-3-(4-methyl-1-naphthoyl)indole - Other names: JWH-122.
- [8] 1-Pentyl-3-(4-ethyl-1-naphthoyl)indole - Other names: JWH-210.
- [9] 1-Pentyl-3-(4-chloro-1-naphthoyl)indole - Other names: JWH-398.
- [10] 1-(5-fluoropentyl)-3-(1-naphthoyl)indole - Other names: AM-2201.
- [11] 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole - Other names: RCS-8.
- [12] 1-Pentyl-3-(2-methoxyphenylacetyl)indole - Other names: JWH-250.
- [13] 1-Pentyl-3-(2-methylphenylacetyl)indole - Other names: JWH-251.
- [14] 1-Pentyl-3-(2-chlorophenylacetyl)indole - Other names: JWH-203.
- [15] 1-Pentyl-3-(4-methoxybenzoyl)indole - Other names: RCS-4.
- [16] (1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole) - Other names: AM-694.
- [17] (4-Methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone - Other names: WIN 48,098 and Pravadoline.
- [18] (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone -- Other names: UR-144.
- [19] (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone - Other names: XLR-11.
- [20] (1-(2-morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone - Other names: A-796,260.
- [21] (1-(5-fluoropentyl)-1H-indazol-3-yl)(naphthalen-1-yl)methanone -- Other names: THJ-2201.
- [22] 1-naphthalenyl(1-pentyl-1H-indazol-3-yl)-methanone -- Other names: THJ-018.

- [23] (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone - Other names: FUBIMINA.
- [24] 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-yl) indole - Other names: AM-1248.
- [25] 1-Pentyl-3-(1-adamantyl)indole - Other names: AB-001 and JWH-018 adamantyl analog.
- (3) Indole carboxamides. Any compound structurally derived from 1H-indole-3-carboxamide or 1H-2-carboxamide substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the nitrogen of the carboxamide by a phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:
- Substitution to the indole ring to any extent; or
 - Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group to any extent; or
 - A nitrogen heterocyclic analog of the indole ring; or
 - A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
- (e) Examples include:
- N-Adamantyl-1-pentyl-1H-indole-3-carboxamide - Other names: JWH-018 adamantyl carboxamide, APICA, SDB-001, and 2NE1.
 - N-Adamantyl-1-fluoropentylindole-3-carboxamide - Other names: STS-135.
 - N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide - Other names: AKB 48 and APINACA.
 - N-1-naphthalenyl-1-pentyl-1H-indole-3-carboxamide - Other names: NNE1 and MN-24.
 - N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide - Other names: ADBICA.
 - (S)-N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide - Other names: AB-PINACA.
 - N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide - Other names: AB-FUBINACA.

- [8] N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide - Other names: 5-Fluoro AB-PINACA and 5F-AB-PINACA.
- [9] N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide - Other names: ADB-PINACA.
- [10] N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide - Other names: AB-CHMINACA.
- [11] N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide - Other names: ADB-FUBINACA.
- [12] N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide - Other names: FUB-AKB48, FUB-APINACA, and AKB48 N-(4-FLUOROBENZYL).
- [13] 1-(5-fluoropentyl)-N-(quinolin-8-yl)-1H-indazole-3-carboxamide - Other names: 5-fluoro-THJ.
- [14] methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate - Other names: 5-fluoro AMB and 5F-AMB.
- [15] methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3-methylbutanoate - Other names: FUB-AMB, MMB-FUBINACA, and AMB-FUBINACA.
- [16] N-[1-(aminocarbonyl)-2,2-dimethylpropyl]-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide - Other names: MAB-CHMINACA and ADB-CHMINACA.
- [17] Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate - Other names: 5F-ADB and 5F-MDMB-PINACA.
- [18] N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide - Other names: 5F-APINACA and 5F-AKB48.
- [19] Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate - Other names: MDMB-CHMICA and MMB-CHMINACA.
- [20] Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate - Other names: MDMB-FUBINACA.
- [21] 1-(4-cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide - Other names: 4-CN-CUMYL-BUTINACA; 4-cyano-CUMYL-BUTINACA; 4-CN-CUMYL BINACA; CUMYL-4CN-BINACA; SGT-78.
- [22] methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3-methylbutanoate - Other names: MMB-CHMICA, AMB-CHMICA.

- [23] 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide - Other names: 5F-CUMYL-P7A1CA.
- [24] ethyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate - Other names: 5F-EDMB-PINACA.
- [25] methyl 2-(1-(5-fluoropentyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate - Other names: 5F-MDMB-PICA and 5F-MDMB-2201.
- [26] 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide - Other names: 5F-CUMYL-PINACA, SGT-25.
- [27] (1-(4-fluorobenzyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone - Other names: FUB-144.
- [28] methyl 2-(1-(4-fluorobutyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate (4F-MDMB-BINACA, 4F-MDMB-BUTINACA).
- [29] ~~Methyl 3,3-dimethyl-2-[(1-pent-4-enyl)indazole-3-carbonyl]amino]butanoate - Other names: MDMB-4en-PINACA, MDMB-PENINACA, and 5-CL-ADB-A.~~
- [30] Methyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate - Other names: 5F-MDMB-PICA and 5F-MDMB-2201.
- [31] ~~1-butyl-N-(1-carbamoyl-2,2-dimethyl-propyl)indazole-3-carboxamide - Other names: ADB-BINACA and ADB-BUTINACA.~~
- [32][30] 5-bromo-N-(1-carbamoyl-2,2-dimethyl-propyl)-1H-indazole-3- carboxamide - Other names: ADB-5Br-INACA.
- [33][31] Methyl 2-[(5-bromo-1H-indazole-3-carbonyl)amino]-3,3-dimethyl- butanoate - Other names: MDMB-5Br-INACA.
- [34][32] 5-bromo-1-butyl-N-(1-carbamoyl-2,2-dimethyl-propyl)indazole-3- carboxamide - Other names: ADB-5'Br-BINACA and ADB-5'Br-BUTINACA.
- [33] Methyl 3,3-dimethyl-2-(1-(pent-4-en-1-yl)-1H-indazole-3-carboxamido)butanoate - Other name: MDMB-4en-PINACA.
- [34] Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate - Other names: 4F-MDMB-BUTICA; 4F-MDMB-BICA.
- [35] N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-en-1-yl)-1H-indazole-3-carboxamide - Other name: ADB-4en-PINACA.
- [36] Ethyl 2-[[1-(5-fluoropentyl)indole-3-carbonyl]amino]-3,3-dimethyl-butanoate - Other names: 5F-EDMB-PICA; 5F-EDMB-2201.

[37] Methyl 2-(1-(4-fluorobenzyl)-1H-indole-3-carboxamido)-3-methyl butanoate - Other name: MMB-FUBICA.

[38] N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butyl-1H-indazole-3-carboxamide - Other name: ADB-BUTINACA.

- (4) Indole carboxylic acids. Any compound structurally derived from 1H-indole-3-carboxylic acid or 1H-2-carboxylic acid substituted in both of the following ways: at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group; and, at the hydroxyl group of the carboxylic acid by a phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, or propionaldehyde group whether or not the compound is further modified to any extent in the following ways:

- (a) Substitution to the indole ring to any extent; or
- (b) Substitution to the phenyl, benzyl, cumyl, naphthyl, adamantyl, cyclopropyl, propionaldehyde group to any extent; or
- (c) A nitrogen heterocyclic analog of the indole ring; or
- (d) A nitrogen heterocyclic analog of the phenyl, benzyl, naphthyl, adamantyl, or cyclopropyl ring.
- (e) Examples include:

[1] 1-(cyclohexylmethyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other names: BB-22 and QUCHIC.

[2] naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate - Other names: FDU-PB-22.

[3] 1-pentyl-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other names: PB-22 and QUPIC.

[4] 1-(5-Fluoropentyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester - Other names: 5-Fluoro PB-22 and 5F-PB-22.

[5] quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate - Other names: FUB-PB-22.

[6] naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate - Other names: NM2201 and CBL2201.

- (5) Naphthylmethylindoles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent. Examples include:

- (a) 1-Pentyl-1H-indol-3-yl-(1-naphthyl)methane - Other names: JWH-175.
- (b) 1-Pentyl-1H-indol-3-yl-(4-methyl-1-naphthyl)methane - Other names: JWH-184.
- (6) Naphthoypyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: (5-(2-fluorophenyl)-1-pentylpyrrol-3-yl)-naphthalen-1-ylmethanone - Other names: JWH-307.
- (7) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent. Examples include: E-1-[1-(1-Naphthalenylmethylene)-1H-inden-3-yl]pentane - Other names: JWH-176.
- (8) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or (tetrahydropyran-4-yl)methyl group whether or not substituted in the cyclohexyl ring to any extent. Examples include:
- (a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other names: CP 47,497.
- (b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol - Other names: Cannabicyclohexanol and CP 47,497 C8 homologue.
- (c) 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol - Other names: CP 55,940.
- (9) Others specifically named:
- (a) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: HU-210.
- (b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol - Other names: Dexanabinol and HU-211.

- (c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone - Other names: WIN 55,212-2.
 - (d) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone - Other names: CB-13.
 - (e) N-[(Z)-(1-hexyl-2-oxo-indolin-3-ylidene)amino]benzamide - Other names: BZO-HEXOXIZID and MDA-19.
 - (f) N-[(Z)-(2-oxo-1-pentyl-indolin-3-ylidene)amino]benzamide - Other names: BZO-POXIZID, Pentyl MDA-19, and 5C-MDA-19.
 - (g) N-[(Z)-[1-(5-fluoropentyl)-2-oxo-indolin-3-ylidene]amino]benzamide - Other names: 5F-BZO-POXIZID and 5F-MDA-19.
 - (h) N-[(Z)-(2-oxo-1-pent-4-enyl-indolin-3-ylidene)amino]benzamide - Other names: BZO-4en-POXIZID and 4en-pentyl MDA-19.
 - (i) N-[(Z)-[1-(cyclohexylmethyl)-2-oxo-indolin-3-ylidene]amino]benzamide - Other names: BZO-CHMOXIZID, Cyclohexylmethyl MDA-19 and CHM-MDA-19.
 - (j) N-(1-carbamoyl-2-methyl-propyl)-2-(5-fluoropentyl)-5-(4-fluorophenyl)pyrazole-3-carboxamide - Other Names: 5F-AB-PFUPPYCA.
 - (k) 5-Pentyl-2-(2-phenylpropan-2-yl)pyrido[4,3-b]indol-1-one - Other names: CUMYL-PEGACLONE; SGT-151.
- o. Substituted phenethylamines. This includes any compound, unless specifically excepted, specifically named in this schedule, or listed under a different schedule, structurally derived from phenylethan-2-amine by substitution on the phenyl ring in any of the following ways, that is to say, by substitution with a fused methylenedioxy ring, fused furan ring, or fused tetrahydrofuran ring; by substitution with two alkoxy groups; by substitution with one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system; or by substitution with two fused ring systems from any combination of the furan, tetrahydrofuran, or tetrahydropyran ring systems.
- (1) Whether or not the compound is further modified in any of the following ways, that is to say:
- (a) By substitution of phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alkylthio groups;
 - (b) By substitution at the 2-position by any alkyl groups; or
 - (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, hydroxybenzyl, methylenedioxybenzyl, or methoxybenzyl groups.
- (2) Examples include:

- (a) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (also known as 2C-C or 2,5-Dimethoxy-4-chlorophenethylamine).
- (b) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (also known as 2C-D or 2,5-Dimethoxy-4-methylphenethylamine).
- (c) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (also known as 2C-E or 2,5-Dimethoxy-4-ethylphenethylamine).
- (d) 2-(2,5-Dimethoxyphenyl)ethanamine (also known as 2C-H or 2,5-Dimethoxyphenethylamine).
- (e) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-I or 2,5-Dimethoxy-4-iodophenethylamine).
- (f) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (also known as 2C-N or 2,5-Dimethoxy-4-nitrophenethylamine).
- (g) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (also known as 2C-P or 2,5-Dimethoxy-4-propylphenethylamine).
- (h) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-T-2 or 2,5-Dimethoxy-4-ethylthiophenethylamine).
- (i) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (also known as 2C-T-4 or 2,5-Dimethoxy-4-isopropylthiophenethylamine).
- (j) 2-(4-bromo-2,5-dimethoxyphenyl)ethanamine (also known as 2C-B or 2,5-Dimethoxy-4-bromophenethylamine).
- (k) 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine (also known as 2C-T or 4-methylthio-2,5-dimethoxyphenethylamine).
- (l) 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine (also known as DOI or 2,5-Dimethoxy-4-iodoamphetamine).
- (m) 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane (also known as DOB or 2,5-Dimethoxy-4-bromoamphetamine).
- (n) 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (also known as DOC or 2,5-Dimethoxy-4-chloroamphetamine).
- (o) 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-B-NBOMe; 2,5B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine).
- (p) 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-I-NBOMe; 2,5I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine).
- (q) N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenyl)ethanamine (also known as mescaline-NBOMe or 3,4,5-trimethoxy-N-(2-methoxybenzyl)phenethylamine).

- (r) 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (also known as 2C-C-NBOMe; 2,5C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine).
- (s) 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine (also known as 2CB-5-hemiFLY).
- (t) 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-f][1]benzofuran-4-yl)ethanamine (also known as 2C-B-FLY).
- (u) 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine (also known as 2C-B-butterFLY).
- (v) N-(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b']difuran-4-yl)-2-aminoethane (also known as 2C-B-FLY-NBOMe).
- (w) 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (also known as bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY).
- (x) N-(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (also known as 2C-I-NBOH or 2,5I-NBOH).
- (y) 5-(2-Aminopropyl)benzofuran (also known as 5-APB).
- (z) 6-(2-Aminopropyl)benzofuran (also known as 6-APB).
- (aa) 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (also known as 5-APDB).
- (bb) 6-(2-Aminopropyl)-2,3,-dihydrobenzofuran (also known as 6-APDB).
- (cc) 2,5-dimethoxy-amphetamine (also known as 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA).
- (dd) 2,5-dimethoxy-4-ethylamphetamine (also known as DOET).
- (ee) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (also known as 2C-T-7).
- (ff) 5-methoxy-3,4-methylenedioxy-amphetamine.
- (gg) 4-methyl-2,5-dimethoxy-amphetamine (also known as 4-methyl-2,5-dimethoxy-a-methylphenethylamine; DOM and STP).
- (hh) 3,4-methylenedioxy amphetamine (also known as MDA).
- (ii) 3,4-methylenedioxymethamphetamine (also known as MDMA).
- (jj) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, MDE, MDEA).
- (kk) 3,4,5-trimethoxy amphetamine.

(II) Mescaline (also known as 3,4,5-trimethoxyphenethylamine).

- p. Substituted tryptamines. This includes any compound, unless specifically excepted, specifically named in this schedule, or listed under a different schedule, structurally derived from 2-(1H-indol-3-yl)ethanamine (i.e., tryptamine) by mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the compound is further substituted at the alpha-position with an alkyl group or whether or not further substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups. Examples include:
- (1) 5-methoxy-N,N-diallyltryptamine (also known as 5-MeO-DALT).
 - (2) 4-acetoxy-N,N-dimethyltryptamine (also known as 4-AcO-DMT or O-Acetylpsilocin).
 - (3) 4-hydroxy-N-methyl-N-ethyltryptamine (also known as 4-HO-MET).
 - (4) 4-hydroxy-N,N-diisopropyltryptamine (also known as 4-HO-DIPT).
 - (5) 5-methoxy-N-methyl-N-isopropyltryptamine (also known as 5-MeO-MiPT).
 - (6) 5-methoxy-N,N-dimethyltryptamine (also known as 5-MeO-DMT).
 - (7) Bufotenine (also known as 3-(Beta-Dimethyl-aminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine).
 - (8) 5-methoxy-N,N-diisopropyltryptamine (also known as 5-MeO-DiPT).
 - (9) Diethyltryptamine (also known as N,N-Diethyltryptamine; DET).
 - (10) Dimethyltryptamine (also known as DMT).
 - (11) Psilocyn.
- q. 1-[3-(trifluoromethylphenyl)]piperazine (also known as TFMPP).
- r. 1-[4-(trifluoromethylphenyl)]piperazine.
- s. 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (also known as 5,6-Methylenedioxy-2-aminoindane or MDAI).
- t. 2-(Ethylamino)-2-(3-methoxyphenyl)cyclohexanone (also known as Methoxetamine or MXE).
- u. Ethylamine analog of phencyclidine (also known as N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE).
- v. Pyrrolidine analog of phencyclidine (also known as 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP).

- w. Thiophene analog of phencyclidine (also known as (1-[1-(2-thienyl)cyclohexyl] piperidine; 2-Thienylanalog of phencyclidine; TPCP, TCP).
 - x. 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (also known as TCPy).
 - y. *Salvia divinorum*, salvinorin A, or any of the active ingredients of *salvia divinorum*.
6. Depressants. Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- a. Gamma-hydroxybutyric acid.
 - b. Mecloqualone.
 - c. Methaqualone.
 - d. Clonazepam (also known as Clonitrazepam).
 - e. Etizolam.
 - f. Flualprazolam.
 - g. Flubromazepam.
 - h. Flubromazolam.
 - i. Adinazolam.
 - j. Bromazolam.
 - k. Deschloroetizolam.
 - l. Diclazepam.
7. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:
- a. Aminorex (also known as 2-amino-5-phenyl-2-oxazoline, or 4,5-dihydro-5-phenyl-2-oxazoline).
 - b. Cathinone.
 - c. Substituted cathinones. Any compound, material, mixture, preparation, or other product, unless listed in another schedule or an approved food and drug administration drug (e.g., bupropion, pyrovalerone), structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

- (1) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
- (2) By substitution at the 3-position with an acyclic alkyl substituent;
- (3) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
- (4) By inclusion of the 2-amino nitrogen atom in a cyclic structure.

Some trade or other names:

- (a) 3,4-Methylenedioxy- α -pyrrolidinopropiophenone (also known as MDPPP).
- (b) 3,4-Methylenedioxy-N-ethylcathinone (also known as Ethylone, MDEC, or bk-MDEA).
- (c) 3,4-Methylenedioxy-N-methylcathinone (also known as Methylone or bk-MDMA).
- (d) 3,4-Methylenedioxypropiovalerone (also known as MDPV).
- (e) 3,4-Dimethylmethcathinone (also known as 3,4-DMMC).
- (f) 2-(methylamino)-1-phenylpentan-1-one (also known as Pentadron).
- (g) 2-Fluoromethcathinone (also known as 2-FMC).
- (h) 3-Fluoromethcathinone (also known as 3-FMC).
- (i) 4-Methylethcathinone (also known as 4-MEC and 4-methyl-N-ethylcathinone).
- (j) 4-Fluoromethcathinone (also known as Flephedron and 4-FMC).
- (k) 4-Methoxy- α -pyrrolidinopropiophenone (also known as MOPPP).
- (l) 4-Methoxymethcathinone (also known as Methedron; bk-PMMA).
- (m) 4'-Methyl- α -pyrrolidinobutiophenone (also known as MPBP).
- (n) α -methylamino-butyrophenone (also known as Buphedron or MABP).
- (o) α -pyrrolidinobutiophenone (also known as α -PBP).
- (p) α -pyrrolidinopropiophenone (also known as α -PPP).
- (q) α -pyrrolidinopentiophenone (also known as α -pyrrolidinovalerophenone or α -PVP).

- (r) Beta-keto-N-methylbenzodioxolylbutanamine (also known as Butylone or bk-MBDB).
 - (s) Ethcathinone (also known as N-Ethylcathinone).
 - (t) 4-Methylmethcathinone (also known as Mephedrone or 4-MMC).
 - (u) Methcathinone.
 - (v) N,N-dimethylcathinone (also known as metamfepramone).
 - (w) Naphthylpyrovalerone (naphyrone).
 - (x) B-Keto-Methylbenzodioxolylpentanamine (also known as Pentylone).
 - (y) 4-Methyl-alpha-pyrrolidinopropiophenone (also known as 4-MePPP and MPPP).
 - (z) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (also known as Ephylone and N-Ethylpentylone).
 - (aa) N-ethylhexedrone (also known as alpha - ethylaminohexanophenone and 2-(ethylamino)-1-phenylhexan-1-one)).
 - (bb) Alpha-pyrrolidinohexanophenone (also known as alpha-PHP, alpha-pyrrolidinohexiophenone, and 1-phenyl-2-(pyrrolidin-1-yl)hexan-1-one)).
 - (cc) 4-methyl-alpha-ethylaminopentiophenone (also known as 4-MEAP and 2-(ethylamino)-1-(4-methylphenyl)pentan-1-one)).
 - (dd) 4'-methyl-alpha-pyrrolidinohexiophenone (also known as MPHP, 4'-methyl-alpha-pyrrolidinohexanophenone and 1-(4-methylphenyl)-2-(pyrrolidin-1-yl)hexan-1-one)).
 - (ee) Alpha-pyrrolidinoheptaphenone (also known as PV8 and 1-phenyl-2-(pyrrolidin-1-yl)heptan-1-one)).
 - (ff) 4-chloro-alpha-pyrrolidinovalerophenone (also known as 4-chloro-alpha-PVP, 4'-chloro-alpha-pyrrolidinopentiophenone, and 1-(4-chlorophenyl)-2-(pyrrolidin-1-yl)pentan-1-one)).
 - (gg) 4-methyl-1-phenyl-2-(pyrrolidin-1-yl)pentan-1-one (other name: alpha-PiHP).
 - (hh) 2-(methylamino)-1-(3-methylphenyl)propan-1-one (other names: 3-MMC; 3-methylmethcathinone).
 - (ii) Eutylone (also known as 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)butan-1-one).
- d. Fenethylamine.
- e. Fluoroamphetamine.

- f. Fluoromethamphetamine.
- g. ($\pm$)cis-4-methylaminorex (also known as ($\pm$)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine).
- h. N-Benzylpiperazine (also known as BZP, 1-benzylpiperazine).
- i. N-ethylamphetamine.
- j. N, N-dimethylamphetamine (also known as N,N-alpha-trimethylbenzeneethanamine; N,N-alpha-trimethylphenethylamine).
- k. 1-(4-methoxyphenyl)-N-methylpropan-2-amine (also known as paramethoxymethamphetamine and PMMA).
- l. 4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine).
- m. Amineptine (Also known as 7- [(10,11-dihydro-5Hdibenzo[a,d]cyclohepten-5- yl)amino]heptanoic acid).
- n. Mesocarb (Also known as N-phenyl-N' -(3-(1- phenylpropan-2-yl)-1,2,3-oxadiazol-3- ium-5-yl)carbamimidate).
- o. Methiopropamine (Also known as N-methyl-1-(thiophen-2-yl)propan-2-amine).
- p. Ethylphenidate (ethyl 2-phenyl-2-(piperidin-2-yl)acetate).

SECTION 2. AMENDMENT. Section 19-03.1-09 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-09. Schedule III.

1. The controlled substances listed in this section are included in schedule III.
2. Schedule III consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.
3. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - a. Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II and any other drug of the quantitative composition shown in that schedule for those drugs or which is the same except that it contains a lesser quantity of controlled substances.
 - b. Benzphetamine.

- c. Chlorphentermine.
 - d. Clortermine.
 - e. Phendimetrazine.
4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:
- a. Any compound, mixture, or preparation containing:
 - (1) Amobarbital;
 - (2) Secobarbital;
 - (3) Pentobarbital;or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
 - b. Any suppository dosage form containing:
 - (1) Amobarbital;
 - (2) Secobarbital;
 - (3) Pentobarbital;or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository.
 - c. Any substance that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules thereof.
 - d. Chlorhexadol.
 - e. Embutramide.
 - f. Gamma-hydroxybutyric acid in a United States food and drug administration-approved drug product.
 - g. Ketamine.
 - h. Lysergic acid.
 - i. Lysergic acid amide.
 - j. Methyprylon.
 - k. Perampanel.
 - l. Sativex or its successor name as determined by the federal food and drug administration.

- m. Sulfondiethylmethane.
 - n. Sulfonethylmethane.
 - o. Sulfonmethane.
 - p. Tiletamine and zolazepam or any salt thereof. Some trade or other names for a tiletamine-zolazepam combination product: Telazol. Some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone. Some trade or other names for zolazepam: 4-2(2-fluorophenyl)-6, 8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4]-diazepin-7(1H)-one, fluprazapon.
5. Nalorphine.
6. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
- a. (1) Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.
 - (2) Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
 - (3) Not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
 - (4) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
 - (5) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
 - (6) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.
- b. Buprenorphine.
7. Anabolic steroids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following ~~anabolic steroids~~ substances, including its salts, esters, and ethers:
- a. 3beta,17-dihydroxy-5a-androstane;
 - b. 3alpha,17beta-dihydroxy-5a-androstane;

- c. 5alpha-androstan-3,17-dione;
- d. 5alpha-androstan-3,6,17-trione;
- e. 1-androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene);
- e-f. 1-androstenediol (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);
- f-g. 4-androstenediol (3beta,17beta-dihydroxyandrost-4-ene);
- g-h. 5-androstenediol (3beta,17beta-dihydroxy-androst-5-ene);
- h-i. 1-androstenedione ([5alpha]-androst-1-en-3,17-dione);
- i-j. 4-androstenedione (androst-4-en-3,17-dione);
- j-k. 5-androstenedione (androst-5-en-3,17-dione);
- k-l. Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
- l-m. Boldenone (17beta-hydroxyandrost-1,4,-diene-3-one);
- m-n. Boldione (androsta-1,4-diene-3,17-dione);
- o. 6-bromo-androsta-1,4-diene-3,17-dione;
- p. 6-bromo-androstan-3,17-dione;
- n-q. Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);
- r. 4-chloro-17alpha-methyl-androsta-1,4-diene-3,17beta-diol;
- s. 4-chloro-17alpha-methyl-androst-4-ene-3beta,17beta-diol;
- t. 4-chloro-17alpha-methyl-17beta-hydroxy-androst-4-en-3-one;
- u. 4-chloro-17alpha-methyl-17beta-hydroxy-androst-4-ene-3,11-dione;
- e-v. Clostebol (4-chloro-17beta-hydroxyandrost-4-en-3-one);
- p-w. Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methyl-androst-1,4-dien-3-one);
- q-x. Delta-1-dihydrotestosterone (also known as '1-testosterone') (17beta-hydroxy-5alpha-androst-1-en-3-one);
- r-y. Desoxymethyltestosterone (17a-methyl-5a-androst-2-en-17beta-ol) (also known as madol);
- s-z. 4-dihydrotestosterone (17beta-hydroxy-androstan-3-one);
- aa. 3beta,17beta-dihydroxy-5alpha-androstane;
- bb. 3alpha,17beta-dihydroxy-5alpha-androstane;

- cc. 2alpha,17alpha-dimethyl-17beta-hydroxy-5beta-androstan-3-one;
- td. Drostanolone (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);
- ee. 2alpha,3alpha-epithio-17alpha-methyl-5alpha-androstan-17beta-ol;
- ff. estra-4,9,11-triene-3,17-dione;
- gg. 13beta-ethyl-17beta-hydroxygon-4-en-3-one;
- hh. Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);
- ij. Fluoxymesterone (9-fluoro-17alpha-methyl-11beta, 17beta-dihydroxyandrost-4-en-3-one);
- jj. Formebolone (2-formyl-17alpha-methyl-11alpha, 17beta-dihydroxyandrost-1,4-dien-3-one);
- kk. Furazabol (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);
- ll. [3,2-c]furazan-5alpha-androstan-17beta-ol;
- mm. 18a-homo-3-hydroxy-estra-2,5(10)-dien-17-one;
- nn. 4-hydroxy-androst-4-ene-3,17-dione;
- oo. 17beta-hydroxy-androstano[2,3-d]isoxazole;
- pp. 17beta-hydroxy-androstano[3,2-c]isoxazole;
- qq. 3beta-hydroxy-estra-4,9,11-trien-17-one;
- rr. 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;
- ss. 4-hydroxytestosterone (4,17beta-dihydroxy-androst-4-en-3-one);
- tt. 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);
- uu. Mestanolone (17alpha-methyl-17beta-hydroxy-5alpha-androstan-3-one);
- vv. Mesterolone (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);
- ww. Methandienone (17alpha-methyl-17beta-dihydroxyandrost-1,4-dien-3-one);
- xx. Methandriol (17alpha-methyl-3beta,17beta-dihydroxyandrost-5-ene);
- yy. Methasterone (2[alpha],17[alpha]-dimethyl-5[alpha]-androstan-17[beta]-ol-3-one);
- zz. Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);

- aaa. 17alpha-methyl-androsta-1,4-diene-3,17beta-diol;
- bbb. 17alpha-methyl-5alpha-androstan-17beta-ol;
- ccc. 17alpha-methyl-androstan-3-hydroxyimine-17beta-ol;
- ddd. 6alpha-methyl-androst-4-ene-3,17-dione;
- eee. 17alpha-methyl-androst-2-ene-3,17beta-diol;
- ~~hh~~-fff. 17alpha-methyl-3beta,17beta-dihydroxy-5a-androstane;
- ~~ii~~-ggg. 17alpha-methyl-3alpha,17beta-dihydroxy-5a-androstane;
- ~~jj~~-hhh. 17alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene;
- ~~kk~~-iii. 17alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);
- ~~ll~~-jjj. Methyldienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);
- ~~mm~~-kkk. Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9(11)-trien-3-one);
- ~~nn~~-lll. Methyltestosterone (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);
- ~~oo~~-mmm. Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);
- ~~pp~~-nnn. 17alpha-methyl-delta1-dihydrotestosterone (17beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known as '17-alpha-methyl-1-testosterone');
- ~~qq~~-ooo. Nandrolone (17beta-hydroxyestr-4-en-3-one);
- ~~rr~~-ppp. 19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene);
- ~~ss~~-qqq. 19-nor-4-androstenediol (3alpha,17beta-dihydroxyestr-4-ene);
- ~~tt~~-rrr. 19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);
- ~~uu~~-sss. 19-nor-5-androstenediol (3alpha,17-beta-dihydroxyester-5-ene);
- ~~vv~~-ttt. 19-nor-4-androstenedione (estr-4-en-3,17-dione);
- ~~ww~~-uuu. 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- ~~xx~~-vvv. 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- ~~yy~~-www. Norbolethone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);
- ~~zz~~-xxx. Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);
- ~~aaa~~-yyy. Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);

- ~~bbb-zzz.~~ Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);
- ~~eee-aaaa.~~ Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);
- ~~ddd-bbbb.~~ Oxymesterone (17alpha-methyl-4-17beta-dihydroxyandrost-4-en-3-one);
- ~~eee-cccc.~~ Oxymetholone (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy [5alpha]-androstan-3-one);
- ~~dddd.~~ [3,2-c]pyrazole-androst-4-en-17beta-ol;
- ~~fff-eeee.~~ Stanozolol (17alpha-methyl-17beta-hydroxy[5alpha]-androst-2-eno[3,2-c]-pyrazole);
- ~~ggg-ffff.~~ Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);
- ~~hhh-gggg.~~ Prostanazol (17[beta]-hydroxy-5[alpha]-androstan[3,2-c]pyrazole);
- ~~iii-hhhh.~~ Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- ~~jjj-iiii.~~ Testosterone (17beta-hydroxyandrost-4-en-3-one);
- ~~kkk-jjjj.~~ Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one); or
- ~~lll-kkkk.~~ Trenbolone (17beta-hydroxyestr-4,9,11-trien-3-one);

~~or any salt, ester, or isomer of a drug or substance described or listed in this subsection, if that salt, ester, or isomer promotes muscle growth.~~

The term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for administration unless any person prescribes, dispenses, possesses, delivers, or distributes for human use.

8. Hallucinogenic substances.

- a. Dronabinol (synthetic) [(-)-delta-9-(trans)-tetrahydrocannabinol] in sesame oil and encapsulated in a soft gelatin capsule in a United States food and drug administration-approved drug product.
- b. Any product in hard or soft gelatin capsule form containing natural dronabinol (derived from the cannabis plant) or synthetic dronabinol (produced from synthetic materials) in sesame oil, for which an abbreviated new drug application has been approved by the food and drug administration under section 505(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355(j)] which references as its listed drug the drug product referred to in subdivision a.

9. The board may except by rule any compound, mixture, or preparation containing any stimulant or depressant substance listed in subsections 3 and 4 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

SECTION 3. AMENDMENT. Section 19-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-11. Schedule IV.

1. The controlled substances listed in this section are included in schedule IV.
2. Schedule IV consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.
3. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
 - a. Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
 - b. Dextropropoxyphene (also known as alpha-(+)-4-dimethylamino- 1,2-diphenyl-3-methyl-2-propionoxybutane).
 - c. 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers including Tramadol.
4. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - a. Alprazolam.
 - b. Alfaxalone.
 - c. Barbital.
 - d. Brexanolone.
 - e. Bromazepam.
 - f. Camazepam.
 - g. Carisoprodol.
 - h. Chloral betaine.

- i. Chloral hydrate.
- j. Chlordiazepoxide.
- k. Clobazam.
- l. Clonazepam.
- m. Clorazepate.
- n. Clotiazepam.
- o. Cloxazolam.
- p. Daridorexant.
- q. Delorazepam.
- r. Diazepam.
- s. Dichloralphenazone.
- t. Estazolam.
- u. Ethchlorvynol.
- v. Ethinamate.
- w. Ethyl loflazepate.
- x. Fludiazepam.
- y. Flunitrazepam.
- z. Flurazepam.
- aa. Fospropofol.
- bb. Halazepam.
- cc. Haloxazolam.
- dd. Indiplon.
- ee. Ketazolam.
- ff. Lemborexant.
- gg. Loprazolam.
- hh. Lorazepam.
- ii. Lorcaserin.
- jj. Lormetazepam.
- kk. Mebutamate.
- ll. Medazepam.

- mm. Meprobamate.
- nn. Methohexital.
- oo. Methylphenobarbital (also known as mephobarbital).
- pp. Midazolam.
- qq. Nimetazepam.
- rr. Nitrazepam.
- ss. Nordiazepam.
- tt. Oxazepam.
- uu. Oxazolam.
- vv. Paraldehyde.
- ww. Petrichloral.
- xx. Phenobarbital.
- yy. Pinazepam.
- zz. Propofol.
- aaa. Prazepam.
- bbb. Quazepam.
- ccc. Remimazolam.
- ddd. Suvorexant.
- eee. Temazepam.
- fff. Tetrazepam.
- ggg. Triazolam.
- hhh. Zaleplon.
- iii. Zolpidem.
- jjj. Zopiclone.
- kkk. Zuranolone.

5. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- a. Cathine.
- b. Diethylpropion.

- c. Fencamfamin.
 - d. Fenproporex.
 - e. Mazindol.
 - f. Mefenorex.
 - g. Modafinil.
 - h. Pemoline (including organometallic complexes and chelates thereof).
 - i. Phentermine.
 - j. Pipradrol.
 - k. Serdexmethylphenidate.
 - l. Sibutramine.
 - m. Solriamfetol.
 - n. SPA ((-)-1-dimethylamino-1, 2-diphenylethane).
6. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of:
- a. Pentazocine, including its salts.
 - b. Butorphanol, including its optical isomers.
 - c. Eluxadoline (5-[[[(2*S*)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl]](1*S*)-1-(4-phenyl-1*H*-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers.
7. Hallucinogenic substances. Pharmaceutical composition of crystalline polymorph psilocybin, known as COMP360 or any such trade name approved for COMP360 by the United States food and drug administration.
8. The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection 2 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

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

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 212

HOUSE BILL NO. 1367

(Representatives Klemin, Karls, Lefor, Schneider, Louser)
(Senators Dwyer, Larson, Sickler)

AN ACT to amend and reenact subsection 7 of section 19-03.1-23 and subsection 1 of section 19-03.4-03 of the North Dakota Century Code, relating to drug crime penalties and drug paraphernalia possession; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁷⁵ **SECTION 1. AMENDMENT.** Subsection 7 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

7. a. It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess a controlled substance or a controlled substance analog unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.
- b. Except as otherwise provided in this subsection, any person who violates this subsection is guilty of a class A misdemeanor for the first offense ~~under this subsection and a class C felony for a second or subsequent offense under this subsection. If a person is convicted of a second or subsequent offense not related to marijuana or tetrahydrocannabinol under this section or chapter 19-03.2, 19-03.3, or 19-03.4, or an equivalent offense from another court in the United States, the violation is a class C felony.~~
- c. If, at the time of the offense the person is in or on the real property comprising a public or private elementary or secondary school or a public career and technical education school, the person is guilty of a class B felony, unless the offense involves marijuana or tetrahydrocannabinol.
- d. A person who violates this subsection by possessing:
 - (1) Marijuana:
 - (a) In an amount of less than one-half ounce [14.175 grams] is guilty of an infraction.
 - (b) At least one-half ounce [14.175 grams] but not more than 500 grams of marijuana is guilty of a class B misdemeanor.
 - (c) More than 500 grams of marijuana is guilty of a class A misdemeanor.
 - (2) Tetrahydrocannabinol:

⁷⁵ Section 19-03.1-23 was also amended by section 3 of House Bill No. 1030, chapter 301.

- (a) In an amount less than two grams is guilty of an infraction.
 - (b) At least two grams but not more than six grams of tetrahydrocannabinol is guilty of a class B misdemeanor.
 - (c) More than six grams of tetrahydrocannabinol is guilty of a class A misdemeanor.
- e. If an individual is sentenced to the legal and physical custody of the department of corrections and rehabilitation under this subsection, the department may place the individual in a drug and alcohol treatment program designated by the department. Upon the successful completion of the drug and alcohol treatment program, the department shall release the individual from imprisonment to begin any court-ordered period of probation.
 - f. If the individual is not subject to any court-ordered probation, the court shall order the individual to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.
 - g. Probation under this subsection may include placement in another facility, treatment program, drug court, mental health court, or veterans treatment docket. If an individual is placed in another facility or treatment program upon release from imprisonment, the remainder of the sentence must be considered as time spent in custody.
 - h. An individual incarcerated under this subsection as a result of a second probation revocation is not eligible for release from imprisonment upon the successful completion of treatment.
 - i. A person who violates this subsection regarding possession of five or fewer capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or controlled substance analog is guilty of a class A misdemeanor. If a person is convicted of a second or subsequent offense not related to marijuana or tetrahydrocannabinol under this section or chapter 19-03.2, 19-03.3, or 19-03.4, or an equivalent offense from another court in the United States, the violation is a class C felony.

⁷⁶ **SECTION 2. AMENDMENT.** Subsection 1 of section 19-03.4-03 of the North Dakota Century Code is amended and reenacted as follows:

- 1. A person may not use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of chapter 19-03.1. A person violating this subsection is guilty of a class C felony if the drug paraphernalia is used, or possessed with intent to be used, to plant, propagate, manufacture, compound, convert, produce, process, prepare, test, or analyze, pack, repack, store, contain, or conceal a controlled substance, other than marijuana or tetrahydrocannabinol, classified in schedule I, II, or III of chapter 19-03.1.

Approved April 7, 2025

Filed April 8, 2025

⁷⁶ Section 19-03.4-03 was also amended by section 4 of House Bill No. 1030, chapter 301.

CHAPTER 213

SENATE BILL NO. 2293

(Senators Roers, Cleary, Meyer)
(Representatives Dockter, M. Ruby, Vetter)

AN ACT to amend and reenact subsections 7 and 18 of section 19-24.1-01, and subdivision c of subsection 2 of section 19-24.1-03 of the North Dakota Century Code, relating to medical marijuana container sizes, caregivers, and documentation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁷⁷ **SECTION 1. AMENDMENT.** Subsections 7 and 18 of section 19-24.1-01 of the North Dakota Century Code are amended and reenacted as follows:

7. "Cannabinoid concentrate" means a concentrate or extract obtained by separating cannabinoids from marijuana by a mechanical, chemical, or other process. A container holding a cannabinoid concentrate for dispensing may not exceed one gram.
18. "Designated caregiver" means an individual who is at least twenty-one years of age and agrees to manage the well-being of a registered qualifying patient with respect to the qualifying patient's medical use of marijuana.

⁷⁸ **SECTION 2. AMENDMENT.** Subdivision c of subsection 2 of section 19-24.1-03 of the North Dakota Century Code is amended and reenacted as follows:

- c. An original qualifying patient application for a registry identification card form established by the department which must include all of the following:
 - (1) The applicant's name, address, and date of birth.
 - (2) The name, address, and date of birth of the applicant's proposed designated caregiver, if any.
 - (3) A photographic copy of the applicant's North Dakota identification. The North Dakota identification must be available for inspection and verification upon request of the department. If the applicant is unable to obtain a current North Dakota identification due to the applicant's medical condition, the applicant may submit other department approved documentation. If the applicant is a minor, a certified copy of a birth record or a photographic copy of the minor's North Dakota identification is required.

⁷⁷ Section 19-24.1-01 was also amended by section 1 of House Bill No. 1203, chapter 215, section 1 of Senate Bill No. 2294, chapter 214, section 2 of Senate Bill No. 2294, chapter 214, section 3 of Senate Bill No. 2294, chapter 214, section 4 of Senate Bill No. 2294, chapter 214, and section 5 of Senate Bill No. 2294, chapter 214.

⁷⁸ Section 19-24.1-03 was also amended by section 6 of Senate Bill No. 2294, chapter 214.

- (4) The applicant's or guardian's signature and the date, or in the case of a minor, the signature of the minor's parent or legal guardian with responsibility for health care decisions and the date.
- (5) A disclosure that possession of a firearm by a person who possesses marijuana may be a violation of federal law.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 214

SENATE BILL NO. 2294

(Senators Roers, Cleary, Meyer)
(Representatives Dockter, M. Ruby, Vetter)

AN ACT to create and enact a new section to chapter 19-24.1 of the North Dakota Century Code, relating to qualifying nonresident medical marijuana patients; to amend and reenact subsection 3 of section 19-24.1-01, subsection 4 of section 19-24.1-01, subsection 8 of section 19-24.1-01, subsection 26 of section 19-24.1-01, subsection 47 of section 19-24.1-01, and sections 19-24.1-03, 19-24.1-11, and 19-24.1-37 of the North Dakota Century Code, relating to allowable amounts of usable medical marijuana, medical marijuana recordkeeping, cannabinoid edible products, patient qualifications, and disclosure of information.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁷⁹ **SECTION 1. AMENDMENT.** Subsection 3 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Allowable amount of usable marijuana" means the amount of usable marijuana a registered qualifying patient or registered designated caregiver may purchase in a thirty-day period under this chapter.
 - a. Except as provided under subdivision b:
 - (1) During a thirty-day period, a registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than two and one-half ounces [70.87 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.
 - (2) At any time a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than three ounces [85.05 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.
 - (3) At any time, a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than five hundred milligrams of a cannabinoid edible product.
 - b. Notwithstanding subdivision a, if a registered qualifying patient has a registry identification card authorizing an enhanced allowable amount:

⁷⁹ Section 19-24.1-01 was also amended by section 1 of House Bill No. 1203, chapter 215, section 1 of Senate Bill No. 2293, chapter 213, section 2 of Senate Bill No. 2294, chapter 214, section 3 of Senate Bill No. 2294, chapter 214, section 4 of Senate Bill No. 2294, chapter 214, and section 5 of Senate Bill No. 2294, chapter 214.

- (1) During a thirty-day period a registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than six ounces [170.01 grams] of dried leaves or flowers of the plant of genus cannabis in a combustible delivery form.
 - (2) At any time a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than seven and one-half ounces [212.62 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.
 - (3) At any time, a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than five hundred milligrams of a cannabinoid edible product.
- c. A registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than the maximum concentration or amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum concentration or amount of tetrahydrocannabinol permitted in a thirty-day period for a cannabinoid concentrate or medical cannabinoid product, or the cumulative total of both, is six thousand milligrams. At any time, a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not purchase more than three hundred ten milligrams of tetrahydrocannabinol in the form of a cannabinoid edible product.

⁸⁰ **SECTION 2. AMENDMENT.** Subsection 4 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Bona fide provider-patient relationship" means a treatment or counseling relationship between a health care provider and patient in which all the following are present:
 - a. The health care provider has reviewed the patient's relevant medical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant, ~~in person,~~ medical evaluation of the patient.
 - b. The health care provider has created and maintained records of the patient's condition in accordance with medically accepted standards.
 - c. The patient is under the health care provider's continued care for the debilitating medical condition that qualifies the patient for the medical use of marijuana.
 - d. The health care provider has a reasonable expectation that provider will continue to provide followup care to the patient to monitor the medical use of marijuana as a treatment of the patient's debilitating medical condition.

⁸⁰ Section 19-24.1-01 was also amended by section 1 of House Bill No. 1203, chapter 215, section 1 of Senate Bill No. 2293, chapter 213, section 1 of Senate Bill No. 2294, chapter 214, section 3 of Senate Bill No. 2294, chapter 214, section 4 of Senate Bill No. 2294, chapter 214, and section 5 of Senate Bill No. 2294, chapter 214.

- e. The relationship is not for the sole purpose of providing written certification for the medical use of marijuana.

⁸¹ **SECTION 3. AMENDMENT.** Subsection 8 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Cannabinoid edible product" means a ~~food or potable liquid~~ soft or hard lozenge in a geometric square shape into which a cannabinoid concentrate or the dried leaves or flowers of the plant of the genus cannabis is incorporated. The maximum concentration or amount of tetrahydrocannabinol permitted in a serving of a cannabinoid edible product is five milligrams and in a package is fifty milligrams.

⁸² **SECTION 4. AMENDMENT.** Subsection 26 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

26. "Medical cannabinoid product" means a product intended for human consumption or use which contains cannabinoids.

- a. Medical cannabinoid products are limited to the following forms:

- (1) Cannabinoid solution;
- (2) Cannabinoid capsule;
- (3) Cannabinoid transdermal patch; ~~and~~
- (4) Cannabinoid topical; and
- (5) Cannabinoid edible product.

- b. "Medical cannabinoid product" does not include:

- (1) ~~A cannabinoid edible product;~~
- (2) A cannabinoid concentrate by itself; or
- ~~(3)(2)~~ The dried leaves or flowers of the plant of the genus cannabis by itself.

⁸¹ Section 19-24.1-01 was also amended by section 1 of House Bill No. 1203, chapter 215, section 1 of Senate Bill No. 2293, chapter 213, section 1 of Senate Bill No. 2294, chapter 214, section 2 of Senate Bill No. 2294, chapter 214, section 4 of Senate Bill No. 2294, chapter 214, and section 5 of Senate Bill No. 2294, chapter 214.

⁸² Section 19-24.1-01 was also amended by section 1 of House Bill No. 1203, chapter 215, section 1 of Senate Bill No. 2293, chapter 213, section 1 of Senate Bill No. 2294, chapter 214, section 2 of Senate Bill No. 2294, chapter 214, section 3 of Senate Bill No. 2294, chapter 214, and section 5 of Senate Bill No. 2294, chapter 214.

⁸³ **SECTION 5. AMENDMENT.** Subsection 47 of section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

47. "Usable marijuana" means a medical marijuana product or the dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form. ~~However, the term does not include a cannabinoid edible product.~~ In the case of a registered qualifying patient who is a minor, "usable marijuana" is limited to pediatric medical marijuana.

⁸⁴ **SECTION 6. AMENDMENT.** Section 19-24.1-03 of the North Dakota Century Code is amended and reenacted as follows:

19-24.1-03. Qualifying patients - Registration.

1. A qualifying patient is not eligible to purchase, use, or possess usable marijuana under the medical marijuana program unless the qualifying patient has a valid registry identification card.
2. A qualifying patient application for a registry identification card is complete and eligible for review if an applicant submits to the department:
 - a. A nonrefundable application fee in an amount not to exceed ~~twenty-five dollars~~forty dollars for a registry identification card valid for two years.
 - b. An original written certification, which must include:
 - (1) The name, address, and telephone number of the practice location of the applicant's health care provider;
 - (2) The health care provider's North Dakota license number;
 - (3) The health care provider's medical or nursing specialty;
 - (4) The applicant's name and date of birth;
 - (5) The applicant's debilitating medical condition and the medical justification for the health care provider's certification of the patient's debilitating medical condition;
 - (6) Attestation the written certification is made in the course of a bona fide provider-patient relationship;
 - (7) Whether the health care provider authorizes the patient to use an enhanced amount of the dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form to treat or alleviate the patient's debilitating medical condition of cancer; and
 - (8) The health care provider's signature and the date.

⁸³ Section 19-24.1-01 was also amended by section 1 of House Bill No. 1203, chapter 215, section 1 of Senate Bill No. 2293, chapter 213, section 1 of Senate Bill No. 2294, chapter 214, section 2 of Senate Bill No. 2294, chapter 214, section 3 of Senate Bill No. 2294, chapter 214, and section 4 of Senate Bill No. 2294, chapter 214.

⁸⁴ Section 19-24.1-03 was also amended by section 2 of Senate Bill No. 2293, chapter 213.

- c. An original qualifying patient application for a registry identification card form established by the department which must include all of the following:
 - (1) The applicant's name, address, and date of birth.
 - (2) The name, address, and date of birth of the applicant's proposed designated caregiver, if any.
 - (3) A photographic copy of the applicant's North Dakota identification. The North Dakota identification must be available for inspection and verification upon request of the department. If the applicant is a minor, a certified copy of a birth record or a photographic copy of the minor's North Dakota identification is required.
 - (4) The applicant's or guardian's signature and the date, or in the case of a minor, the signature of the minor's parent or legal guardian with responsibility for health care decisions and the date.
 - (5) A disclosure that possession of a firearm by a person who possesses marijuana may be a violation of federal law.
 - d. A signed consent for release of medical information related to the applicant's debilitating medical condition, on a form provided by the department.
 - e. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the applicant.
 - f. Any other information or material required by rule adopted under this chapter.
- 3. If the applicant is unable to submit the required application information due to age or medical condition, the individual responsible for making medical decisions for the applicant may submit the application on behalf of the applicant. The individual responsible for making medical decisions:
 - a. Must be identified on the qualifying patient application for a registry identification card; and
 - b. Shall provide a photographic copy of the individual's department-approved identification. The identification must be available for inspection and verification upon the request of the department.
 - 4. If the applicant is a minor, the department may waive the application or renewal fee if:
 - a. The parent or legal guardian of the applicant is the applicant's registered designated caregiver; and
 - b. The applicant resides with the applicant's registered designated caregiver.

SECTION 7. A new section to chapter 19-24.1 of the North Dakota Century Code is created and enacted as follows:

Qualifying patients - Nonresidents.

In lieu of the written certification required under section 19-24.1-03, a nonresident who holds a valid out-of-state medical marijuana card issued by the state in which the nonresident resides, may submit to the department a copy of the nonresident's out-of-state department-approved identification and a copy of an out-of-state medical marijuana card. The department-approved identification and out-of-state medical marijuana card must be issued by the same state. The department may use the out-of-state department-approved identification and out-of-state medical marijuana card in place of a written certification to approve or deny the application under section 19-24.1-05. The department shall issue a registry identification card within thirty calendar days of approving an application under this section. The issued registry identification card is valid for sixty days.

SECTION 8. AMENDMENT. Section 19-24.1-11 of the North Dakota Century Code is amended and reenacted as follows:

19-24.1-11. Registry identification cards.

1. The contents of a registry identification card must include:
 - a. The name of the cardholder;
 - b. A designation as to whether the cardholder is a qualifying patient, designated caregiver, or compassion center agent;
 - c. A designation as to whether a qualifying patient is a minor;
 - d. A designation as to whether a qualifying patient or a designated caregiver's qualifying patient is authorized to use an enhanced amount of dried leaves or flowers of the plant of the genus cannabis to treat or alleviate the patient's debilitating medical condition of cancer;
 - e. The date of issuance and expiration date;
 - f. A random ten-digit alphanumeric identification number containing at least four numbers and at least four letters which is unique to the cardholder;
 - g. If the cardholder is a designated caregiver, the random identification number of the qualifying patient the designated caregiver is authorized to assist;
 - h. A photograph of the cardholder; and
 - i. The phone number or website address at which the card can be verified.
2. Except as otherwise provided in this section or rule adopted under this chapter, a registry identification card ~~expiration date must be~~ is valid for one year after two years from the date of issuance.
3. ~~If a health care provider limits the written certification until a specified date, less than one year, the registry identification card expires on that date.~~

SECTION 9. AMENDMENT. Section 19-24.1-37 of the North Dakota Century Code is amended and reenacted as follows:

19-24.1-37. Confidentiality.

1. Except as provided under subsection 2, information kept or maintained by the department is confidential, including information in a registration application or renewal and supporting information submitted by a qualifying patient, designated caregiver, compassion center, proposed compassion center, or compassion center agent, including information on designated caregivers and health care providers.
2. Information kept or maintained by the department may be disclosed as necessary for:
 - a. The verification of registration certificates and registry identification cards under this chapter;
 - b. Submission of the annual report required by this chapter;
 - c. Submission to the North Dakota prescription drug monitoring program;
 - d. Notification of state or local law enforcement of apparent criminal violation;
 - e. Notification of state and local law enforcement about falsified or fraudulent information submitted for purposes of obtaining or renewing a registry identification card;
 - f. Notification of the North Dakota board of medicine or North Dakota board of nursing if there is a reason to believe a health care provider provided a written certification and the department has reason to believe the health care provider otherwise violated this chapter; or
 - g. Data for statistical purposes in a manner such that an individual or compassion center is not identified.
3. Upon a cardholder's written request, the department may confirm the cardholder's status as a registered qualifying patient or a registered designated caregiver to a third party, such as a landlord, school, medical professional, or court.
4. Information submitted to a local government to demonstrate compliance with any security requirements required by local zoning ordinances or regulations is confidential.
5. Upon written request of a compassion center or a compassion center's designee, the department shall comply with a request for information to a third party when necessary for the business operation of a compassion center.

Approved April 29, 2025

Filed April 30, 2025

CHAPTER 215

HOUSE BILL NO. 1203

(Representatives Vetter, Dobervich, M. Ruby, Steiner, Frelich, Christianson, Christy,
Bahl)
(Senators Cory, Meyer)

AN ACT to create and enact section 19-24.1-24.1 and a new subsection to section 19-24.1-36 of the North Dakota Century Code, relating to regulating edible medical marijuana products; and to amend and reenact section 19-24.1-01 of the North Dakota Century Code, relating to definitions of medical marijuana products.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁸⁵ **SECTION 1. AMENDMENT.** Section 19-24.1-01 of the North Dakota Century Code is amended and reenacted as follows:

19-24.1-01. Definitions.

As used in this chapter, unless the context indicates otherwise:

1. "Advanced practice registered nurse" means an advanced practice registered nurse defined under section 43-12.1-02.
2. "Agent" means an individual who is authorized to act for, in place of, or on behalf of a compassion center.
3. "Allowable amount of usable marijuana" means the amount of usable marijuana a registered qualifying patient or registered designated caregiver may purchase in a thirty-day period under this chapter.
 - a. Except as provided under subdivision b:
 - (1) During a thirty-day period, a registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than two and one-half ounces [70.87 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.
 - (2) At any time a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than three ounces [85.05 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.

⁸⁵ Section 19-24.1-01 was also amended by section 1 of Senate Bill No. 2293, chapter 213, section 1 of Senate Bill No. 2294, chapter 214, section 2 of Senate Bill No. 2294, chapter 214, section 3 of Senate Bill No. 2294, chapter 214, section 4 of Senate Bill No. 2294, chapter 214, and section 5 of Senate Bill No. 2294, chapter 214.

- (3) At any time, a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than five hundred milligrams of a cannabinoid edible product.
- b. Notwithstanding subdivision a, if a registered qualifying patient has a registry identification card authorizing an enhanced allowable amount:
- (1) During a thirty-day period a registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than six ounces [170.01 grams] of dried leaves or flowers of the plant of genus cannabis in a combustible delivery form.
- (2) At any time a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than seven and one-half ounces [212.62 grams] of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form.
- (3) At any time, a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not possess more than five hundred milligrams of a cannabinoid edible product.
- c. A registered qualifying patient may not purchase or have purchased by a registered designated caregiver more than the maximum concentration or amount of tetrahydrocannabinol permitted in a thirty-day period. The maximum concentration or amount of tetrahydrocannabinol permitted in a thirty-day period for a cannabinoid concentrate or medical cannabinoid product, or the cumulative total of both, is six thousand milligrams. At any time, a registered qualifying patient, or a registered designated caregiver on behalf of a registered qualifying patient, may not purchase more than three hundred ten milligrams of tetrahydrocannabinol in the form of a cannabinoid edible product.
4. "Bona fide provider-patient relationship" means a treatment or counseling relationship between a health care provider and patient in which all the following are present:
- a. The health care provider has reviewed the patient's relevant medical records and completed a full assessment of the patient's medical history and current medical condition, including a relevant, ~~in-person,~~ medical evaluation of the patient.
- b. The health care provider has created and maintained records of the patient's condition in accordance with medically accepted standards.
- c. The patient is under the health care provider's continued care for the debilitating medical condition that qualifies the patient for the medical use of marijuana.
- d. The health care provider has a reasonable expectation that provider will continue to provide followup care to the patient to monitor the medical use of marijuana as a treatment of the patient's debilitating medical condition.
- e. The relationship is not for the sole purpose of providing written certification for the medical use of marijuana.

5. "Cannabinoid" means a chemical compound that is one of the active constituents of marijuana.
6. "Cannabinoid capsule" means a small, soluble container, usually made of gelatin, which encloses a dose of a cannabinoid product or a cannabinoid concentrate intended for consumption. The maximum concentration or amount of tetrahydrocannabinol permitted in a serving of a cannabinoid capsule is fifty milligrams.
7. "Cannabinoid concentrate" means a concentrate or extract obtained by separating cannabinoids from marijuana by a mechanical, chemical, or other process.
8. "Cannabinoid edible product" means a ~~food or potable liquid~~ soft or hard lozenge in a geometric square shape into which a cannabinoid concentrate or the dried leaves or flowers of the plant of the genus cannabis is incorporated.
 - a. The maximum concentration or amount of tetrahydrocannabinol permitted in a serving of a cannabinoid edible product is five milligrams and in a package is fifty milligrams.
 - b. The term does not include a hard or soft lozenge in a geometric square shape into which a cannabinoid concentrate or the dried leaves or flowers of the plant of the genus cannabis is incorporated if the form, packaging, or labeling is target marketed to minors.
9. "Cannabinoid solution" means a solution consisting of a mixture created from cannabinoid concentrate and other ingredients. A container holding a cannabinoid solution for dispensing may not exceed thirty milliliters.
10. "Cannabinoid topical" means a cannabinoid product intended to be applied to the skin or hair. The maximum concentration or amount of tetrahydrocannabinol permitted in a cannabinoid topical is six percent.
11. "Cannabinoid transdermal patch" means an adhesive substance applied to the skin which contains a cannabinoid product or cannabinoid concentrate for absorption into the bloodstream. The maximum concentration or amount of tetrahydrocannabinol permitted in a serving of a cannabinoid transdermal patch is fifty milligrams.
12. "Cardholder" means a qualifying patient, designated caregiver, or compassion center agent who has been issued and possesses a valid registry identification card.
13. "Compassion center" means a manufacturing facility or dispensary.
14. "Compassion center agent" means a principal officer, board member, member, manager, governor, employee, volunteer, or agent of a compassion center. The term does not include a lawyer representing a compassion center in civil or criminal litigation or in an adversarial administrative proceeding.
15. "Contaminated" means made impure or inferior by extraneous substances.
16. "Debilitating medical condition" means one of the following:

- a. Cancer;
- b. Positive status for human immunodeficiency virus;
- c. Acquired immune deficiency syndrome;
- d. Decompensated cirrhosis caused by hepatitis C;
- e. Amyotrophic lateral sclerosis;
- f. Posttraumatic stress disorder;
- g. Agitation of Alzheimer's disease or related dementia;
- h. Crohn's disease;
- i. Fibromyalgia;
- j. Spinal stenosis or chronic back pain, including neuropathy or damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity;
- k. Glaucoma;
- l. Epilepsy;
- m. Anorexia nervosa;
- n. Bulimia nervosa;
- o. Anxiety disorder;
- p. Tourette syndrome;
- q. Ehlers-Danlos syndrome;
- r. Endometriosis;
- s. Interstitial cystitis;
- t. Neuropathy;
- u. Migraine;
- v. Rheumatoid arthritis;
- w. Autism spectrum disorder;
- x. A brain injury;
- y. A terminal illness; or
- z. A chronic or debilitating disease or medical condition or treatment for such disease or medical condition that produces one or more of the following:
 - (1) Cachexia or wasting syndrome;

- (2) Severe debilitating pain that has not responded to previously prescribed medication or surgical measures for more than three months or for which other treatment options produced serious side effects;
 - (3) Intractable nausea;
 - (4) Seizures; or
 - (5) Severe and persistent muscle spasms, including those characteristic of multiple sclerosis.
17. "Department" means the department of health and human services.
18. "Designated caregiver" means an individual who agrees to manage the well-being of a registered qualifying patient with respect to the qualifying patient's medical use of marijuana.
19. "Dispensary" means an entity registered by the department as a compassion center authorized to dispense usable marijuana to a registered qualifying patient and a registered designated caregiver.
20. "Enclosed, locked facility" means a closet, room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access limited to individuals authorized under this chapter or rules adopted under this chapter.
21. "Health care provider" means a physician, a physician assistant, or an advanced practice registered nurse.
22. "Manager" means an individual who administers or supervises the day-to-day operations and affairs of a compassion center.
23. "Manufacturing facility" means an entity registered by the department as a compassion center authorized to produce and process and to sell usable marijuana to a dispensary.
24. "Marijuana" means all parts of the plant of the genus *cannabis*; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, the seeds of the plant, or the resin extracted from any part of the plant. The term marijuana does not include:
- a. Hemp as regulated under section 4.1-18.1-01; or
 - b. A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].
25. "Maximum concentration or amount of tetrahydrocannabinol" means the total amount of tetrahydrocannabinol and tetrahydrocannabinolic acid in a medical cannabinoid product or a cannabinoid concentrate.
26. "Medical cannabinoid product" means a product intended for human consumption or use which contains cannabinoids.

- a. Medical cannabinoid products are limited to the following forms:
 - (1) Cannabinoid solution;
 - (2) Cannabinoid capsule;
 - (3) Cannabinoid transdermal patch; ~~and~~
 - (4) Cannabinoid topical; and
 - (5) Cannabinoid edible products.
 - b. "Medical cannabinoid product" does not include:
 - (1) ~~A cannabinoid edible product;~~
 - ~~(2)~~ A cannabinoid concentrate by itself; or
 - ~~(3)~~ (2) The dried leaves or flowers of the plant of the genus cannabis by itself.
- 27. "Medical marijuana product" means a cannabinoid concentrate or a medical cannabinoid product.
 - 28. "Medical marijuana waste" means unused, surplus, returned, or out-of-date usable marijuana; recalled usable marijuana; unused marijuana; or plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts and roots.
 - 29. "Medical use of marijuana" means the acquisition, use, and possession of usable marijuana to treat or alleviate a qualifying patient's debilitating medical condition.
 - 30. "Member" means an individual who has a ten percent or more ownership interest in the compassion center limited liability company, limited liability partnership, or partnership.
 - 31. "Minor" means an individual under the age of nineteen.
 - 32. "North Dakota identification" means a North Dakota driver's license or comparable state of North Dakota or federal issued photo identification card verifying North Dakota residence.
 - 33. "Owner" means an individual or an organization with an ownership interest in a compassion center.
 - 34. "Ownership interest" means an aggregate ownership interest of five percent or more in a compassion center, unless the interest is solely a security, lien, or encumbrance, or an individual who will be participating in the direction, control, or management of the compassion center.
 - 35. "Pediatric medical marijuana" means a medical marijuana product containing cannabidiol which may not contain a maximum concentration or amount of tetrahydrocannabinol of more than six percent.
 - 36. "Physician" means a physician licensed under chapter 43-17 to practice medicine in the state of North Dakota.

37. "Physician assistant" means an individual licensed under chapter 43-17 to practice as a physician assistant in the state.
38. "Posttraumatic stress disorder" means a patient meets the diagnostic criteria for posttraumatic stress disorder under the "Diagnostic and Statistical Manual of Mental Disorders", American psychiatric association, fifth edition, text revision (2013).
39. "Processing" or "process" means the compounding or conversion of marijuana into a medical marijuana product.
40. "Producing", "produce", or "production" mean the planting, cultivating, growing, trimming, or harvesting of the plant of the genus *cannabis* or the drying of the leaves or flowers of the plant of the genus *cannabis*.
41. "Qualifying patient" means an individual who has been diagnosed by a health care provider as having a debilitating medical condition.
42. "Registry identification card" means a document issued by the department which identifies an individual as a registered qualifying patient, registered designated caregiver, or registered compassion center agent.
43. "Substantial corporate change" means:
 - a. For a corporation, a change of ten percent or more of the officers or directors, or a transfer of ten percent or more of the stock of the corporation, or an existing stockholder obtaining ten percent or more of the stock of the corporation;
 - b. For a limited liability company, a change of ten percent or more of the managing members of the company, or a transfer of ten percent or more of the ownership interest in the company, or an existing member obtaining a cumulative of ten percent or more of the ownership interest in the company; or
 - c. For a partnership, a change of ten percent or more of the managing partners of the company, or a transfer of ten percent or more of the ownership interest in the company, or an existing member obtaining a cumulative of ten percent or more of the ownership interest in the company.
44. "Terminal illness" means a disease, illness, or condition of a patient:
 - a. For which there is not a reasonable medical expectation of recovery;
 - b. Which as a medical probability, will result in the death of the patient, regardless of the use or discontinuance of medical treatment implemented for the purpose of sustaining life or the life processes; and
 - c. As a result of which, the patient's health care provider would not be surprised if death were to occur within six months.
45. "Tetrahydrocannabinol" means tetrahydrocannabinols naturally contained in a plant of the genus *cannabis*, and synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of the plant,

including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, including:

- a. (1) Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-9-tetrahydrocannabinol.
- (2) Delta-6 or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-8 tetrahydrocannabinol.
- (3) Delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers.

(Since nomenclature of these substances is not intentionally standardized, compounds of these structures, regardless of numerical designation or atomic positions covered.)

b. Tetrahydrocannabinol does not include:

- (1) The allowable amount of total tetrahydrocannabinol found in hemp as defined in chapter 4.1-18.1; or
 - (2) A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].
46. "Total tetrahydrocannabinol" means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by eight hundred seventy-seven thousandths plus the percentage of weight of tetrahydrocannabinol.
47. "Usable marijuana" means a medical marijuana product or the dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form. ~~However, the term does not include a cannabinoid edible product.~~ In the case of a registered qualifying patient who is a minor, "usable marijuana" is limited to pediatric medical marijuana.
48. "Verification system" means the system maintained by the department under section 19-24.1-31 for verification of registry identification cards.
49. "Written certification" means a form established by the department which is executed, dated, and signed by a health care provider within ninety calendar days of the date of application, stating the patient has a debilitating medical condition. A health care provider may authorize an enhanced amount of dried leaves or flowers of the plant of the genus cannabis in a combustible delivery form to treat or alleviate the patient's debilitating medical condition of cancer. A written certification may not be made except in the course of a bona fide provider-patient relationship.

SECTION 2. Section 19-24.1-24.1 of the North Dakota Century Code is created and enacted as follows:

19-24.1-24.1. Compassion centers - Cannabinoid edible products.

1. A manufacturing facility may not manufacture a cannabinoid edible product unless the manufacturing facility has received the prior approval of the department.

2. A dispensary may not possess, market, or sell a cannabinoid edible product unless the dispensary has received the prior approval of the department.
3. The department may not approve the manufacturing, possession, marketing, or sale of a cannabinoid edible product unless the department has reviewed and approved the form, manufacturing, packaging, labeling, and marketing of the cannabinoid edible product.
 - a. Packaging of a cannabinoid edible product must be resealable, must be child resistant, and may not be transparent. The maximum concentration or amount of tetrahydrocannabinol permitted in a package is fifty milligrams.
 - b. Labeling of a cannabinoid edible product must be in black arial font which provides the name of the product, manufacturer's information, ingredient list, milligrams of tetrahydrocannabinol per serving, and number of servings per package. The labeling may not include an image other than text.
 - c. Marketing may not target market to minors.

SECTION 3. A new subsection to section 19-24.1-36 of the North Dakota Century Code is created and enacted as follows:

The department shall adopt rules to regulate the form, manufacturing, packaging, labeling, and marketing of a cannabinoid edible product. The rules must prohibit the marketing of a cannabinoid edible product to a minor.

Approved April 21, 2025

Filed April 22, 2025

GAME, FISH, PREDATORS, AND BOATING

CHAPTER 216

HOUSE BILL NO. 1598

(Representatives Schreiber-Beck, D. Anderson, Hagert, Nelson, Wagner)

AN ACT to amend and reenact section 20.1-01-07 of the North Dakota Century Code, relating to hunting big game or small game other than waterfowl or cranes with a motor-driven vehicle.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-01-07 of the North Dakota Century Code is amended and reenacted as follows:

20.1-01-07. Hunting big game or small game other than waterfowl or cranes with motor-driven vehicles prohibited - Exception - Motor-driven vehicle use in transporting big game restricted.

1. Except as provided in subsection 10 of section 20.1-02-05 and as otherwise provided in this section, ~~a person an individual, other than the landowner, without the written permission of the landowner or a lessee who actively farms or ranches that land, while hunting big game or small game, other than waterfowl or cranes, statewide, may not use a motor-driven vehicle on any land other than an established road or trail without the written permission of the landowner, unless that person individual has reduced a big game animal to possession and cannot easily retrieve the big game animal, in which case a motor driven vehicle may be used to retrieve the big game animal, but after retrieval, the motor-driven vehicle must be returned to the established road or trail along the same route it originally departed. A person may not use a motor driven vehicle on any land other than an established road or trail to hunt upland game during the deer gun season.~~
2. For purposes of safety and allowing normal travel, a motor-driven vehicle may be parked on the roadside or directly adjacent to said road or trail.
3. No ~~person individual~~, while hunting big game or small game, statewide, may drive or attempt to drive, run or attempt to run, molest or attempt to molest, flush or attempt to flush, or harass or attempt to harass any such game with the use or aid of any motor-driven vehicle. ~~A person, other than the landowner, without the written permission of the landowner or a lessee who actively farms or ranches that land, while hunting big game or small game, other than waterfowl or cranes, statewide, may not drive through any retired cropland, brush area, slough area, timber area, open prairie, or unharvested or harvested cropland, except upon an established road or trail. The provisions of this section relating to hunting big game or small game while using a motor driven vehicle on any land other than an established road or trail~~

~~without the written permission of the landowner or a lessee who actually farms or ranches that land do not apply to the hunting of big game during an open and lawful season for small game.~~

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 217

SENATE BILL NO. 2216

(Senator Cleary)
(Representatives Bosch, Porter)

AN ACT to create and enact a new section to chapter 20.1-02 and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to waterfowl habitat restoration stamp fees and the waterfowl habitat improvement fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Waterfowl habitat improvement fund.

There is created in the state treasury a special fund known as the waterfowl habitat improvement fund. The fund consists of transfers and deposits made in accordance with section 2 of this Act and interest earned on moneys in the fund. Moneys in the fund may be expended, subject to legislative appropriations, for improving or restoring waterfowl habitat and supporting youth hunting programs, including providing a match for federal funding obtained by the department.

SECTION 2. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Waterfowl habitat restoration electronic stamp required - Use of revenue.

A waterfowl habitat restoration electronic stamp is required for every resident and nonresident to hunt waterfowl within the state for which an electronic stamp fee of five dollars must be charged. All money generated by the waterfowl habitat restoration electronic stamp fees must be placed in the waterfowl habitat improvement fund.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 218

HOUSE BILL NO. 1174

(Representatives Longmuir, Beltz, Dockter, Nelson, Richter)
(Senators Bekkedahl, Klein, Patten)

AN ACT to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to educational and community outreach programs established by the game and fish department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 20.1-02 of the North Dakota Century Code is created and enacted as follows:

Educational and community outreach programs.

The department may establish educational and community outreach programs to promote public understanding of fisheries and wildlife management and promote interest in pursuing careers in fields employed by the department. The director may establish programs and determine participation eligibility, including the direct participation in job shadowing of field activities and ride alongs.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 219

HOUSE BILL NO. 1260

(Representatives Hager, D. Anderson, Hauck, Koppelman, Nelson, J. Olson, D. Ruby)
(Senators Boehm, Erbele, Marcellais, Thomas, Weber)

AN ACT to amend and reenact subsection 10 of section 20.1-03-11 of the North Dakota Century Code, relating to nonresident deer bow licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁸⁶ **SECTION 1. AMENDMENT.** Subsection 10 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

10. Fifteen percent of the total mule deer licenses and permits to hunt mule deer made available in the ~~immediately preceding~~current year for the regular gun season must be made available to nonresidents to hunt any deer with bow and arrow.

Approved April 10, 2025

Filed April 11, 2025

⁸⁶ Section 20.1-03-11 was also amended by section 1 of Senate Bill No. 2155, chapter 220, and section 1 of Senate Bill No. 2309, chapter 221.

CHAPTER 220

SENATE BILL NO. 2155

(Senators Cleary, Bekkedahl)
(Representatives Bosch, Steiner)

AN ACT to amend and reenact subsection 5 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis antelope licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁸⁷ **SECTION 1. AMENDMENT.** Subsection 5 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

5. a. A resident that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, and has executed a lease for at least one hundred fifty acres [60.70 hectares] of land that the resident actively farms or ranches; or a resident that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, and holds title to at least one hundred fifty acres [60.70 hectares] of land, is eligible to submit one application for a license to hunt antelope without charge upon filing a signed application describing that land. The land must be within a unit open for the hunting of antelope. The license must include a legal description of the eligible land described in the completed application and may be used to hunt antelope only upon that land. Upon request, a lessee shall provide proof that the land described in the completed application is leased for agricultural purposes. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. An individual licensed under this subsection must be a resident.
- b. If the eligible applicant is a corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, only one license may be issued, and the license must be issued in the name of an individual shareholder, member, partner, beneficiary, or holder of a life estate.
- c. A resident who is eligible for a license under this subsection may transfer that eligibility for the license to a spouse or legal dependent residing customarily with the resident, but no more than one license may be issued under this subsection for any qualifying land. A resident transferring eligibility under this subsection may not receive a license under this subsection for the season for which eligibility was transferred. If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license.
- d. ~~The~~Except as provided in paragraph 2, the number of licenses issued without charge under this subsection may not exceed ~~the total number~~one-half of the number of licenses of any pronghorn license type prescribed for each district or unit in the governor's proclamation.

⁸⁷ Section 20.1-03-11 was also amended by section 1 of House Bill No. 1260, chapter 219, and section 1 of Senate Bill No. 2309, chapter 221.

- (1) If the number of eligible persons who apply for licenses issued without charge under this subsection exceeds the number of licenses prescribed for the district or unit in the governor's proclamation less any licenses that are otherwise designated to be issued with a charge under this subsection, the licenses to be issued without charge must be issued by lottery as prescribed in the governor's proclamation. ~~If the number of licenses prescribed for the district or unit in the governor's proclamation exceeds fifty and if the number of applications for these licenses exceeds the number of licenses prescribed for the district or unit in the governor's proclamation, then one half of the licenses exceeding fifty must be issued by lottery as prescribed in the governor's proclamation and may not be issued to landowners without charge.~~
- (2) If an eligible person is unsuccessful in receiving a license without charge under paragraph 1, the application for a license without charge may be included in a lottery for remaining licenses issued for the district or unit as prescribed by the governor's proclamation.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 221

SENATE BILL NO. 2309

(Senators Gerhardt, Boehm, Rummel)
(Representatives Dressler, Hauck, Rohr)

AN ACT to amend and reenact subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to youth deer hunting permits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁸⁸ **SECTION 1. AMENDMENT.** Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal must be issued as an integral part of the big game hunting license. Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license unless that individual's fourteenth or subsequent birthday occurs in the same year as the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section is a distinct and separate offense. The following provisions govern youth deer and antelope hunting:
 - a. An individual whose eleventh, twelfth, or thirteenth birthday occurs in the same year as a youth deer hunting season is entitled to receive a:
 - (1) A statewide white-tailed antlerless deer permit; or
 - (2) An antlerless deer permit, as determined by the governor by proclamation.
 - b. An individual whose twelfth or thirteenth birthday occurs in the same year as an antelope hunting season is entitled to apply for an antelope permit for that season.
 - c. An individual hunting under subdivision a or b must be accompanied by the individual's parent, guardian, or other individual authorized by the individual's parent or guardian. As used in this section, "accompanied" means to stay within a distance that permits uninterrupted visual contact and unaided verbal communication.

Approved March 17, 2025

Filed March 18, 2025

⁸⁸ Section 20.1-03-11 was also amended by section 1 of House Bill No. 1260, chapter 219, and section 1 of Senate Bill No. 2155, chapter 220.

CHAPTER 222

HOUSE BILL NO. 1147

(Representatives D. Johnston, Brandenburg, Kasper, Marschall, Nehring, M. Ruby,
Tveit)
(Senators Clemens, Paulson)

AN ACT to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁸⁹ **SECTION 1. AMENDMENT.** Section 20.1-03-12 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-12. Schedule of fees for licenses and permits.

The fees collected under this section for licenses and permits must be deposited with the state treasurer and credited to the game and fish fund, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program fund. Forty-five dollars of each nonresident big game hunting license fee must be used for the private land initiative. The various license and permit fees are as follows:

1. For a resident, age sixteen and over, small game hunting license, ten dollars.
2. For a nonresident small game hunting license, one hundred dollars.
3. For a resident big game hunting license, thirty dollars, except the fee for a licensee under age sixteen is ten dollars, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1.
4. Except for a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents under subsection 4 of section 20.1-03-11, for a nonresident big game hunting license, two hundred fifty dollars, and for a nonresident bow license, two hundred fifty dollars, and a nonrefundable five dollar application fee must accompany any lottery license fee under this subsection, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1. For a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents, fifty dollars.
5. For a resident fur-bearer license, fifteen dollars.
6. For a resident fishing license, sixteen dollars, except that for a resident sixty-five years or over, a resident totally or permanently disabled, or a resident disabled veteran who has at least a fifty percent service-connected disability as determined by the department of veterans' affairs or has an extra-schedular rating to include individual unemployability that brings the veteran's total disability ratio to at least fifty percent, the license fee is five dollars.

⁸⁹ Section 20.1-03-12 was also amended by section 1 of House Bill No. 1470, chapter 224.

7. For a nonresident fishing license, forty-five dollars.
8. For a resident husband and wife fishing license, twenty-two dollars.
9. For a nonresident nongame hunting license, fifteen dollars.
10. For a resident wild turkey permit, fifteen dollars.
11. For an annual general game license, three dollars.
12. For a license to a nonresident buyer or shipper of green furs, or that person's agent, the amount that the nonresident buyer or shipper of green furs would pay for a nonresident buyer or shipper of green furs license or comparable license in that person's state of residence, or fifty dollars, whichever is greater.
13. For a license to a resident buyer or shipper of green furs, eight dollars for each place of business maintained by that person within this state.
14. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty dollars.
15. For an annual license to practice taxidermy, twenty-five dollars.
16. For a permit to ship, by a person having a resident hunting license, during the respective open seasons, not to exceed in any one season twenty-five game birds, to points within this state other than that person's home or to points outside this state, three dollars.
17. For a permit to make collections of protected birds and animals for scientific purposes, ten dollars.
18. For a motorboat certificate of number and license: ~~Each, each~~ motorboat ~~under:~~
 - a. Under sixteen feet [4.88 meters] in length, and all canoes, regardless of length, powered by a motor, eighteen dollars. ~~Each motorboat sixteen~~
 - b. Sixteen feet [4.88 meters] in length and over but shorter than twenty feet [6.1 meters] in length, excluding canoes, thirty-six dollars. ~~Each motorboat twenty~~
 - c. Twenty feet [6.1 meters] in length or over excluding canoes, forty-five dollars.
19. For the taking of undesirable fish from the waters of this state pursuant to section 20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each seine of fifty feet [15.24 meters] or any fraction thereof.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.

23. For an annual license to sell minnows or other live bait at retail, fifteen dollars, except the fee is seventy-five dollars if white suckers are sold.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.
37. For a nonresident swan license, thirty dollars.
38. For a resident sandhill crane license, ten dollars.
39. For a nonresident sandhill crane license, thirty dollars.
40. For a resident commercial clam license, one hundred dollars.
41. For a nonresident commercial clam license, one thousand dollars.
42. For a commercial clam dealer's permit, two thousand dollars. In addition, the applicant shall submit to the director a surety bond in the sum of two thousand dollars.
43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
46. For a nonresident spring white goose license, fifty dollars.

47. For a resident certificate fee, one dollar, and for a nonresident certificate fee, two dollars. An agent may not charge a service fee for issuing a resident or nonresident certificate fee.
48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
49. For a nonresident wild turkey permit, eighty dollars.
50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
52. For a resident early Canada goose season license, five dollars.
53. For a nonresident early Canada goose season license, fifty dollars.
54. For a ~~resident disabled veteran~~ combined general game, habitat stamp, small game, and fur-bearer license; for a resident disabled veteran who has at least a fifty percent service-connected disability as determined by the department of veterans' affairs, three dollars.
55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 223

HOUSE BILL NO. 1412

(Representative Porter)

AN ACT to amend and reenact section 20.1-03-11.4 of the North Dakota Century Code, relating to donations to the private land open to sportsmen program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-03-11.4 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-11.4. Deer lottery license ~~refund~~fee donation to private land open to sportsmen option.

The director shall provide that each application for a deer lottery license contain the option for an unsuccessful applicant to donate the ~~refund~~license fee to ~~which an unsuccessful applicant would be entitled to~~ the private land open to sportsmen program. All moneys collected under this section must be placed in the game and fish private land habitat and access improvement fund and allocated to the private land open to sportsmen program.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 224

HOUSE BILL NO. 1470

(Representatives Bosch, Porter)
(Senator Patten)

AN ACT to amend and reenact sections 20.1-03-12 and 20.1-03-36.1, subsection 7 of section 20.1-03-37, subsection 4 of section 20.1-03-38, and section 20.1-04-12.1 of the North Dakota Century Code, relating to hunting, fishing, and gun dog activity fees and hunting guide and outfitter licensing requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁹⁰ **SECTION 1. AMENDMENT.** Section 20.1-03-12 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-12. Schedule of fees for licenses and permits.

The fees collected under this section for licenses and permits must be deposited with the state treasurer and credited to the game and fish fund, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program fund. Forty-five dollars of each nonresident big game hunting license fee must be used for the private land initiative. The various license and permit fees are as follows:

1. For a resident, age sixteen and over, small game hunting license, ~~ten~~twenty dollars.
2. For a nonresident small game hunting license, ~~one hundred~~one hundred fifty dollars.
3. For a resident big game hunting license, ~~thirty~~thirty-five dollars, except the fee for a licensee under age sixteen is ten dollars, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1.
4. Except for a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents under subsection 4 of section 20.1-03-11, for a nonresident big game hunting license, ~~two hundred fifty~~three hundred fifty dollars, and for a nonresident bow license, ~~two hundred fifty~~three hundred fifty dollars, and a nonrefundable five dollar application fee must accompany any lottery license fee under this subsection, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1. For a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents, fifty dollars.
5. For a resident fur-bearer license, ~~fifteen~~twenty dollars.

⁹⁰ Section 20.1-03-12 was also amended by section 1 of House Bill No. 1147, chapter 222.

6. For a resident fishing license, ~~sixteen~~twenty-five dollars, except that for a resident sixty-five years or over, a resident totally or permanently disabled, or a resident disabled veteran who has a fifty percent service-connected disability as determined by the department of veterans' affairs or has an extra-schedular rating to include individual unemployability that brings the veteran's total disability ratio to fifty percent, the license fee is ~~five~~ten dollars.
7. For a nonresident fishing license, ~~forty-five~~sixty dollars.
8. For a resident husband and wife fishing license, ~~twenty-two~~forty dollars.
9. For a nonresident nongame hunting license, ~~fifteen~~twenty-five dollars.
10. For a resident wild turkey permit, ~~fifteen~~twenty dollars.
11. For an annual general game license, three dollars.
12. For a license to a nonresident buyer or shipper of green furs, or that person's agent, the amount that the nonresident buyer or shipper of green furs would pay for a nonresident buyer or shipper of green furs license or comparable license in that person's state of residence, or fifty dollars, whichever is greater.
13. For a license to a resident buyer or shipper of green furs, eight dollars for each place of business maintained by that person within this state.
14. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty dollars.
15. For an annual license to practice taxidermy, ~~twenty-five~~forty dollars.
16. For a permit to ship, by a person having a resident hunting license, during the respective open seasons, not to exceed in any one season twenty-five game birds, to points within this state other than that person's home or to points outside this state, three dollars.
17. For a permit to make collections of protected birds and animals for scientific purposes, ten dollars.
18. For a motorboat certificate of number and license: Each motorboat under sixteen feet [4.88 meters] in length, and all canoes, regardless of length, powered by a motor, ~~eighteen~~thirty dollars. Each motorboat sixteen feet [4.88 meters] in length and over but shorter than twenty feet [6.1 meters] in length, excluding canoes, ~~thirty-six~~forty-five dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, ~~forty-five~~sixty dollars.
19. For the taking of undesirable fish from the waters of this state pursuant to section 20.1-06-05, ~~fifteen~~thirty dollars for each hoop-net or trap, and ~~fifteen dollars for each~~ or seine of fifty feet [15.24 meters] or any fraction thereof.
20. For a resident paddlefish tag annual license, ~~ten~~fifteen dollars per tag.
21. For a nonresident paddlefish tag annual license, ~~twenty-five dollars and fifty cents~~thirty-five dollars per tag.

22. For an annual resident license to sell minnows or other live bait at wholesale, ~~fifty~~seventy dollars.
23. For an annual license to sell minnows or other live bait at retail, ~~fifteen~~twenty dollars, except the fee is ~~seventy-five~~one hundred dollars if white suckers are sold.
24. For an annual license to operate a private fish hatchery, ~~seventy-five~~one hundred dollars.
25. ~~For a resident commercial frog license, fifty dollars.~~
26. ~~For a nonresident commercial frog license, two hundred dollars.~~
27. ~~For a resident frog license, three dollars.~~
28. ~~For a resident husband and wife frog license, five dollars.~~
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. ~~For a nonresident waterfowl hunting license, one hundred dollars.~~
- 31-26. For a nonresident husband and wife fishing license, ~~sixty~~one hundred dollars.
- 32-27. For a nonresident short-term three-day fishing license, ~~twenty-five~~forty dollars.
- 33-28. For a nonresident fur-bearer and nongame hunting license, ~~forty~~fifty dollars.
- 34-29. For a combination license, ~~fifty~~sixty dollars.
- 35-30. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, ~~two hundred fifty~~three hundred fifty dollars.
- 36-31. For a resident swan license, ten dollars.
- 37-32. For a nonresident swan license, ~~thirty~~fifty dollars.
- 38-33. For a resident sandhill crane license, ten dollars.
- 39-34. For a nonresident sandhill crane license, thirty dollars.
40. ~~For a resident commercial clam license, one hundred dollars.~~
41. ~~For a nonresident commercial clam license, one thousand dollars.~~
42. ~~For a commercial clam dealer's permit, two thousand dollars. In addition, the applicant shall submit to the director a surety bond in the sum of two thousand dollars.~~
- 43-35. For an annual class B nonresident license to sell minnows or other live bait at wholesale, ~~two hundred fifty~~four hundred dollars.
- 44-36. For a bighorn sheep license issued to a nonresident, five hundred dollars.
- 45-37. For a nonresident reciprocal trapping license, three hundred fifty dollars.

- ~~46-38.~~ For a nonresident spring white goose license, fifty dollars.
- ~~47-39.~~ For a resident certificate fee, ~~one dollar~~ two dollars, and for a nonresident certificate fee, ~~two~~ five dollars. An agent may not charge a service fee for issuing a resident or nonresident certificate fee.
- ~~48-40.~~ For a nonresident short-term ten-day fishing license, ~~thirty-five~~ fifty dollars.
- ~~49-41.~~ For a nonresident wild turkey permit, ~~eighty~~ one hundred dollars.
- ~~50-42.~~ For a ~~statewide~~ nonresident waterfowl hunting license, one hundred fifty dollars.
- ~~51-43.~~ For an annual class A nonresident license to sell minnows or other live bait at wholesale, ~~five hundred~~ seven hundred fifty dollars.
- ~~52-44.~~ For a resident early Canada goose season license, ~~five~~ ten dollars.
- ~~53-45.~~ For a nonresident early Canada goose season license, fifty dollars.
- ~~54-46.~~ For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, ~~three~~ ten dollars.
- ~~55-47.~~ For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
- ~~56-48.~~ For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid.

SECTION 2. AMENDMENT. Section 20.1-03-36.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-36.1. Fee for guide or outfitter license.

1. The annual fee to receive a hunting guide license is one hundred dollars for a resident and four hundred dollars for a nonresident.
2. The annual fee to receive a fishing outfitter license is ~~one hundred~~ two hundred fifty dollars for a resident and ~~four hundred~~ five hundred dollars for a nonresident. The annual fee to receive a fishing outfitter license is ~~thirty~~ one hundred twenty-five dollars for a resident and ~~two hundred~~ two hundred fifty dollars for a nonresident if the individual applying for the license has paid for a hunting guide or outfitter license for the same year.
3. The annual fee for a resident to receive a hunting outfitter license is two hundred fifty dollars for under ten thousand acres [4046.86 hectares] and five hundred dollars for ten thousand acres [4046.86 hectares] and over on which the outfitter provides services. The annual fee for a nonresident to receive a hunting outfitter license is two thousand dollars. The acreage must be presented by the county with a list of lessors by county in every application for outfitter licensure. The annual permit fee for day leasing is two hundred dollars. The acreage day leased by county for the preceding year must be provided to receive a day leasing permit.

4. Except as otherwise provided in this subsection, a license is not required for a person to provide services on real property that person owns or leases for the primary pursuit of bona fide agricultural interests, for a nonprofit organization registered with the secretary of state, or for a person that acts as a booking agent for a person that legally conducts business as an outfitter. However, a person who has been convicted of a state or federal criminal game or fish violation within the last three years or whose license to hunt or fish is under suspension or revocation is not exempt from licensure and is subject to subsection 5 of section 20.1-03-37. A booking agent that refers an individual to an outfitter under this subsection may receive a fee or commission for the referral. The director shall determine the number of acres by county exempted from licensure by this subsection and shall publish the results. The director shall provide written information to the public on the possible liability exposure for outfitting under this subsection and on the benefits of liability insurance and proper training. For purposes of this subsection, a booking agent means a person that receives only a fee for referring or marketing the services of a legal outfitter in this state.

SECTION 3. AMENDMENT. Subsection 7 of section 20.1-03-37 of the North Dakota Century Code is amended and reenacted as follows:

7. An applicant for a hunting guide or hunting outfitter license must have legally hunted ~~in this state~~ for part of each of any three years in a manner directly contributing to the individual's experience and competency as a guide. ~~The department may waive this requirement if the applicant proves that the applicant has legally hunted for parts of at least three years in other states and an outfitter employing that individual would suffer an undue hardship without that individual.~~

SECTION 4. AMENDMENT. Subsection 4 of section 20.1-03-38 of the North Dakota Century Code is amended and reenacted as follows:

4. The director may not issue a license to an individual to be a hunting guide or hunting outfitter unless the individual is proficient in the application of state and federal laws on the hunting of wild game. The director shall create and administer a written or electronic examination to test proficiency of hunting guides and outfitters in these laws. The director shall administer written examinations at least ~~twice~~ three times a year; however, ~~an~~ a written examination may not be given to an individual within ~~ninety~~ sixty days after the previous examination, unless an outfitter employing that individual would suffer an undue hardship without that individual.

SECTION 5. AMENDMENT. Section 20.1-04-12.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-04-12.1. Gun dog activities - Permit required - Fee.

1. The director shall issue a permit for the following gun dog activities:
 - a. The training exercises of a resident or nonresident professional trainer;
 - b. The training exercises of a nonresident amateur trainer who brings more than four gun dogs into the state; and
 - c. Hosting field trials that use live wild birds.

2. The application for the permit must be in a form prescribed by the director and must be accompanied by the appropriate fee.
3. Upon the receipt of the completed application and fee the director shall issue a permit for a specified period of time and shall require the permit holder to submit an annual report.
4. The fees for the permits are:
 - a. For a resident professional gun dog trainer for training exercises or hosting field trials, ~~ten~~twenty dollars.
 - b. For a nonresident professional or amateur gun dog trainer who brings more than four gun dogs into the state for training exercises or hosting field trials, one hundred dollars.
 - c. ~~For a permit to a nonresident amateur who brings more than four gun dogs into this state, twenty five dollars.~~
5. For purposes of this section, a professional trainer is a person who trains any breed of gun dog for remuneration that is the basis for that person's livelihood.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 225

SENATE BILL NO. 2245

(Senators Dwyer, Conley, Wanzek)
(Representatives Dockter, J. Olson)

AN ACT to amend and reenact section 20.1-04-11 of the North Dakota Century Code, relating to the use of blinds, boats, and decoys in taking ducks and geese.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-04-11 of the North Dakota Century Code is amended and reenacted as follows:

20.1-04-11. Blinds, boats, and decoys lawfully usable in taking ducks and geese.

Wild ducks and geese may be taken:

1. In the open or from a stationary natural or artificial blind or other place of concealment on land or water, except a sinkbox.
2. From a floating craft, excluding a sinkbox, if ~~such the floating~~ craft is ~~beached~~:
 - a. Beached, or fastened within or tied immediately alongside any type of fixed hunting blind, ~~or from such craft resting~~;
 - b. Resting at anchor if authorized by governor's proclamation;
 - c. Without a motor, propelled exclusively by paddle, oars, or pole; or
 - d. With a motor, if the craft is at rest and the motor has been turned off.
3. With the aid of artificial decoys. The use, directly or indirectly, of live duck or goose decoys is not permitted.

A motorboat, sailboat, or other craft may be used to pick up dead or injured birds. An individual may not shoot from a motorboat, sailboat, or other craft except as provided in this section.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 226

SENATE BILL NO. 2137

(Senators Boehm, Thomas, Patten)
(Representatives Koppelman, Novak, Tveit)

AN ACT to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to the use of supplemental feed for hunting; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 20.1-05 of the North Dakota Century Code is created and enacted as follows:

Hunting big game animals using supplemental feed not prohibited or restricted.

The department may not adopt a rule or implement a policy prohibiting or restricting the use of supplemental feed on private property for hunting a big game animal.

SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2029, and after that date is ineffective.

Approved April 17, 2025

Filed April 17, 2025

CHAPTER 227

HOUSE BILL NO. 1094

(Representatives J. Olson, D. Anderson, Kempenich, Nehring, Novak, Pyle, Schauer,
Swiontek)
(Senators Kessel, Patten, Thomas)

AN ACT to amend and reenact section 20.1-05.1-02 of the North Dakota Century Code, relating to discretionary special allocation hunting licenses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 20.1-05.1-02 of the North Dakota Century Code is amended and reenacted as follows:

20.1-05.1-02. Discretionary special allocation hunting license authorization.

1. Subject to the restrictions under this section and in addition to the special allocation licenses authorized under section 20.1-05.1-01, if determined appropriate by the director based on the sustainability of the species population, the director may issue to eligible organizations the following annual special allocation hunting licenses:
 - a. Not more than two elk licenses, but the total issued under this subdivision may not exceed two percent of the general lottery allocation of elk licenses for the season.
 - b. Not more than two moose licenses, but the total issued under this subdivision may not exceed two percent of the general lottery allocation of moose licenses for the season.
 - c. Not more than two antelope licenses, but the total issued under this subdivision may not exceed two percent of the general lottery allocation of antelope licenses for the previous season.
 - d. Not more than ten white-tailed deer licenses.
2. An eligible organization may apply annually to be considered for issuance of up to two special allocation hunting licenses under this section. Applications under this subsection must be filed at the times, in the manner, and containing the information required by rules adopted by the director. If more applications are filed than the number of licenses under this section available for that species for a season, the director shall determine by lottery which organizations will receive the available licenses.
3. An eligible organization that obtains a license under this section and conducts a raffle or auction to determine the recipient of the license must conduct the raffle or auction in compliance with rules adopted by the director. An eligible organization that obtains a license under this section shall submit reports concerning a raffle or auction as the director requires. An individual may apply to receive an elk or moose license through a raffle or auction under this section as well as through the game and fish department general lottery. If an

individual receives an elk or moose license under this section, the individual is not eligible to receive an elk or moose license through the game and fish department general lottery that year and may not obtain an elk or moose license under section 20.1-05.1-01 that year. If an individual receives an elk or moose license under section 20.1-05.1-01, the individual is not eligible to receive an elk or moose license under this section that year.

4. An individual who has been convicted of illegally taking a moose, elk, or bighorn sheep is not eligible to apply for or receive a license under this section.
5. For purposes of this section, "eligible organization" means an organization that:
 - a. Is exempt from federal income taxation under section 501(c)(3) or 501(c)(19) of the Internal Revenue Code [26 U.S.C. 501(c)(3); 26 U.S.C. 501(c)(19)] and provides with its application a copy of the letter from the internal revenue service to that effect; ~~and~~
 - b. Is on file as a nonprofit corporation in good standing in the office of the secretary of state; ~~and~~
 - c. Agrees in its application to contribute at least ~~ten~~twenty percent of the net proceeds of any raffle of a license under this section to a conservation-related project to be conducted in this state and approved by the director; ~~and~~
 - d. Is not the recipient of a special allocation hunting license under section 20.1-05.1-01.

Approved March 27, 2025

Filed March 31, 2025

GOVERNMENTAL FINANCE

CHAPTER 228

HOUSE BILL NO. 1482

(Representatives Wagner, Dockter, Heinert, J. Johnson, McLeod, Meier, D. Ruby, Schreiber-Beck, Swiontek, Warrey)
(Senators Sorvaag, Weber)

AN ACT to amend and reenact sections 15.1-07-03, 15.1-07-04, 21-03-04, 21-03-07, 21-03-11, and 21-03-13 of the North Dakota Century Code, relating to a school district debt limit election, the requirements of a municipal bond election, and the contents of a ballot.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-07-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-03. District's limit of indebtedness - Resolution.

1. The board of a school district may by resolution place on the ballot of any ~~regular~~primary or ~~special~~general election the question of increasing the district's limit of indebtedness, beyond that fixed by the constitution, by five percent of the assessed valuation of all taxable property in the district.
2. The board of a school district shall place on the ballot of the next ~~regular~~primary or ~~special~~general election the question of increasing the district's limit of indebtedness, beyond that fixed by the constitution, by five percent of the assessed valuation of all taxable property in the district, if the board receives a petition requesting the increase and signed by qualified electors of the district equal in number to at least one-third of those who voted at the most recent annual school district election.

SECTION 2. AMENDMENT. Section 15.1-07-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-04. District's limit of indebtedness - Election - Notice.

If an election is to include a question regarding an increase in the school district's limit of indebtedness, the board of the school district shall ensure ~~that the question is clearly stated in the notice of election. If the board calls a special election to vote on the question of increasing the district's limit of indebtedness, the board shall publish notice of the election in the official newspaper of the district, at least fourteen days before the date of the election.~~

SECTION 3. AMENDMENT. Section 21-03-04 of the North Dakota Century Code is amended and reenacted as follows:

21-03-04. Grant of power to borrow - General limitations of indebtedness.**Every**

1. A municipality may borrow money and issue municipal obligations ~~thereof~~ for the purpose specified and by the procedure provided in this chapter, and for no other purpose and in no other manner, except as otherwise provided in section 21-03-02. ~~No~~A municipality may not incur indebtedness in any manner or for any purpose in an amount which, with all other outstanding indebtedness of the municipality, exceeds five percent of the assessed value of the taxable property ~~therein~~ in the municipality, except:

1.Any

- a. An incorporated city, by a two-thirds vote of the qualified voters ~~thereof~~ the city voting upon ~~said~~the question at a primary or general ~~or special~~ election, may increase ~~such~~the limit of indebtedness three percent on ~~such~~the assessed value beyond ~~said~~the five percent limit, and a school district, by a majority vote of the qualified voters ~~thereof~~ the school district voting upon ~~said~~the question at a primary or general ~~or special~~ election, may increase ~~such~~the limitation of indebtedness five percent on ~~such~~the assessed value beyond the ~~said~~ five percent limit.

2.Any

- b. A county or city, when authorized by a majority vote of the qualified voters ~~thereof~~ the county or city voting upon ~~said~~the question at a primary or general ~~or special~~ election, may issue bonds upon any revenue-producing utility owned by ~~such~~a county or city, for the purchase or acquisition of ~~such~~the utility, or the building or establishment ~~thereof~~ of the utility, in amounts not exceeding the physical value of ~~such~~the utility, industry, or enterprise.

3.Any

- c. An incorporated city, if authorized by a majority vote of the qualified voters ~~thereof~~ the city voting upon ~~said~~the question at a primary or general ~~or special~~ election, may become indebted in any amount not exceeding four percent of ~~such~~the assessed value, without regard to the existing indebtedness of ~~said~~the city, for the purpose of constructing or purchasing waterworks for furnishing a supply of water to the inhabitants of ~~such~~the city or for the purpose of constructing sewers, and for no other purposes ~~whatever~~, but the aggregate of ~~such~~the additional indebtedness for waterworks and sewers ~~never~~ may not exceed ~~such~~ four percent over ~~and above~~ the limitations of indebtedness in this section ~~heretofore prescribed~~.
2. All bonds or obligations in excess of the amount of indebtedness permitted by this chapter, given by any municipality as ~~herein~~ defined in this chapter, are void.

SECTION 4. AMENDMENT. Section 21-03-07 of the North Dakota Century Code is amended and reenacted as follows:

21-03-07. Election required - Exceptions.

~~No~~A municipality, ~~and no~~ or governing board thereof, ~~of a municipality~~ may not issue bonds without being first authorized to do so, at a primary or general election if the municipality is a county, city, public school district, or park district, by a vote equal to sixty percent of all the qualified voters of ~~such~~the municipality voting upon the question of ~~such issue~~issuing the bonds except:

1. As otherwise provided in section 21-03-04.
2. The governing body may issue bonds of the municipality for the purpose and within the limitations specified by subdivision e of subsection 1 of section 21-03-06, subdivision g of subsection 2 of section 21-03-06, and subsections 4.1 and 7 of section 21-03-06 without an election.
3. The governing body of any municipality may issue bonds of the municipality for the purpose of providing funds to meet its share of the cost of any highway project undertaken under an agreement entered ~~into~~ by the governing body with the United States government, the director of the department of transportation, the board of county commissioners, or any of them, including the cost of any construction, improvement, financing, planning, and acquisition of right of way of a bridge eligible for matching funds, highway routed through the municipality and of any bridges and controlled access facilities thereon and any necessary additional width or capacity of the bridge or roadway thereof greater than that required for federal or state bridge or highway purposes, and of any necessary relaying of utility mains and conduits, curbs and gutters, and the installation of utility service connections and streetlights.
 - a. The portion of the total cost of the project to be paid by the municipality under the agreement, including all items of cost incurred directly by the municipality and all amounts to be paid by it for work done or contracted for by other parties to the agreement, may not exceed a sum equal to thirty percent of the total cost, including engineering and other incidental costs, of all construction and reconstruction work to be done plus fifty percent of the total cost of all right of way to be acquired in connection therewith.
 - b. The initial resolution authorizing issuance of bonds under this subsection must be published in the official newspaper of the municipality. Within sixty days after publication, an owner of taxable property within the municipality may file with the auditor or chief fiscal officer of the municipality a written protest against adoption of the resolution.
 - c. A protest must describe the property that is the subject of the protest. If the governing body finds protests have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property in the municipality, as most recently finally equalized, all further proceedings under the initial resolution are barred.
 - d. ~~Nothing herein in this section~~ may be deemed to prevent any municipality from appropriating funds for or financing out of taxes, special assessments, or utility revenues any work incidental to ~~any such~~the project, in the manner and to the extent otherwise permitted by law, and the cost of any work so financed may not be included in computing the portion of the project cost payable by the municipality, within the meaning of this subsection, unless the work is actually called for by the agreement between the municipality and the other governmental agencies involved.

4. a. The governing body of any city may ~~also~~, by resolution adopted by a two-thirds vote, authorize and issue general obligation bonds of the city for the purpose of providing funds to pay the cost of any improvement of the types stated below, to the extent that the governing body determines that ~~such~~the cost should be paid by the city and should not be assessed upon property specially benefited thereby; provided that the initial resolution authorizing ~~such~~the bonds must be published in the official newspaper, and any owner of taxable property within the city may, within sixty days after ~~such~~the publication, file with the city auditor a protest against the adoption of the resolution. If the governing body finds ~~such~~the protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the city, as ~~therefore~~ last finally equalized, all further proceedings under ~~such~~the initial resolution are barred. This procedure is authorized for the financing of the following types of improvements:
- ~~a.~~ (1) Any street improvement, as defined in subsection 2 of section 40-22-01, to be made in or upon any federal or state highway or any other street designated by ordinance as an arterial street.
- ~~b.~~ (2) The construction of a bridge, culvert, overpass, or underpass at the intersection of any street with a stream, watercourse, drain, or railway, and the acquisition of any land or easement required for that purpose.
- ~~c.~~ (3) Any improvement incidental to the carrying out of an urban renewal project, the issuance of bonds for which is authorized by subsection 4 of section 40-58-13.

~~Nothing herein~~

- b. This section may not be deemed to prevent ~~any~~a municipality from appropriating funds for or financing out of taxes, special assessments, or utility revenues any work incidental to ~~any such an~~ improvement, in the manner and to the extent otherwise permitted by law.
5. The governing body of any city may ~~also~~, by resolution adopted by a two-thirds vote, dedicate the mill levy authorized by section 57-15-42 and ~~may~~ authorize and issue general obligation bonds to be paid by the dedicated levy for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public buildings or fire stations; provided, that the initial resolution authorizing the mill levy dedication and general obligation bonds must be published in the official newspaper, and any owner of taxable property within the city may, within sixty days after publication, file with the city auditor a protest against the adoption of the resolution.
- a. Protests must be in writing and must describe the property ~~which that~~ is the subject of the protest.
- b. If the governing body finds ~~such~~the protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the city, as ~~therefore~~ last finally equalized, all further proceedings under the initial resolution are barred.

6. The governing body of any county may ~~also~~ by resolution adopted by a two-thirds vote, dedicate the tax levies authorized by section 57-15-06.6 and subsection 5 of section 57-15-06.7 and ~~may~~ authorize and issue general obligation bonds to be paid by the dedicated levy for the purposes identified under section 57-15-06.6 and subsection 5 of section 57-15-06.7; provided, that the initial resolution authorizing the tax levy dedication and general obligation bonds must be published in the official newspaper, and any owner of taxable property within the county may, within sixty days after publication, file with the county auditor a protest against the adoption of the resolution.
 - a. Protests must be in writing and ~~must~~ describe the property ~~which~~ that is the subject of the protest.
 - b. If the governing body finds ~~such~~ the protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the county, as last finally equalized, all further proceedings under the initial resolution are barred.
7. The governing body of any public school district may ~~also~~ by resolution adopted by a two-thirds vote, dedicate the tax levies as authorized by section 15.1-09-47, 15.1-09-49, or 57-15-16 and ~~may~~ authorize and issue general obligation bonds to be paid by these dedicated levies for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public school buildings or for the construction or improvement of a project under section 15.1-36-02 or 15.1-36-08.
 - a. The initial resolution authorizing the tax levy dedication and general obligation bonds must be published in the official newspaper of the school district, and any owner of taxable property within the school district may, within sixty days after publication, file with the business manager of the school district a protest against the adoption of the resolution.
 - b. Protests must be in writing and ~~must~~ describe the property that is the subject of the protest.
 - c. If the governing body finds the protests have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the school district, as ~~therefore~~ last finally equalized, all further proceedings under the initial resolution are barred.
8. The governing body of any city having a population of twenty-five thousand persons or more may use the provisions of subsection 3 to provide funds to participate in the cost of any construction, improvement, financing, and planning of any bypass routes, interchanges, or other intersection improvements on a federal or state highway system which is situated in whole or in part outside of the corporate limits of the city; provided, that the governing body ~~thereof~~ of the city shall determine by resolution that the undertaking of ~~such~~ the work is in the best interest of the city for the purpose of providing access and relieving congestion or improving traffic flow on municipal streets.
9. The governing body of a municipality or other political subdivision, located at least in part within a county that is included within a disaster or emergency executive order or proclamation of the governor under chapter 37-17.1, may

by resolution adopted by a two-thirds vote authorize and issue general obligation bonds of the political subdivision without an election for the purpose of providing funds to pay costs associated with the emergency condition. The political subdivision may dedicate and levy taxes for retirement of bonds under this subsection and ~~such~~the levies are not subject to limitations as otherwise provided by law.

10. The governing board of any county, city, public school district, park district, or township may, by resolution adopted by a two-thirds vote, dedicate the tax levy authorized by section 57-15-41 and authorize and issue general obligation bonds to be paid by the dedicated levy for the purpose of providing funds to prepay outstanding special assessments made in accordance with the provisions of title 40 against property owned by the county, city, public school district, park district, or township.
11. The governing body of any park district that constitutes a distinct municipality may issue general obligation bonds of the park district for the purpose of providing funds to acquire, lay out, and improve parks, parkways, boulevards, and pleasure drives, and to acquire land for these purposes, but the indebtedness may not at any time exceed one percent of the assessed valuation of the taxable property in the park district.
 - a. The initial resolution authorizing the issuance of general obligation bonds under this subsection must be published in the official newspaper of the park district, and any owner of taxable property within the park district may, within sixty days after publication, file with the clerk of the park district a protest against the adoption of the resolution.
 - b. Protests must be in writing and ~~must~~ describe the property that is the subject of the protest.
 - c. If the governing body finds the protests have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the park district, as last finally equalized, all further proceedings under the initial resolution are barred.

⁹¹ **SECTION 5. AMENDMENT.** Section 21-03-11 of the North Dakota Century Code is amended and reenacted as follows:

21-03-11. Elections - When and how called and held.

1. Upon or after the adoption of an initial resolution by the governing body, or at the first meeting of the governing body held after the filing of a petition and proposed initial resolution by the qualified electors as specified in subsection 2 of section 21-03-10, the governing body by resolution shall ~~provide for submitting~~submit the initial resolution to the qualified electors of the municipality ~~the question whether the initial resolution shall be approved for approval.~~
2. If the municipality is a county, city, public school district, or park district, the election must be set for the same date as a statewide primary or general election. A city, public school district, or park district shall enter an agreement

⁹¹ Section 21-03-11 was also amended by section 1 of House Bill No. 1138, chapter 229.

with the governing body of the county or counties in which the municipality lies concerning the use of a single canvassing board, the sharing of election materials, the publishing of legal notices, and the apportioning of election expenses. The city, public school district, or park district shall notify the county auditor in writing, at least sixty-four days before the election, of the question to appear on the primary or general election ballot.

3. For a municipality other than a county, city, public school district, or park district:

- a. The date of the election ~~must be not~~ may not be less than ~~twentysixty-four~~ days after the passage of the initial resolution by the governing body or in the filing date of a sufficient petition ~~therefor by the~~ filed by the qualified electors of the municipality.
- b. The governing body shall designate the date of the election, the polling hours, and polling place, which must be the same as for municipal elections ~~therein, and~~ held within the municipality. The governing body shall appoint an inspector, two judges, and two clerks of election for each polling place. ~~In case of the absence of any election official, or the official's inability to act at the opening of the polls,~~
- c. If an election official is absent or unable to serve as an election official when a polling place is open, the remaining election officials for the polling place shall appoint a qualified elector to fill the vacancy. The election must be conducted and the election returns ~~thereof~~ must be made and canvassed ~~as in the case in the same manner of~~ of elections of members of the governing body of the municipality.

SECTION 6. AMENDMENT. Section 21-03-13 of the North Dakota Century Code is amended and reenacted as follows:

21-03-13. Ballot - Contents.

The ballot for a bond election must be separate from other ballots used on the same day for other elections, ~~and but the separate ballot may be on the same paper or electronic ballot.~~ The ballot must be written or printed, and must state the question in substantially the following form:

Shall the _____ (here inserting the name of the municipality) issue its bonds in the amount of not to exceed \$ _____, (here inserting the amount) maturing within a maximum of _____, (here inserting the duration) resulting in an estimated additional millage of _____ (here inserting the number of mills) mills, equal to \$ _____ (here inserting the equivalent in dollars) on each \$1,000 of taxable valuation for the first taxable year, for the purpose of _____ (here inserting the purpose)?

Yes ☐

No ☐

~~Spoiled or blank ballots cast at such election may not be counted for or against the proposed issue.~~

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 229

HOUSE BILL NO. 1138

(Representatives Pyle, Schreiber-Beck, Warrey)
(Senators Axtman, Schaible)

AN ACT to amend and reenact section 21-03-11 of the North Dakota Century Code, relating to bonding elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁹² **SECTION 1. AMENDMENT.** Section 21-03-11 of the North Dakota Century Code is amended and reenacted as follows:

21-03-11. Elections - When and how called and held.

1. Upon or after the adoption of an initial resolution by the governing body, or at the first meeting of the governing body held after the filing of a petition and proposed initial resolution by the qualified electors as specified in subsection 2 of section 21-03-10, the governing body by resolution shall ~~provide for submitting~~ submit the initial resolution to the qualified electors of the municipality the question whether the initial resolution shall be approved for approval.
2. The date of the election ~~must be not~~ may not be less than ~~twenty-sixty-four~~ days after the passage of the initial resolution by the governing body or ~~in the filing date~~ a sufficient petition therefor by the filed by the qualified electors of the municipality.
3. The governing body shall designate the date of the election, the polling hours, and polling place, which must be the same as for municipal elections ~~therein, and held within the municipality.~~ The governing body shall appoint an inspector, two judges, and two clerks of election for each polling place. In case of the absence of any election official, or the official's inability to act at the opening of the polls,
4. If an election official is absent or unable to serve as an election official when a polling place is open, the remaining election officials for the polling place shall appoint a qualified elector to fill the vacancy. The election must be conducted and the election ~~thereof~~ must be made and canvassed ~~as in the case of in the same manner~~ of elections of members of the governing body of the municipality.

Approved March 26, 2025

Filed March 27, 2025

⁹² Section 21-03-11 was also amended by section 5 of House Bill No. 1482, chapter 228.

CHAPTER 230

HOUSE BILL NO. 1319

(Representatives Satrom, Ostlie)
(Senator Conley)

AN ACT to create and enact a new section to chapter 21-10 of the North Dakota Century Code, relating to a legacy fund disclosure website.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 21-10 of the North Dakota Century Code is created and enacted as follows:

Legacy fund disclosure website.

1. The state investment board shall maintain a publicly accessible website containing information regarding all legacy fund investments.
2. The website must list all companies, funds, and other financial mechanisms in which the legacy fund is invested in accordance with state and federal laws.
3. Within the limits of legislative appropriations, the state retirement and investment office may spend moneys necessary for the development and maintenance of the website.

Approved April 10, 2025

Filed April 11, 2025

HEALTH AND SAFETY

CHAPTER 231

SENATE BILL NO. 2255

(Senators Lee, Dever, Hogan)
(Representatives Porter, M. Ruby)

AN ACT to amend and reenact section 23-01-05 of the North Dakota Century Code, relating to the qualifications, term, and duties of the state health officer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-05 of the North Dakota Century Code is amended and reenacted as follows:

23-01-05. Health officer - Qualifications, salary, term, duties.

1. The governor shall appoint ~~the~~ state health officer ~~who at the time of appointment must be a physician with substantive private or public administrative experience and public health experience. The state health officer is entitled to receive a salary commensurate with that individual's training and experience~~ who has:
 - a. Education, training, or experience in public health; and
 - b. Relevant leadership experience.
2. The governor shall set the salary of the state health officer within the limits of legislative appropriations to the department.
- ~~2-3.~~ The state health officer is entitled to receive all necessary traveling expenses incurred in the performance of official business.
- ~~3-4.~~ The state health officer ~~may not engage in any other occupation or business that may conflict with the statutory duties of the state health officer and holds office for a term of four years~~ serves at the pleasure of the governor.
- ~~4-5.~~ If the office of the state health officer is filled temporarily, the governor shall appoint at least three licensed physicians recommended by the state medical association to serve as an advisory committee to advise the state health officer on matters of public health as requested by the state health officer. Each member of the advisory committee is entitled to receive reimbursement of expenses in performing official duties in amounts provided by law for other state officers. The term of the advisory committee coincides with the term of the state health officer. A committee member serves at the pleasure of the governor. commissioner of the department of health and human services. A meeting of the advisory committee is not subject to open meeting requirements of chapter 44-04.
- ~~5-6.~~ The duties of the state health officer are as follows:

- a. Provide strategy and policy advice to improve health and wellness.
- b. Serve in an advisory capacity for local public health and local health officers.
- c. Promote the development of local health services and recommend the allocation of health funds to local jurisdictions.
- d. Issue a written order relating to a disease control measure necessary to prevent the spread of a communicable disease. A disease control measure may include a special immunization activity and decontamination measure.
 - (1) The state health officer shall limit a written order issued under this section to the geographical area affected by the communicable disease. The state health officer may not issue a statewide order under this section unless the governor has declared a statewide disaster or emergency under chapter 37-17.1 and the governor consents to the order. The statewide order is limited in duration to the duration of the declared disaster or emergency unless terminated earlier pursuant to chapter 37-17.1.
 - (2) A written order issued under this section has the same effect as a physician's standing medical order.
 - (3) The state health officer shall apply to the district court in a judicial district in which a communicable disease is present for an injunction canceling a public event or closing a place of business. On application of the state health officer showing the necessity of the cancellation, the court may issue an ex parte preliminary injunction, pending a full hearing.
 - (4) Notwithstanding any other provision of law, an order issued pursuant to this subsection may not:
 - (a) Substantially burden a person's exercise of religion unless the order is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest;
 - (b) Treat religious conduct more restrictively than any secular conduct of reasonably comparable risk, unless the government demonstrates through clear and convincing scientific evidence that a particular religious activity poses an extraordinary health risk; or
 - (c) Treat religious conduct more restrictively than comparable secular conduct because of alleged economic need or benefit.
 - (5) A person claiming to be aggrieved by a violation of paragraph 1 may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief, including costs and reasonable attorney's fees.
- e. Perform all duties required or provided by law.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 232

HOUSE BILL NO. 1068

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact sections 23-01-05.5, 43-10-10.1, and 44-04-18.18 of the North Dakota Century Code, relating to autopsy reports, working papers, funeral practice exceptions, and photographs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁹³ **SECTION 1. AMENDMENT.** Section 23-01-05.5 of the North Dakota Century Code is amended and reenacted as follows:

23-01-05.5. Autopsy reports, working papers, and images - Confidential - Exceptions.

1. As used in this section:

- a. "Autopsy report" means the report of the forensic examiner or the examiner's designee on the post-mortem examination of a deceased individual to determine the cause and manner of death, including any written analysis, diagram, photograph, or toxicological test results.
- b. "Notes" means the notes or dictations taken or created by the state forensic examiner or the examiner's designee during the course of an investigation into the cause and manner of death of a decedent.
- c. "Report of death" means the official findings on the cause of death and manner of death issued by the state forensic examiner, the examiner's designee, county coroner, or pathologist performing an autopsy ordered by a county coroner or by the state forensic examiner and which is the face page of the autopsy report identifying the decedent and stating the cause of death and manner of death.
- d. "Working papers" means the medical records, investigatory records, law enforcement records, and other records or materials collected or compiled by the state forensic examiner or the examiner's designee and the notes or dictations created by the state forensic examiner or the examiner's designee during the course of an investigation into the cause and manner of death of a decedent. The term does not include autopsy photographs or other visual images or video or audio recordings of an autopsy taken by the state forensic examiner, the examiner's designee, prosecutor, criminal justice agency, any employee or agent of a criminal justice agency, or any other individual, or other photographs or visual images of the decedent which may have been taken by law enforcement or other individuals.

⁹³ Section 23-01-05.5 was also amended by section 2 of House Bill No. 1116, chapter 233.

2. ~~An autopsy report and any working papers and notes relating to an autopsy report are confidential and may be disclosed only as permitted by this section.~~ The report of death is subject to disclosure as follows:
 - a. ~~The~~ If requested before the report of death becomes a public record, the next of kin or authorized representative requesting the report of death is responsible for providing to the state forensic examiner or the examiner's designee satisfactory proof of relationship to the deceased and contact information for notification of the report of death.
 - b. When in receipt of the information in subdivision a, the state forensic examiner, examiner's designee, county coroner, or pathologist who performed the autopsy shall make a good faith effort to immediately notify the decedent's next of kin or authorized representative of the availability of the report of death. The notification or attempts to notify the next of kin or authorized representative must be recorded and must precede any public disclosure of the report of death.
 - c. The report of death becomes a public record eight days after the report of death is finalized.
3. ~~Subject to the limitations on the disclosure of an autopsy photograph or other visual image or video or audio recording of an autopsy required under section 44-04-18.18, any working~~ Working papers and notes relating to a final autopsy report may be disclosed pursuant to a court order in accordance with section 44-04-18.11 and as otherwise expressly provided by law subsection 5.
4. An autopsy report is confidential and may be disclosed in accordance with section 44-04-18.11 and subsections 5 and 6.
5. The state forensic examiner or the examiner's designee shall disclose a copy of the autopsy report and working papers to:
 - a. ~~To any~~ A county coroner, including a coroner in any state or Canadian province, with jurisdiction over the death, and the coroner may use or disclose these records for purposes of an investigation, inquest, or prosecution.
 - b. ~~To any state's attorney~~ A prosecutor or criminal justice agency, as defined by section 44-04-18.7, including a prosecutor or criminal justice agency of the United States, any state, or any Canadian province, with jurisdiction over an investigation of the death and the ~~state's attorney~~ prosecutor or criminal justice agency may use or disclose these records for the purposes of an investigation or prosecution.
 - c. ~~To work~~ Force safety and insurance if the death is related to the decedent's work, and to any other workers' compensation or other similar program, established by law, that provides benefits for work-related injuries or illness without regard to fault if there is no criminal investigation.
 - d. ~~To the~~ The child fatality review panel if there is no active criminal investigation.
 - e. The suicide fatality review commission if there is no active criminal investigation.

- f. In accordance with a court order.
- 5-6. ~~The~~ If there is no active criminal investigation, the state forensic examiner or the examiner's designee upon request shall disclose a copy of the autopsy report to:
- a. The decedent's personal representative ~~and to the,~~
 - b. The decedent's spouse, child eighteen years of age or older, or parent, upon proof of the relationship, ~~if there is no active criminal investigation.~~
 - ~~b-c.~~ A physician or hospital ~~who~~that treated the ~~deceased~~decedent immediately ~~prior to~~before death ~~if there is no active criminal investigation.~~
 - ~~e-d.~~ An insurance company upon proof ~~that~~ the decedent's life was covered by a policy issued by the company ~~if there is no active criminal investigation.~~
 - ~~d-e.~~ The food and drug administration, the national transportation safety board, the occupational health and safety administration, and any other federal or state agency with authority to obtain an autopsy report to investigate a death resulting from the decedent's type of injury or illness.
 - ~~e-f.~~ A professional or research organization collecting data to initiate or advance death investigation standards, after the identifiers necessary to create a limited data set under title 45, Code of Federal Regulations, part 164, section 514, subsection e have been removed from the report.
 - g. The maternal mortality review committee.
- 6-7. An autopsy photograph or other visual image or a video or audio recording of an autopsy taken by the state forensic examiner, the examiner's designee, prosecutor, criminal justice agency, any employee or agent of a criminal justice agency, or any other individual is confidential and may be disclosed in accordance with section 44-04-18.11 and as provided in this subsection:
- a. The state forensic examiner or the examiner's designee shall, upon request, disclose a copy of autopsy photographs or other visual images or video or audio recordings of an autopsy to any prosecutor or criminal justice agency as defined by section 44-04-18.7, including a prosecutor or criminal justice agency of the United States, any state, or any Canadian province, with jurisdiction over an investigation of the death and the prosecutor or criminal justice agency may use or disclose these records for the purposes of an investigation or prosecution.
 - b. After redacting all information identifying the decedent, including name, address, and social security number, and anonymizing facial recognition, a medical examiner, coroner, or physician may use an autopsy photograph, image, or video or audio recording for:
 - (1) Medical or scientific teaching or training purposes;
 - (2) Teaching or training of law enforcement personnel;
 - (3) Teaching or training of attorneys or others with a bona fide professional need to use or understand forensic science;

- (4) Conferring with medical or scientific experts;
- (5) Publication in a scientific or medical journal or textbook; or
- (6) Teaching or training of coroner personnel or other licensed or certified medical professionals.
- c. The decedent's spouse, child eighteen years of age or older, or parent, upon proof of the relationship, may view an autopsy photograph, image, or recording in the business office of a medical examiner, coroner, or physician who has possession of the materials, if there is not an active criminal investigation or prosecution.
- d. Upon receipt by the requestor of a court order requiring disclosure and a court-issued protective order in accordance with section 44-04-18.11, the state forensic examiner or the examiner's designee shall disclose a copy of autopsy photographs or other visual images or video or audio recordings of an autopsy to the decedent's spouse, child eighteen years of age or older, or parent, upon proof of the relationship.
- 8. Other photographs or visual images of the decedent in the possession of the forensic examiner, the examiner's designee, or any county coroner which may have been taken by law enforcement or other persons are confidential.
- 9. Notes are confidential records.
- 10. The forensic examiner, the examiner's designee, any county coroner or county medical coroner, and any public employee who, in good faith, discloses autopsy findings, an autopsy report, working papers, autopsy photograph, notes, other photographs or visual images of a decedent, or a video or audio recording of an autopsy, or other information relating to an autopsy report or cause of death to a person who the public official or employee reasonably believes is entitled to that information under this section is immune from any liability, civil or criminal, for making that disclosure. For the purposes of any proceeding, the good faith of any public employee who makes a disclosure under this section is presumed.

SECTION 2. AMENDMENT. Section 43-10-10.1 of the North Dakota Century Code is amended and reenacted as follows:

43-10-10.1. Funeral practice - Exceptions.

1. Nothing in this chapter may be construed to prevent a person from doing work within the standards and ethics of that person's profession and calling, provided that the person does not represent to the public that the person is engaging in the practice of funeral service.
2. Nothing in this chapter may be construed to prevent embalming by commissioned medical officers in the armed forces of the United States or under the United States public health service while on active duty in a respective service.
3. This chapter does not prevent the transportation of a dead human body in accordance with other applicable state and federal laws.

4. This chapter does not prohibit ambulance or other emergency transportation of a dead human body.
5. This chapter does not prohibit members of the clergy from performing funeral and gravesite or memorial services.
6. This chapter does not prohibit unlicensed individuals, employed by a funeral establishment, from performing gravesite or memorial services for cremated remains.
7. This chapter does not prohibit individuals licensed in other states, as embalmers or funeral directors, from assisting funeral practitioners.
- 7-8. This chapter does not prohibit individuals employed by a funeral establishment from performing nonprofessional tasks or activities that do not require independent, professional judgment under the supervision of an individual licensed to practice funeral service.

SECTION 3. AMENDMENT. Section 44-04-18.18 of the North Dakota Century Code is amended and reenacted as follows:

44-04-18.18. Autopsy images - Confidential - Exceptions.

1. ~~An autopsy photograph or other visual image or a video or audio recording of an autopsy is confidential. However, a criminal justice agency may use or disclose these materials for purposes of an investigation or prosecution.~~
2. a. ~~After redacting all information identifying the decedent, including name, address, and social security number, and anonymizing facial recognition, a medical examiner, coroner, or physician may use an autopsy photograph, image, or recording for:~~
 - (1) ~~Medical or scientific teaching or training purposes;~~
 - (2) ~~Teaching or training of law enforcement personnel;~~
 - (3) ~~Teaching or training of attorneys or others with a bona fide professional need to use or understand forensic science;~~
 - (4) ~~Conferring with medical or scientific experts;~~
 - (5) ~~Publication in a scientific or medical journal or textbook; or~~
 - (6) ~~Teaching or training of coroner personnel or other licensed or certified medical professionals.~~
- b. ~~A medical examiner, coroner, or physician who has in good faith complied with this subsection is not subject to any penalty or liability for using an autopsy photograph, image, or recording.~~
3. ~~The decedent's spouse, child, parent, or sibling, upon proof of the relationship, may view an autopsy photograph, image, or recording in the business office of a medical examiner, coroner, or physician who has possession of the materials, if there is not an active criminal investigation or prosecution.~~

4. ~~Disclosure of an autopsy photograph, image, or recording may be obtained under section 44-04-18.11.~~An autopsy photograph or other visual image or a video or audio recording of an autopsy taken by the state forensic examiner, the examiner's designee, prosecutor, criminal justice agency, any employee or agent of the criminal justice agency, or any other individual is confidential and may be disclosed in accordance with section 23-01-05.5.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 233

HOUSE BILL NO. 1116

(Judiciary Committee)

(At the request of the Department of Corrections and Rehabilitation)

AN ACT to create and enact a new subdivision to subsection 4 of section 23-01-05.5 of the North Dakota Century Code, relating to the disclosure of an autopsy report; and to amend and reenact subsection 4 of section 11-19.1-11 of the North Dakota Century Code, relating to authorizing the coroner and the state forensic examiner to disclose autopsy reports to the department of corrections and rehabilitation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 11-19.1-11 of the North Dakota Century Code is amended and reenacted as follows:

4. A report of death, an autopsy report, and any working papers, notes, images, pictures, photographs, or recordings in any form are confidential but the coroner may use or disclose these materials for purposes of an investigation, inquest, ~~or prosecution, or inspection by the department of corrections and rehabilitation.~~ The coroner may disclose a copy of the report of death in accordance with the authority of the state forensic examiner under section 23-01-05.5 and may disclose an autopsy photograph or other visual image or video or audio recording subject to limitations in section 44-04-18.18. The coroner shall disclose a copy of the autopsy report to the state forensic examiner.

⁹⁴ **SECTION 2.** A new subdivision to subsection 4 of section 23-01-05.5 of the North Dakota Century Code is created and enacted as follows:

To the department of corrections and rehabilitation if the decedent was an inmate in a county, regional, or state correctional facility.

Approved March 14, 2025

Filed March 14, 2025

⁹⁴ Section 23-01-05.5 was also amended by section 1 of House Bill No. 1068, chapter 232.

CHAPTER 234

HOUSE BILL NO. 1071

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact section 23-01-35 of the North Dakota Century Code, relating to tattooing, body piercing, branding, subdermal implants, and scarification; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-35 of the North Dakota Century Code is amended and reenacted as follows:

23-01-35. Tattooing, body piercing, branding, subdermal implants, or scarification - ~~Permit~~License - Fee - Adoption of rules - Exemptions - Injury reports - Penalty.

1. As used in this section:
 - a. "Body piercing" means any method of piercing the skin or mucosa to place jewelry through the skin or mucosa.
 - b. "Branding" means the process in which a mark or marks are burned into human skin tissue with the intention of leaving a permanent mark.
 - c. "Scarify" or "scarification" means the practice in which a mark or marks are cut into human skin tissue with the intention of leaving a permanent mark.
 - d. "Subdermal implant" means to insert a foreign object beneath the skin to decorate an individual's body.
 - e. "Tattoo" or "tattooing" means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This term includes all forms of cosmetic tattooing.
2. A person may not operate a facility providing tattooing, body piercing, branding, subdermal implant, or scarification services without a ~~permit~~license issued by the department under this section. ~~The holder of a permit shall display the permit in a conspicuous place at the facility for which the permit is issued. A permit issued under this section expires annually.~~
 - a. An applicant for a ~~permit~~license shall submit an application for a ~~permit~~license to the department, on a form provided by the department, with a ~~permit~~license fee established by the department. The application must include the name and complete mailing address and street address of the facility and any other information reasonably required by the department for the administration of this section.
 - b. The department shall inspect each facility to ensure compliance with this section and any rules adopted by the department prior to issuing a license.

The operator of a facility shall grant the department access to the premises of a facility during normal hours of operation, including access to customer and personnel records. The inspection must be conducted at a frequency determined by the department and as often as necessary to ensure compliance with this section and any rules adopted by the department.

- c. The holder of a license shall display the license in a conspicuous place at the facility for which the license is issued.
- d. A license issued under this section expires annually. Within sixty days after December thirty-first, an expired license may be renewed by submitting the renewal application, renewal fee, and a late fee established by the department by rule.
- e. The license may not be transferable from one place or person to another.

2-3. ~~The department of health and human services shall adopt rules to regulate any person that receives compensation for engaging in the practice of tattooing, body piercing, branding, subdermal implants, or scarification. The rules must establish health and safety requirements and limitations with respect to the age of an individual who may receive a tattoo, body piercing, or scarification, branding, or subdermal implants and may prohibit any practice that the department of health and human services deems unsafe or a threat to public health.~~

3-4. ~~A facility is exempt from subsection 42 if the facility provides body piercing that is limited to the piercing of the noncartilaginous perimeter or lobe of the ear and the facility does not provide tattooing, branding, scarification, or subdermal implants. A person is exempt from regulation under subsection 23 if the person's practice under this section is limited to piercing of the noncartilaginous perimeter or lobe of the ear. A licensed health care professional acting within that professional's scope of practice and the associated medical facility are exempt from this section.~~

4-5. ~~If a customer of a facility regulated under this section reports to the facility an injury the customer or operator of the facility believes to have resulted from the tattooing, body piercing, branding, subdermal implanting, or scarification provided at the facility, the operator of the facility shall provide the customer with written information on how to report the alleged injury to the department of health and human services. If a licensed health care professional treats a patient for an injury the professional determines, in the exercise of professional judgment, occurred as a result of a service regulated under this section, the professional shall report the circumstances to the department of health and human services. A licensed health care professional is immune from liability for making or not making a report under this subsection.~~

5-6. ~~The fees established by the department must be based on the cost of conducting plan reviews, conducting routine and complaint inspections and enforcement actions, and preparing and sending license renewals. Fees collected under this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly. The department shall waive all or a portion of the fee for any facility that is subject to local jurisdiction.~~

7. A person operating a facility providing tattooing, body piercing, branding, subdermal implant, or scarification services without first obtaining a license issued by the department under this section is guilty of a class B misdemeanor.
8. An individual that receives compensation for engaging in the practice of tattooing, body piercing, branding, subdermal implant, or scarification services who fails to comply with this section or any of the rules adopted by the department is guilty of a class B misdemeanor.
9. In addition to the criminal penalties provided in this section, the department may issue a cease and desist order or obtain a court order or injunction to restrain and enjoin violations of any provision of this section without proof of actual damages sustained by an individual and without the department being required to file an undertaking.
10. The department may deny a license application or, after notice and a hearing in accordance with chapter 28-32, suspend, revoke, or take other disciplinary action against the license of an individual who fails to comply with this section or with any of the rules adopted by the department.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 235

HOUSE BILL NO. 1069

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to repeal section 23-01-40 of the North Dakota Century Code, relating to diabetes goals and plans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 23-01-40 of the North Dakota Century Code is repealed.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 236

HOUSE BILL NO. 1154

(Representatives M. Ruby, Frelich)
(Senator Lee)

AN ACT to amend and reenact subsection 1 of section 23-09.3-01.1 and subsection 1 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on basic care and nursing facility bed capacity.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 23-09.3-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Basic care beds may not be added to the state's licensed bed capacity during the period between August 1, ~~2023~~2025, and July 31, ~~2025~~2029, except if:
 - a. A nursing facility converts nursing facility beds to basic care;
 - b. An entity licenses bed capacity transferred as basic care bed capacity under section 23-16-01.1;
 - c. An entity demonstrates to the department that basic care services are not readily available within a designated area of the state or that existing basic care beds within a fifty-mile [80.47-kilometer] radius have been occupied at ninety percent or more for the previous twelve months. In determining whether basic care services will be readily available if an additional license is issued, preference may be given to an entity that agrees to any participation program established by the department for individuals eligible for services under the medical assistance program under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.]; or
 - d. The department grant approval of new basic care beds to an entity. The approved entity shall license the beds within forty-eight months from the date of approval.

SECTION 2. AMENDMENT. Subsection 1 of section 23-16-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding sections 23-16-06 and 23-16-10, except when a facility reverts basic care beds to nursing facility beds or relicenses nursing facility beds delicensed after July 31, 2011, nursing facility beds may not be added to the state's licensed bed capacity during the period between August 1, ~~2023~~2025, and July 31, ~~2025~~2029. A nursing facility may not delicense nursing facility bed capacity, relicense nursing facility bed capacity, convert licensed nursing bed capacity to basic care bed capacity, revert licensed basic care bed capacity back to nursing facility bed capacity, or otherwise reconfigure licensed nursing facility bed capacity more than two times in a twelve-month period.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 237

SENATE BILL NO. 2386

(Senators Van Oosting, Gerhardt, Roers)
(Representatives Motschenbacher, Holle, Hauck)

AN ACT to amend and reenact subsection 3 of section 23-09.5-02 of the North Dakota Century Code, relating to cottage food transactions; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 23-09.5-02 of the North Dakota Century Code is amended and reenacted as follows:

3. Transactions under this section may not:

- a. ~~Involve interstate commerce;~~
- b. ~~Be conducted over the internet or phone, through the mail, or by consignment;~~
- e. Include the sale of uninspected products made from meat, except as provided under subdivision ~~eb~~; ~~or~~
- ~~e-b.~~ Include the sale of uninspected products made from poultry, unless:
 - (1) The cottage food operator slaughters no more than one thousand poultry raised by the cottage food operator during the calendar year;
 - (2) The cottage food operator does not buy or sell poultry products, except products produced from poultry raised by the cottage food operator; and
 - (3) The poultry product is not adulterated or misbranded; or
- c. Include the sale of poultry products if the transaction involves interstate commerce.

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

Approved March 20, 2025

Filed March 20, 2025

CHAPTER 238

SENATE BILL NO. 2385

(Senators Paulson, Dever, Lee)
(Representatives Karls, Louser)

AN ACT to create and enact a new chapter to title 23 and a new section to chapter 47-32 of the North Dakota Century Code, relating to receivers for mobile home parks and a defense to an eviction from a mobile home; to amend and reenact sections 23-10-03, 23-10-04, 23-10-06, 23-10-06.2, 23-10-12, and 47-10-28 of the North Dakota Century Code, relating to licensure and regulation of mobile home parks; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 23 of the North Dakota Century Code is created and enacted as follows:

Definitions.

For purpose of this chapter:

1. "Commissioner" means the commissioner of the department.
2. "Department" means the department of health and human services.

Conditions for appointment of receiver.

1. When the department revokes the license of a mobile home park, the department may file a petition with the district court to place the mobile home park under the control of a receiver for repeated or serious violations of chapter 23-10 or the administrative rules of the department, or to protect health or safety.
2. The court may grant the petition after finding:
 - a. The mobile home park committed, or is continuing to commit repeated or serious violations of chapter 23-10 or the administrative rules of the department; or
 - b. Health or safety would be seriously threatened if a condition existing at the time the petition was filed continues.

Appointment of receiver.

If the court grants the petition to place the mobile home park into receivership, the court shall appoint the commissioner as receiver. The commissioner may designate a qualified individual or a nonprofit organization to execute the receivership. An individual designated to execute the receivership may not be employed by this state or a political subdivision. The receiver shall use the income and assets of the mobile home park to maintain and operate the mobile home park and to attempt to correct the violations of chapter 23-10, the administrative rules of the department, or other condition which constitutes a threat to health or safety. The receiver may not liquidate the assets of the mobile home park.

Termination of receivership.

The receivership terminates when:

1. The receiver and the court certify the conditions that prompted the receivership are corrected;
2. The license to operate the mobile home park is restored;
3. A new license to operate a mobile home park is issued; or
4. The owner of the mobile home park discontinues operation and the residents of the mobile home park have secured other appropriate housing.

Accounting.

Upon termination of the receivership, the receiver shall render a complete accounting to the court and shall dispose of surplus funds as the court directs.

SECTION 2. AMENDMENT. Section 23-10-03 of the North Dakota Century Code is amended and reenacted as follows:

23-10-03. License required - Application.

1. A person may not establish, maintain, change use, mix use, or enlarge a mobile home park, recreational vehicle park, or campground in this state without first obtaining a license from the department.
2. The application for the license must be made in writing to the department on forms furnished by the department, accompanied by the required fee, and must state the physical address of the proposed location and type of the mobile home park, recreational vehicle park, or campground, and include:
 - a. Evidence of approval from local officials as to the proposed mobile home park, recreational vehicle park, or campground applicant's compliance with local zoning laws, ordinances, or regulations for the physical address for its intended use;
 - b. The proposed water supply, including how water supply fee services are assessed or metered;
 - c. The proposed method of sewerage and garbage disposal; and such other
 - d. Other information as may be required by the department. Application forms must be prepared by the department and distributed upon request.
3. Upon a change of ownership, a new owner shall obtain a license within thirty days from the date of sale. Failure of the owner to obtain licensure within thirty days from the date of sale may result in disciplinary action against the owner for operating without a license.

~~The department may not issue a license under this section if the proposed mobile home park, recreational vehicle park, or campground would prevent, interfere, or restrict proposed private development that is actively being pursued.~~

4. The department shall waive the license fee and inspection requirement for any mobile home park, recreational vehicle park, or campground owned by the state, ~~a municipality, or a nonprofit organization~~ political subdivision. The department shall waive all or a portion of the license fee for any mobile home park, recreational vehicle park, or campground that is subject to local sanitation, safety, and inspection requirements accepted by the department under section 23-10-02.1. ~~A prorated annual license fee may be charged for new mobile home parks, recreational vehicle parks, and campgrounds.~~ The department may adopt rules establishing the amount and the procedures for the collection of annual license and inspection fees. The fees must be based on the cost of reviewing construction plans, conducting preoperational, routine, and complaint inspections, followup and reinspection, and necessary enforcement action. ~~License fees~~ Fees collected ~~pursuant to~~ under this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly.

SECTION 3. AMENDMENT. Section 23-10-04 of the North Dakota Century Code is amended and reenacted as follows:

23-10-04. Inspection.

The department ~~shall~~ may inspect the premises as soon as practical after receiving an application for a mobile home park, recreational vehicle park, or campground license. If the department is satisfied from the application and ~~or~~ inspection that the mobile home park, recreational vehicle park, or campground will not be a source of danger to the health and safety of the occupants or the general public, the department shall notify the applicant of approval of the application ~~and of the amount of the license fee~~. The department must have access to and may inspect mobile home parks, recreational vehicle parks, and campgrounds at reasonable times. The department may inspect each mobile home park, recreational vehicle park, and campground in response to a complaint, violation of state law, or on a routine schedule determined by the department.

SECTION 4. AMENDMENT. Section 23-10-06 of the North Dakota Century Code is amended and reenacted as follows:

23-10-06. License issuance – Fee.

~~An applicant seeking licensure shall apply to the department on forms prescribed by the department. The applicant shall enclose with the application an application fee as determined by rule. The department shall issue a license to an applicant who meets all of the requirements of this chapter and any rules adopted by the department.~~

SECTION 5. AMENDMENT. Section 23-10-06.2 of the North Dakota Century Code is amended and reenacted as follows:

23-10-06.2. License transferability.

The department shall transfer a license without charge if the proposed new owner applies in writing within thirty days of the date of sale for a transfer of the license and certifies that the mobile home park, recreational vehicle park, or campground will be operated in accordance with this chapter. ~~A new owner applying for a transfer under this section and a person holding a license issued under section 23-10-03, shall provide the name, address, and telephone number for the mobile home park managers and any individual possessing more than a twenty percent ownership~~

~~interest in the entity subject to the license to the department once per calendar year. The department may assess a civil penalty not exceeding five thousand dollars for each violation of this section thirty days after issuing a notice of noncompliance. The civil penalty may be assessed without notice and a hearing. The civil penalty must be awarded to the department and deposited into the department's general operating fund for use in regulating compliance with this chapter. A person subject to a civil penalty pursuant to an order issued under this section may request a hearing before the department if a written request is made within ten days after the receipt of the order. Upon receipt of a proper and timely request for a hearing, the department shall conduct an adjudicative proceeding under this section in accordance with chapter 28-32, unless otherwise provided for by law. If the department prevails in an adjudicative proceeding under this section, the department may assess the nonprevailing party for all adjudicative proceeding and hearing costs, including reasonable attorney's fees, investigation fees, and costs and expenses of the action.~~

SECTION 6. AMENDMENT. Section 23-10-12 of the North Dakota Century Code is amended and reenacted as follows:

23-10-12. Revocation or suspension of license - Penalty for operating without license.

1. The department may deny an application or take disciplinary action, up to and including suspension or revocation of a license for a mobile home park, recreational vehicle park, or campground, ~~and revocation of a license for a recreational vehicle park or campground~~, against any applicant or licensee upon the failure of the applicant or licensee to comply with this chapter or with any of the rules and regulations promulgated by the department.
2. Before the department takes disciplinary action against a license, the department shall notify the licensee in writing of the reason disciplinary action is being considered and shall provide a reasonable amount of time thirty days for correction to be made. If the licensee demonstrates a good-faith effort to comply, the department may grant additional time before further enforcement action is taken. Action taken under the authority granted in this section must comply with chapter 28-32. Any person who maintains or operates a mobile home park, recreational vehicle park, or campground without first obtaining a license, or who operates the same during suspension of the license, is guilty of an infraction.
3. The department may assess a civil penalty of one hundred dollars per day against a person who maintains or operates a mobile home park, recreational vehicle park, or campground without first obtaining a license. The civil penalty may not exceed ten thousand dollars. The proceeds of the civil penalty must be transferred to the department's general operating fund.

SECTION 7. AMENDMENT. Section 47-10-28 of the North Dakota Century Code is amended and reenacted as follows:

47-10-28. Mobile home park - Ownership - Transfer of ownership - Tenant rights - Penalty.

1. A person that owns or purchases an existing mobile home park shall:
 - a. Obtain an annual license under section 23-10-03;

- b. Designate an official local office, except if the mobile home park contains fewer than twenty-six lots, which must be operational on the fifth business day after the change of ownership;
 - c. The mobile home park shall:
 - (1) Have a designated telephone number manned on weekdays between the hours of eight a.m. and five p.m.;
 - (2) Have an operational emergency contact number manned at all times;
 - (3) Designate at least one individual for the property who has the authority to make decisions on behalf of and perform, or direct the performance of, duties imposed on the owner; and
 - (4) Provide a tenant with the contact information of the individual under paragraph 3;
 - d. Provide written notice to a tenant of the mobile home park regarding the change of ownership within five business days after the change of ownership becomes effective. The written notice must include the information required under subdivision c;
 - e. Acknowledge receipt of tenant inquiries or complaints regarding the park, pursuant to section 23-10-10.1, within two business days of receiving the inquiry or complaint;
 - f. Provide to each tenant, upon a written request by the tenant or the tenant's agent, a copy of the existing lease terms along with any modifications or amendments, within ten business days of receipt of a written request;
 - g. Provide each tenant with the name, address, and telephone number of the legal entity that owns the mobile home park; and
 - h. Provide the telephone number of any existing property manager or designated site agent.
- 2. A person that owns or purchases an existing mobile home park may not require a tenant who owns a mobile home located on the property to sell or transfer ownership of the home to the owner of the mobile home park, except as otherwise provided by law.
 - 3. A person that owns or purchases an existing mobile home park shall provide a tenant advance written notice of any modifications to park rules or regulations at least thirty days before the date the modifications take effect. Except for the rules and regulations under subsections 4 and 5, upon the effective date of modifications to park rules and regulations, an owner shall provide a tenant who owns a dwelling unit that fails to comply with the park rules and regulations written notice of the failure to comply and provide the tenant three months to remedy the failure or vacate the premises before initiating an action for eviction against the tenant. During the three-month period the tenant shall comply with the park rules and regulations that were in effect before the modifications became effective, including the payment of rent and any other financial obligations under the terms of the lease. During the three-month

period, if the tenant provides the owner a signed document from a person in the business of relocating mobile homes declaring it is not possible to relocate the tenant's dwelling unit within the three-month period, the three-month period must be extended to a date when the dwelling unit can be relocated or the date that is two months after the end of the three-month period, whichever date occurs first.

4. A person that owns or purchases an existing mobile home park shall provide a tenant advance written notice of any modifications to park rules and regulations addressing sanitation and safety concerns at least thirty days before the date the modifications take effect.
5. A person that owns or purchases an existing mobile home park shall provide a tenant advance written notice at least thirty days before implementing a rule or regulation regarding the removal of a tongue hitch, or any other modification to the dwelling unit to comply with state or federal housing or financing requirements.
6. Mobile home park rules in effect on the date advance written notice regarding modifications is provided to a tenant remain in effect until the date the modified rules or regulations take effect.
7. A person that purchases an existing mobile home park may not increase the monthly tenant rental obligation for six months if the rental amount was increased within the sixty-day period before the date the new owner acquired ownership of the park. Any month-to-month tenancy agreement must provide a minimum of ninety days' notice to the tenant before any rent increase is effective.
8. A person that owns or purchases an existing mobile home park may purchase utility services, including water and sewer services on behalf of a tenant, and include the amount in the monthly rental obligation or bill the tenant as a separate charge based on actual usage. An owner may not charge a tenant more than the actual cost per unit amount paid by the landlord to the utility service provider, except for a reasonable administrative fee that may not exceed three dollars. An owner may not charge or back charge for the utility services of a tenant paying for the services as a portion of the tenant's monthly rental obligation, unless the cost of providing the services increases. If the cost of providing utility services increases, an owner of a mobile home park may charge a tenant a reasonable amount to cover the increased cost of providing the service. A mobile home park may not charge a fee for a utility without an individual meter for each mobile home. The owner shall provide the tenant access to the records of meter readings taken at the mobile home lot of the tenant.
9. A mobile home park owner shall provide a tenant with a summary outlining the tenant's lease and the rights and obligations of the tenant and mobile home park owner under state law.
10. A notice of intent to evict a tenant from a mobile home park under section 47-32-02 must include clear, boldfaced language stating: "You do not have to vacate immediately. You have the right to remain until a court issues an eviction order."

11. A mobile home park may not charge a monthly late fee of more than ten percent of the monthly rent. In addition to the monthly late fee, a mobile home park may not charge a daily late fee of more than five dollars per day.
- 9-12. A person that violates a provision of this section is subject to a civil penalty not less than two thousand five hundred dollars but not exceeding the greater of ten thousand dollars or actual damages, plus actual attorney's fees and costs.
- 40-13. A mobile home park license, issued under chapter 23-10, may be suspended by the district court of the county where the mobile home park is situated for a violation of this section. The holder of the mobile home park license must be assessed a civil penalty for each day the holder's license remains suspended. The amount of the daily penalty is equal to half of the total rent listed on the rent roll for the mobile home park divided by the number of days in that month. The license holder must prove each violation has been remedied and has satisfied all civil penalties assessed before the license holder's license may be reinstated. The district court has discretion over the terms to be satisfied before a license is reinstated. If a license holder fails to comply with the terms of the district court's order, the district court may revoke the holder's license. All park tenants must be allowed to continue to reside in the mobile home park through the duration of the license suspension, unless the department of health and human services takes further disciplinary action against the license under chapter 23-10. During the period of suspension, the license holder or the license holder's agent may not modify the park rules or regulations, modify any tenant's rental arrangement, increase any tenant's rental rate, or terminate any tenant's lease without cause.
- 44-14. In a dispute between a landlord and a tenant under this section, the district court of the county in which the dispute arose has original jurisdiction over the dispute relating to the suspension of a license. For the recovery of civil damages under subsection 9-12, the tenant may elect to commence the action in small claims court or district court. If an action between a landlord and tenant is commenced, the tenant shall continue paying rent and comply with all park rules and regulations in effect at the time the action was commenced. During a pending action under this section, the license holder or the license holder's agent may not modify the park rules or regulations, modify the tenant's rental arrangement, increase a tenant's monthly rental rate, or terminate a tenant's lease without cause.

SECTION 8. A new section to chapter 47-32 of the North Dakota Century Code is created and enacted as follows:

Defense to an eviction from a mobile home park.

During an eviction proceeding against a tenant of a mobile home park, a tenant may present a defense that the landlord violated a provision of section 47-10-28. If the court finds the landlord violated a provision of section 47-10-28, the court may not order an eviction. In a second or subsequent eviction proceeding, a tenant only may raise violations that arose after a prior order between the parties was entered, or violations that were unknown to the court at the time of the prior order.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 239

HOUSE BILL NO. 1440

(Representatives D. Ruby, Dockter, Headland, Kasper, Marschall, Porter, Rohr,
M. Ruby, Wolff)
(Senators Paulson, Weston, Wobbema)

AN ACT to amend and reenact subdivision d of subsection 3 of section 23-12-10 of the North Dakota Century Code, relating to cigar lounges.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision d of subsection 3 of section 23-12-10 of the North Dakota Century Code is amended and reenacted as follows:

- d. ~~A cigar lounge, which has a valid certificate issued by the tax commissioner under this subdivision; has a humidor on the premises; is enclosed by solid walls or windows, a ceiling, and a solid door; and is equipped with a ventilation system by which exhausted air is not recirculated to nonsmoking areas and smoke is not backstreamed into nonsmoking areas. A cigar lounge meeting the requirements of this subdivision may permit that permits the smoking of cigars and pipe tobacco purchased on the premises, but may not permit the smoking of any other product on the premises.~~
- (1) An applicant for a certificate to operate a cigar lounge shall report to the tax commissioner, on a form prescribed by the commissioner, that the premises in which the cigar lounge will be operated has a humidor; is enclosed by solid walls or windows, a ceiling, and a solid door; and is equipped with a ventilation system by which exhausted air is not recirculated to nonsmoking areas and smoke is not backstreamed into nonsmoking areas. The commissioner may not require an applicant to report information regarding income from the sale of cigars and pipe tobacco in an initial application. Upon receipt of a report asserting compliance with this paragraph, the commissioner shall issue the applicant a certificate to operate a cigar lounge.
- (2) A cigar lounge asserting the lounge meets the requirements of this subdivision paragraph 1 shall report to the tax commissioner before February first of each year following a full calendar year of operation, on a form prescribed by the commissioner, the revenue from the previous calendar year generated from the sale of cigars and pipe tobacco as a percentage of annual gross income from receipts or sales. Upon receipt of a report asserting compliance with the annual gross income requirements of this subdivision the cigar lounge generates fifteen percent or more of the business's annual gross income from receipts or sales from the sale of cigars and pipe tobacco, the commissioner shall issue or renew the annual certificate. The commissioner is not required to confirm the accuracy of information reported but may not issue or renew a certificate absent supporting documentation from the lounge.

(3) Information reported to the commissioner under this subdivision is subject to the confidentiality provisions of section 57-39.2-23.

~~(2)~~(4) For purposes of this subdivision:

- (a) "Cigar" means an individual roll of tobacco which has a wrapper or cover of whole leaf tobacco; does not contain filler other than tobacco filler; does not contain binder other than tobacco binder; does not contain additives other than water; does not contain a filter, tip, or nontobacco mouthpiece; weighs at least six pounds per thousand count; and is made by hand, except to allow for the use of a manually operated machine to assist in bunching, rolling, and binding.
- (b) "Cigar lounge" means a business dedicated, in whole or in part, to the smoking of cigars ~~which generates fifteen percent or more of the business's annual gross income from the sale of cigars and pipe tobacco, which has a valid certificate issued by the tax commissioner.~~
- (c) "Pipe tobacco" has the meaning provided in section 57-36-01.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 240

SENATE BILL NO. 2297

(Senators Roers, Barta, Lee, Sorvaag)
(Representative O'Brien)

AN ACT to amend and reenact subsection 3 of section 23-06.5-03 and section 23-12-13 of the North Dakota Century Code, relating to the determination of incapacity and informed consent of incapacitated patients and minors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 23-06.5-03 of the North Dakota Century Code is amended and reenacted as follows:

3. A health care directive, including the agent's authority, is in effect only when the principal lacks capacity to make health care decisions, as certified in writing by the principal's attending physician, psychiatrist, or psychologist and filed in the principal's medical record, and ceases to be effective upon a determination that the principal has recovered capacity.

⁹⁵ **SECTION 2. AMENDMENT.** Section 23-12-13 of the North Dakota Century Code is amended and reenacted as follows:

23-12-13. ~~Persons~~Individuals authorized to provide informed consent to health care for incapacitated ~~persons~~patients and minors - Priority.

1. ~~Informed consent for health care for a minor patient or a patient who is determined by a physician to be an incapacitated person, as defined in subsection 2 of section 30.1-26-01, and unable to consent may be obtained from a person authorized to consent on behalf of the patient. Persons~~For purposes of this section:
 - a. "Incapacitated patient" means an adult unable to understand and appreciate the nature and consequence of a health care decision, including the benefits, harms, and reasonable alternatives to proposed health care, and unable to communicate a health care decision, as certified by the patient's attending physician, psychiatrist, or psychologist and filed in the patient's medical record.
 - b. "Minor" means an individual under eighteen years of age.
2. Unless a court of competent jurisdiction determines otherwise, individuals in the following classes and in the following order of priority may provide informed consent to health care on behalf of the ~~an~~incapacitated patient:
 - a. ~~The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions,~~

⁹⁵ Section 23-12-13 was also amended by section 1 of Senate Bill No. 2291, chapter 318.

~~unless a court of competent jurisdiction specifically authorizes a guardian to make medical decisions for the incapacitated person;~~

- ~~b. The appointed~~ A health care agent appointed through a health care directive under chapter 23-06.5 or a similar instrument executed in another jurisdiction in accordance with the law in that jurisdiction;
 - ~~b. An appointed guardian or custodian of the patient, if any under chapter 30.1-28 or a similar instrument executed in another jurisdiction in accordance with the law in that jurisdiction;~~
 - ~~c. The patient's~~ A spouse of the patient who has maintained significant ~~contacts~~ contact with the incapacitated person ~~patient;~~
 - ~~d. Children~~ A child of the patient who ~~are~~ is at least eighteen years of age and who ~~have~~ has maintained significant ~~contacts~~ contact with the incapacitated person ~~patient;~~
 - ~~e. Parents~~ A parent of the patient, including a stepparent who has maintained significant ~~contacts~~ contact with the incapacitated person ~~patient;~~
 - ~~f. Adult brothers and sisters~~ An adult sibling of the patient who ~~have~~ has maintained significant ~~contacts~~ contact with the incapacitated person ~~patient;~~
 - ~~g. Grandparents~~ A grandparent of the patient who ~~have~~ has maintained significant ~~contacts~~ contact with the incapacitated person ~~patient;~~
 - ~~h. Grandchildren~~ A grandchild of the patient who ~~are~~ is at least eighteen years of age and who ~~have~~ has maintained significant ~~contacts~~ contact with the incapacitated person ~~patient;~~ ~~or~~
 - ~~i. A close relative or friend of the patient who is at least eighteen years of age and who has maintained significant ~~contacts~~ contact with the incapacitated person~~ ~~patient;~~ ~~or~~
 - ~~j. An interdisciplinary team consisting of at least three health care professionals.~~
- (1) An interdisciplinary team may include an employee or agent of a health care provider treating an incapacitated patient, including a member of the ethics committee, provided a member of the team is not directly involved with the treatment of the incapacitated patient.
 - (2) If consent is provided under this subdivision, a health care provider shall continue good faith efforts to identify and locate an individual in a preceding level of priority.
- 2-3. Unless otherwise determined by court order, a parent may make health care decisions for the parent's minor child. Individuals in the following classes and in the following order of priority may provide informed consent to health care on behalf of a minor patient if a parent is unable to provide informed consent:
- a. A guardian acting under a court order specifically authorizing the guardian to make health care decisions for the minor;

- b. An appointed guardian or custodian of the minor;
 - c. A noncustodial parent of the minor, including a stepparent who has maintained significant contact with the patient;
 - d. An adult sibling of the minor who has maintained significant contact with the minor;
 - e. A grandparent of the minor who has maintained significant contact with the minor;
 - f. A close relative or friend of the minor who is at least eighteen years of age and who has maintained significant contact with the minor; or
 - g. An interdisciplinary team consisting of at least three health care professionals.
 - (1) An interdisciplinary team may include an employee or agent of a health care provider treating a minor, including a member of the ethics committee, provided a member of the team is not directly involved with the treatment of the minor.
 - (2) If consent is provided under this subdivision, a health care provider shall continue good faith efforts to identify and locate an individual in a preceding level of priority.
4. A physician health care provider seeking informed consent for proposed health care for a minor patient or a patient who is an incapacitated person and an incapacitated patient or a minor who is unable to consent must make reasonable efforts to locate and secure authorization for the health care from a competent person individual in the first or succeeding class identified in subsection 42 for an incapacitated patient or subsection 3 for a minor. If the physician health care provider is unable to locate such person individual, authorization may be given by any person individual in the next class in the order of descending priority. A person An individual identified in subsection 42 for an incapacitated patient or subsection 3 for a minor may not provide informed consent to health care if a person an individual of higher priority has refused to give such authorization.
- 3-5. Before any person individual authorized to provide informed consent pursuant to under this section exercises that authority, the person individual must first determine in good faith that the patient, if not incapacitated, would consent to the proposed health care. If such a determination cannot be made, the decision to consent to the proposed health care may be made only after determining that the proposed health care is in the patient's best interests.
4. No person
6. An individual authorized to provide informed consent pursuant to in accordance with this section may not provide consent for sterilization, abortion, or psychosurgery or for admission to a state mental health facility for a period of more than forty-five days without a mental health proceeding or other court order.

- ~~5-7.~~ If a patient who is determined by a physician, psychiatrist, or psychologist to be an incapacitated ~~person~~patient, or a ~~person~~an individual interested in the patient's welfare, objects to a determination of incapacity made ~~pursuant to~~in accordance with this section, a court hearing pursuant to chapter 30.1-28 must be held to determine the issue of incapacity.

Approved April 29, 2025

Filed April 30, 2025

CHAPTER 241

HOUSE BILL NO. 1454

(Representatives Henderson, K. Anderson, Frelich, Hauck, Kasper)
(Senators Paulson, Clemens)

AN ACT to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to an opt-out procedure for required vaccines.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 23-12 of the North Dakota Century Code is created and enacted as follows:

Required vaccine - Opt-out procedure.

1. Notwithstanding any other provision of law, a state agency, political subdivision, or any other government entity may not require an individual to take or receive a vaccine or similar product used to prevent a disease, unless there is a procedure made available for an opt-out for health, religious, or philosophical reasons.
2. For a school, day care center, child care facility, head start program, or nursery school, section 23-07-17.1 must be followed for vaccines and vaccine opt-out procedures.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 242

HOUSE BILL NO. 1219

(Representatives Mitskog, Schreiber-Beck)
(Senator Luick)

AN ACT to amend and reenact subsection 2 of section 23-21.1-03 of the North Dakota Century Code, relating to the perpetual care fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 23-21.1-03 of the North Dakota Century Code is amended and reenacted as follows:

2. To continue to operate as a perpetual care cemetery, ~~any such an~~ organization shall set aside and deposit in the perpetual care fund not less than the following amounts for lots of interment space ~~thereafter~~ sold or disposed of:
 - a. A minimum of ~~twenty~~ten percent of the gross selling price with a minimum of twenty dollars for each adult space, whichever is the greater.
 - b. A minimum of ~~twenty~~ten percent of the gross selling price for each child's space with a minimum of five dollars for each space up to forty-two inches [1006.8 millimeters] in length or ten dollars for each space up to sixty inches [1524 millimeters] in length, whichever is the greater.
 - c. A minimum of ~~twenty~~ten percent of the gross selling price with a minimum of one hundred dollars for each space or crypt in a mausoleum, whichever is ~~the~~ greater, except a mausoleum located in a cemetery covered by a perpetual care fund which consists of at least ~~twenty~~ten percent of the proceeds received by the cemetery from the sale of cemetery lots, in which event, the perpetual care fund for the public or community mausoleum itself shall contain a minimum of ~~twenty~~ten percent of the cost of the construction of such public or community mausoleum.
 - d. A minimum of ~~twenty~~ten percent of the gross selling price with a minimum of ten dollars for each inurnment niche in a columbarium, except a columbarium located in a cemetery covered by a perpetual care fund which consists of at least ~~twenty~~ten percent of the proceeds received by the cemetery from the sale of cemetery lots, in which event, the perpetual care fund for the public or community columbarium itself shall contain a minimum of ~~twenty~~ten percent of the cost of the construction of such public or community columbarium.
 - e. A minimum of ~~twenty~~ten percent of the gross selling price with a minimum of one hundred dollars, whichever is the greater, for each interment space in crypt gardens or any other structure or device by whatever name, established or constructed wholly or partially above the natural surface of the ground, for the interment of any dead human body.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 243

HOUSE BILL NO. 1394

(Representatives Heinert, Bosch, Hauck, Karls, Meier, Porter)
(Senators Axtman, Cleary, Roers)

AN ACT to amend and reenact sections 23-27-01 and 23-27-02 of the North Dakota Century Code, relating to the licensing of emergency medical services operations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-27-01 of the North Dakota Century Code is amended and reenacted as follows:

23-27-01. License required - Licensing of emergency medical services operations - Exception - Waiver.

1. The department of health and human services shall license emergency medical services operations and may designate their service areas. The department shall limit the issuance of a license for any new emergency medical services operation based on the needs of the service area. A license for an emergency medical services operation is ~~nontransferable~~ transferable upon approval of the department.
2. Emergency medical services may not be advertised, offered, or provided to the public except by an emergency medical services operator that provides the emergency medical services through emergency medical services personnel.
3. ~~Except as otherwise provided under subsection 4, an~~ An emergency medical services operator's services operation must be separately licensed for each of the operator's emergency medical services operations and an operation that is headquartered from a separate location must be considered a separate operation the designated service area of the operation. Under this subsection, ~~an operation with a single headquarters site may dispatch~~ vehicles and emergency medical services personnel from at more than one location if calls requesting services are received and orders for vehicle dispatch are made at the single headquarters site within the designated service area of an emergency medical services operation.
4. Notwithstanding subsection 3, an operator of an emergency medical services operation may operate one or more substation ambulance services operations under a single license if:
 - a. The substation ambulance services operation was designated before December 31, 2024, and remains continuously designated;
 - b. The headquarters ambulance services operation is not a substation ambulance services operation of another emergency medical services operation;

- ~~b-c.~~ The substation ambulance services operation area borders the headquarters ambulance services operation area or borders another substation of the headquarters ambulance services operation;
 - ~~e-d.~~ The headquarters ambulance services operation and the substation ambulance services operation are dispatched by the same entity; and
 - ~~d-e.~~ The operator of the emergency medical services operation pays a license fee for each of its substation ambulance services operations.
5. The provisions of this chapter do not apply to an operator from another state which is headquartered at a location outside of this state and transports patients across state lines, but the operator may not treat patients within this state or pick up patients within this state for transportation to locations within this state, except as provided by rule.
 6. The department of health and human services shall adopt rules for special licenses and waiver provisions for an operator of an emergency medical services operation intended for industrial sites not available to the general public.

SECTION 2. AMENDMENT. Section 23-27-02 of the North Dakota Century Code is amended and reenacted as follows:

23-27-02. Definitions.

For the purpose of this chapter, unless the context otherwise requires:

1. "Department" means the department of health and human services.
2. "Emergency medical services" means the prehospital medical stabilization or transportation, including interfacility transportation, of an individual who is sick, injured, wounded, or otherwise incapacitated or helpless, or in a real or perceived acute medical condition, by a person that holds oneself out to the public as being in that service or that regularly provides that service. The term includes:
 - a. Assessing, stabilizing, and treating life-threatening and non-life-threatening medical conditions; or
 - b. Transporting a patient who is in a real or perceived acute medical condition to a hospital emergency room or other appropriate medical destination.
3. "Emergency medical services operation" means an entity licensed to offer and provide emergency medical services by emergency medical services personnel with physician oversight. The term includes basic life support ambulance services, advanced life support ambulance services, air ambulance services, and quick response unit services.
4. "Emergency medical services personnel" means individuals who provide emergency medical services for emergency medical services operations. The term includes emergency medical services professionals, drivers, and department-certified emergency medical services providers, such as cardiopulmonary resuscitation drivers and first responders.

5. "Emergency medical services professional" means an individual licensed by the department under this chapter.
6. "Substation ambulance services" means an ambulance station that has its own service area designated by the department and is not individually licensed as an emergency medical services operation.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 244

SENATE BILL NO. 2101

(Senator Beard)
(Representative Richter)

AN ACT to amend and reenact subsection 1 of section 23-27-04 of the North Dakota Century Code, relating to emergency medical services response requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 23-27-04 of the North Dakota Century Code is amended and reenacted as follows:

1. An emergency medical services operation ~~within this state~~ may not operate unless ~~the operation is licensed in accordance with~~ under this chapter ~~and the department shall adopt rules adopted by the department of health and human services. The rules for standards for operators which~~ must include:
 - a. Time when operator's services must be available-;
 - b. Requirements for services to ensure a reliable response to 911 and emergent interfacility transports, while providing nonemergent services;
 - c. Type of motor vehicle operator's license needed for drivers of ground vehicles-;
 - ~~e-d.~~ Training standards for ~~operation~~ personnel-;
 - ~~d-e.~~ Equipment and ground vehicle standards-;
 - ~~e-f.~~ Annual license fees-;
 - ~~f-g.~~ Number of personnel required for each run-;
 - ~~g-h.~~ The scope of practice for uncertified drivers, certified personnel, and emergency medical services professionals-;
 - ~~h-i.~~ Performance standards, which may include response time standards-; and
 - ~~i-j.~~ Other requirements as ~~may be found~~ necessary to carry out the ~~intent~~ requirements of this chapter.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 245

SENATE BILL NO. 2100

(Senator Beard)
(Representatives Fegley, Richter)

AN ACT to amend and reenact section 23-27-04.3 of the North Dakota Century Code, relating to emergency medical services personnel training.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-27-04.3 of the North Dakota Century Code is amended and reenacted as follows:

23-27-04.3. Emergency medical services personnel training, testing, certification, licensure, and quality review - Penalty.

1. The department of health and human services shall adopt rules prescribing minimum training, testing, certification, licensure, and quality review standards for emergency medical services personnel, including community emergency medical services personnel, instructors, and training institutions.
2. Rules adopted must include a definition of minimum applicable standards, a definition of emergency medical services personnel, provide for a mechanism for certifying or licensing persons who have met the required standards, provide a mechanism to review and improve the quality of care rendered by emergency medical services personnel, and define minimum standards for emergency medical services training institutions.
3. Rules adopted must allow emergency medical services instructors to provide direct, entry-level certification training for the levels of emergency medical responder and emergency medical technician, under the oversight of the department and without the requirements of an emergency medical services training institute.
4. Licensing as an emergency medical services training institution is optional.
5. It is a class B misdemeanor for an individual to willfully misrepresent that individual's certification or licensing status as emergency medical services personnel.
6. Quality review and improvement information, data, records, and proceedings are not subject to subpoena or discovery or introduction into evidence in any civil action.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 246

HOUSE BILL NO. 1322

(Representative Weisz)
(Senator Roers)

AN ACT to create and enact a new section to chapter 23-27 and a new section to chapter 26.1-47 of the North Dakota Century Code, relating to ambulance service balanced billing and provider reimbursement; to amend and reenact section 23-27-04.8 of the North Dakota Century Code, relating to emergency medical services communication; to provide for a legislative management study; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-27-04.8 of the North Dakota Century Code is amended and reenacted as follows:

23-27-04.8. Emergency medical services operation communications.

The department may regulate the primary communications methods and protocols for emergency medical services operations ~~in a manner while permitting secondary communications through other devices, including cell phones. The regulations must be~~ consistent with the protocols established by the department of emergency services.

SECTION 2. A new section to chapter 23-27 of the North Dakota Century Code is created and enacted as follows:

Balance billing prohibited - Enforcement.

1. For purposes of this section, "ambulance service provider" means a service entity licensed under chapter 23-27 as a basic life support or advanced life support ambulance service. The term does not include an air ambulance provider.
2. An ambulance service provider may not collect or bill more than the covered individual's deductible, coinsurance, copayment, or other cost-sharing amount the covered individual would be responsible for if services were provided by a participating ambulance service provider.

SECTION 3. A new section to chapter 26.1-47 of the North Dakota Century Code is created and enacted as follows:

Ambulance insurance coverage - Direct payment required - Determination of reimbursement rate for out-of-network ambulance service providers.

1. As used in this section:
 - a. "Ambulance service provider" means a service entity licensed under chapter 23-27 as a basic life support or advanced life support ambulance service. The term does not include an air ambulance provider.

- b. "Covered person" means an individual eligible to receive coverage of covered services by a health care insurer under a health benefit plan.
 - c. "Covered services" means medically necessary patient care or transportation provided by ambulance service providers.
 - d. "Health care insurer" means an entity subject to state insurance regulation that provides health benefit coverage in this state. The term includes:
 - (1) An insurance company;
 - (2) A health maintenance organization;
 - (3) A hospital or medical service corporation; and
 - (4) A risk-based provider organization.
 - e. "Medicare reimbursement rate" means the reimbursement rate for a particular health care service provided under the Health Insurance for the Aged and Disabled Act, title XVIII of the federal Social Security Act of 1965 [42 U.S.C. 1395 et seq.], as amended.
- 2. All reimbursements made by a health care insurer for the provision of ambulance services to a covered person must be paid directly to the ambulance service provider or the provider's designee.
 - 3. If a covered person receives ambulance services from an out-of-network ambulance service provider, the health care insurer shall pay the ambulance service provider the lesser of:
 - a. Two hundred fifty percent of the Medicare reimbursement rate for the same service in the same geographic area; or
 - b. The ambulance provider's billed charges.
 - 4. Any rate the health care insurer pays under this section may not be required to include the coinsurance, copayment, and deductible owed or already paid by the covered person.
 - 5. The insurance commissioner may adopt rules to implement and enforce this section.

SECTION 4. LEGISLATIVE MANAGEMENT STUDY - DELINQUENT BILLING REIMBURSEMENT. During the 2025-26 interim, the legislative management shall consider studying the feasibility and desirability of establishing a delinquent billing reimbursement grant system for ambulance service providers. The study must include input from stakeholders, including the insurance department, and a survey of ambulance service providers. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 5. APPROPRIATION - LEGISLATIVE COUNCIL - DELINQUENT BILLING REIMBURSEMENT - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much of the sum as may be necessary, to the legislative council for the purpose of contracting for consulting services for the study provided for

in section 4 of this Act, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation provided in this section is considered a one-time funding item.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 247

SENATE BILL NO. 2033

(Legislative Management)
(Health Services Committee)

AN ACT to create and enact chapter 23-27.2 of the North Dakota Century Code, relating to the distressed ambulance service program; to provide for a legislative management report; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 23-27.2 of the North Dakota Century Code is created and enacted as follows:

23-27.2-01. Definitions.

As used in this chapter:

1. "Department" means the department of health and human services.
2. "Distressed ambulance service" means a licensee the department has declared a distressed ambulance service under section 23-27.2-05.
3. "Emergency medical services plan" or "plan" means a detailed improvement plan for a distressed ambulance service to deliver sustainable and reliable emergency medical response and transport services to a patient within an assigned service area.
4. "Licensee" means an emergency medical services operation as defined in section 23-27-02.
5. "Program" means the distressed ambulance service program.

23-27.2-02. Program creation and administration.

1. The distressed ambulance service program is hereby created.
2. The department shall:
 - a. Carry out the administrative functions of the program;
 - b. Adopt rules necessary to implement this chapter and manage the program;
 - c. Take reasonable measures to ensure reliable ambulance response within a distressed ambulance service's assigned service area;
 - d. Monitor the implementation of a response approved under section 23-27.2-04;

- e. Monitor the implementation of a plan approved under section 23-27.2-06; and
 - f. Annually evaluate issued waivers.
3. The department may:
- a. Waive specific provisions of chapter 23-27 or rules adopted under chapter 23-27 for a defined period of time, provided such waiver does not adversely affect the health and safety of the public; and
 - b. Suspend or revoke a distressed ambulance service's license in accordance with section 23-27.2-06.

23-27.2-03. Licensee evaluation - Notice.

1. The department shall identify and evaluate licensees that have:
- a. A substantial likelihood to fail to comply with federal or state law or regulation;
 - b. Indicated an intention to cease operation or change licensure level within sixty days; or
 - c. Indicated a substantial likelihood of failure to respond to requests for service.
2. Upon identification of a licensee that meets the criteria under subsection 1, the department may provide notice, in accordance with subsection 3, to the licensee by first-class mail. If provided, the notice must be sent to the:
- a. Licensee;
 - b. Service leader of record;
 - c. Medical director of record; and
 - d. Political subdivision that has jurisdiction over the licensee, if applicable.
3. The notice must include:
- a. The deadline for the licensee to respond in accordance with section 23-27.2-04;
 - b. A detailed description of the circumstances of the licensee under subsection 1;
 - c. The proposed corrective action that must be taken by the licensee; and
 - d. Any resources available to the licensee to assist in taking corrective action.

23-27.2-04. Licensee - Response.

1. A licensee that receives a notice under section 23-27.2-03 shall respond to the department within forty-five days of the date of the notice. The response must include:
 - a. The licensee's proposed corrective action to address the criteria under subsection 1 of section 23-27.2-03;
 - b. The licensee's proposed time frame in which to take corrective action and become fully compliant; and
 - c. If necessary, a request for a waiver.
2. Within fifteen days of the date of the response, the department shall:
 - a. Approve the response; or
 - b. Request the licensee amend the response.
3. The department may extend the deadline to respond if an amendment to the response is requested under subsection 2.

23-27.2-05. Distressed ambulance service - Declaration and notice.

1. The department may declare a licensee a distressed ambulance service if the licensee:
 - a. Failed to respond to the department in accordance with section 23-27.2-04;
 - b. Failed to make sufficient progress to address the circumstances described in the notice;
 - c. Failed to take corrective action in accordance with the approved response;
 - d. Indicated an intention to cease operation or change licensure level within sixty days; or
 - e. Indicated a substantial likelihood of failure to respond to requests for service.
2. The department shall provide notice of the declaration by first-class mail to the recipients under subsection 2 of section 23-27.2-03. The notice must include the department's basis for the declaration.

23-27.2-06. Distressed ambulance service - Procedure - Plan.

1. The department shall assign a coordinator to the distressed ambulance service within seven days of the date of the notice of declaration. The coordinator may be an employee of the department or a contractor. The coordinator shall develop, implement, and monitor an emergency medical services plan.
2. The emergency medical services plan must:

- a. Include a detailed planning and implementation timeline to deliver sustainable and reliable emergency medical response and transport services to a patient within the assigned service area;
- b. Evaluate the impact on the assigned and adjacent service areas; and
- c. Consider input from stakeholders, including:
 - (1) The distressed ambulance service;
 - (2) The political subdivision that has jurisdiction over the distressed ambulance service;
 - (3) The county and city governments within the service area;
 - (4) Licensed medical facilities;
 - (5) Adjacent ambulance services;
 - (6) Other emergency medical services within the service area; and
 - (7) Other interested parties.
3. The coordinator shall present a proposed plan at a public meeting held in the distressed ambulance service's assigned service area within thirty days of the date of assignment. The coordinator shall allow stakeholders and the public the opportunity to provide input relating to the plan.
4. The coordinator shall present a final plan at a second public meeting held in the distressed ambulance service's assigned service area within thirty days of the date of the first public meeting.
 - a. The distressed ambulance service shall approve or reject the department's final plan at the second public meeting.
 - (1) If the distressed ambulance service approves the plan, the distressed ambulance service shall comply with all aspects of the plan.
 - (2) If the distressed ambulance service rejects the plan, the service leader of record shall present an amended plan to the department within fourteen days after the date of the second public meeting.
 - b. The department shall approve or reject the amended plan within seven days of receipt.
5. If the department and distressed ambulance service are unable to agree on a plan, or if the distressed ambulance service fails to comply with any aspect of an approved plan, the department may take action as necessary to protect the health, safety, and welfare of the public, in accordance with section 23-27.2-02.
6. The department shall provide notice of a public meeting conducted under this section. The notice must be:
 - a. Published in a newspaper of general circulation within the service area between fourteen and seven days before the meeting; and

- b. Delivered by first-class mail to the county auditor of each county in the service area at least seven days before the meeting.
- 7. The department may request the distressed ambulance service reimburse the department for direct costs incurred in the administration of this section and for any reasonable measures taken to ensure reliable ambulance response within the distressed ambulance service's assigned service area. The distressed ambulance service shall reimburse the department within thirty days after receipt of the request.

23-27.2-07. Distressed ambulance service program - Continuing appropriation.

There is created in the state treasury a distressed ambulance service program fund. The fund consists of all moneys transferred to the fund and all interest and earnings upon moneys in the fund. Moneys in the fund are appropriated to the department on a continuing basis for the purposes of administering this chapter, including for the payment of contractor fees and expenses incurred by or for the operation of the program.

23-27.2-08. Distressed ambulance service program - Report to legislative management.

Each interim, the department shall provide a report to the legislative management regarding the status of the program. The report must include the provisions of the program, the number of distressed ambulance services, coordinated efforts and activities, program costs and expenses, and the overall effectiveness of the program.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 248

SENATE BILL NO. 2267

(Senators Myrdal, Klein, Magrum)
(Representatives K. Anderson, Koppelman)

AN ACT to create and enact a new chapter to title 23.1 of the North Dakota Century Code, relating to onsite wastewater treatment systems; to amend and reenact sections 23-35-02 and 23-35-08 of the North Dakota Century Code, relating to the powers and duties of the boards of health and public health units; to repeal sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century Code, relating to the onsite wastewater recycling technical committee; to provide for a legislative management report; to provide a penalty; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-35-02 of the North Dakota Century Code is amended and reenacted as follows:

23-35-02. Public health units - Core functions.

1. All land in the state must be in a public health unit.
2. At a minimum, a public health unit shall provide the following core functions:
 - a. Communicable disease control, which must include:
 - (1) Conducting of disease surveillance for the purpose of preventing and controlling communicable disease, with assistance from the department.
 - (2) Assurance of the availability of community-based programs to provide communicable disease prevention and control services.
 - (3) Recognition, identification, and response to a communicable disease event, in collaboration with the department.
 - b. Chronic disease and injury prevention, which must include conducting programs to reduce the burden of chronic disease and injury through policy, system, and environmental change approach; prevention screening; and education.
 - c. Environmental public health, which must include:
 - (1) Prevention of environmental hazards by the provision of information and education to facility operators and managers and to community members.
 - (2) Assurance of the availability of environmental health services to prevent and respond to community and residential environmental hazards.

(3) Permitting and inspections of onsite wastewater treatment systems in accordance with section 3 of this Act. A public health unit shall conduct a required in-person or virtual inspection of an onsite wastewater system within one business day of receiving the request for the inspection. A public health unit may enter a cooperative agreement with a county or city for the permitting and inspection of onsite wastewater treatment systems within the boundaries of the county or city. A cooperative agreement may be terminated as provided in the agreement, by joint action of all parties, or by an individual party no less than one year after providing written notice to the other party.

d. Maternal, child, and family health, which must include:

- (1) Assessment and monitoring of maternal and child health status to identify and address problems.
- (2) Implementation of programs to promote the health of women, children, and youth, and their families, through policy, system, and environmental change approaches; prevention screenings; and education.

e. Access to clinical care, which must include:

- (1) Collaboration with health care system partners to foster access to clinical care.
- (2) Facilitation of linkages and referrals for appropriate clinical care, services, and resources.

SECTION 2. AMENDMENT. Section 23-35-08 of the North Dakota Century Code is amended and reenacted as follows:

23-35-08. Boards of health - Powers and duties.

Except when in conflict with a local ordinance or a civil service rule within a board of health's jurisdiction, or a tribal code, ordinance, or policy, each board of health:

1. Shall keep records and make reports required by the department.
2. Shall prepare and submit a public health unit budget.
3. Shall audit, allow, and certify for payment expenses incurred by a board of health in carrying into effect this chapter.
4. May accept and expend any gift, grant, donation, or other contribution offered to aid in the work of the board of health or public health unit.
5. May make rules regarding any nuisance, source of filth, and any cause of sickness which are necessary for public health and safety, except rules regarding the licensing of onsite wastewater treatment system installers.
6. May establish by rule a schedule of reasonable fees that may be charged for services rendered. Services may not be withheld due to an inability to pay any fees established under this subsection. If a tribal board of health establishes fees for services rendered, the fees may not exceed the highest corresponding fee of any of the public health units that border the tribal public health unit.

7. May make rules in a health district or county public health department, as the case may be, and in the case of a city public health department may recommend to the city's governing body ordinances for the protection of public health and safety.
8. May adopt confinement, decontamination, and sanitary measures in compliance with chapter 23-07.6 which are necessary when an infectious or contagious disease exists.
9. May make and enforce an order in a local matter if an emergency exists.
10. May inquire into any nuisance, source of filth, or cause of sickness.
11. Except in the case of an emergency, may conduct a search or seize material located on private property to ascertain the condition of the property as the condition relates to public health and safety as authorized by an administrative search warrant issued under chapter 29-29.1.
12. May abate or remove any nuisance, source of filth, or cause of sickness when necessary to protect the public health and safety.
13. May supervise any matter relating to preservation of life and health of individuals, including the supervision of any water supply and sewage system.
14. May isolate, kill, or remove any animal affected with a contagious or infectious disease if the animal poses a material risk to human health and safety.
15. Shall appoint a local health officer.
16. May employ any person necessary to effectuate board rules and this chapter.
17. If a public health unit is served by a part-time local health officer, the board of health may appoint an executive director. An executive director is subject to removal for cause by the board of health. The board of health may assign to the executive director the duties of the local health officer, and the executive director shall perform these duties under the direction of the local health officer.
18. May contract with any person to provide the services necessary to carry out the purposes of the board of health.
19. Shall designate the location of a local health officer's office and shall furnish the office with necessary equipment.
20. May provide for personnel the board of health considers necessary.
21. Shall set the salary of the local health officer, the executive director, and any assistant local health officer and shall set the compensation of any other public health unit personnel.
22. Shall pay for necessary travel of the local health officer, the local health officer's assistants, and other personnel in the manner and to the extent determined by the board.

SECTION 3. A new chapter to title 23.1 of the North Dakota Century Code is created and enacted as follows:

Definitions.

For the purposes of this chapter:

1. "Department" means the department of environmental quality.
2. "Install" means to place or replace a part of an onsite waster treatment system, whether new or existing, to make it ready for use.
3. "License" means authorization by the department for an individual to engage in the business of installing an onsite wastewater treatment system.
4. "Onsite wastewater treatment system" means a wastewater treatment system or part thereof, serving a dwelling or building, or group thereof, which uses soil treatment and disposal. The term commonly may be known as a septic system.
5. "Permit" means authorization from a local public health unit or other political subdivision to install an onsite wastewater treatment system, in accordance with the specific site and rules adopted under this title.

Septic systems - Authority.

1. Except as otherwise provided by law, the department has the exclusive authority to adopt rules regarding licensing, permitting, and inspections of onsite wastewater treatment systems.
2. The department shall provide technical assistance and guidance to municipalities and local public health units on all matters related to onsite wastewater treatment systems.
3. An ordinance enacted or adopted by a county or city in accordance with a home rule charter, or an ordinance enacted or adopted by any other political subdivision, in conflict with a rule adopted under this section is void.

Licensing.

1. An individual may not engage in the business of installing an onsite wastewater treatment system unless the individual is licensed. To remain licensed in good standing, a licensee shall comply with this chapter and any rules adopted under this title.
2. An individual is exempt from the licensing requirements of this chapter if the individual is installing an onsite wastewater sewage treatment system on the individual's premises for the individual's use.
3. The department shall establish rules for the issuance, expiration, and renewal of licenses.
4. The department may revoke or suspend a license issued under this chapter if:
 - a. The licensee practices fraud or deception in obtaining the license or in the individual's performance of a licensed activity;

- b. Reasonable care, judgment, or the application of the licensee's knowledge or ability is not used in the performance of the licensee's duties; or
 - c. The licensee violates a state or federal environmental law, rule, standard, or permit when performing a licensed activity.
- 5. A license may not be revoked or suspended except after a hearing before the director of the department, or the director's designated representative. If a license is suspended or revoked, a new application for licensure may be considered by the department only after the conditions causing the suspension or revocation have been corrected, and evidence of this fact is submitted to the satisfaction of the department.

Standards for onsite wastewater treatment systems - Installation - Inspection.

- 1. The department shall establish rules relating to permitting onsite wastewater treatment systems.
- 2. The department may prescribe by rule a process for obtaining variances for existing nonconforming or nonfunctional onsite wastewater treatment systems. The process shall consider the:
 - a. Environmental impact;
 - b. Impact to public health;
 - c. Cost of compliance; and
 - d. Least restrictive means.
- 3. Onsite wastewater sewage treatment system installation and inspections must comply with the rules adopted in accordance with this title.

Appeal to the department.

- 1. An action of a political subdivision denying, modifying, or revoking a permit to install an onsite wastewater treatment system may be appealed to the department by petition for review. The appeal must be filed with the department within ten days of receiving notice of the denial, modification, or revocation.
- 2. Upon receipt of the petition, the department shall review the appealed decision and the petition to determine whether the denial, modification, or revocation was made in accordance with the provisions of this title and rules. The department shall provide its findings and recommendation to the political subdivision, the licensed installer, and the owner of the property where the proposed onsite wastewater treatment system is located.

Fees.

The department may provide for the payment and collection of reasonable fees for the issuance of licenses for onsite wastewater system installers by rule. The license fees must be based on the anticipated cost of filing and processing the application, taking action on the requested license, and conducting an oversight program to determine compliance or noncompliance with the license. Any moneys

collected for licensing fees must be deposited in the department operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly.

Enforcement.

1. An individual who violates a provision of this chapter or any rule, standard, order, or permit condition adopted in accordance with this chapter is subject to a civil penalty not to exceed twelve thousand five hundred dollars per violation.
2. An individual who willfully makes a false statement, false representation, or false certification in an application, record, report, plan, or other applicable requirement implementing this chapter or that falsifies, tampers with, or willfully renders inaccurate any monitoring device or sample, is subject to a civil penalty not to exceed five thousand dollars per violation.

Administrative procedure and judicial review.

1. A proceeding under this chapter to adopt or modify rules relating to licensing individuals for the installation or servicing of onsite wastewater treatment systems, or for determining compliance with rules of the department, must be conducted in accordance with the provisions of chapter 28-32.
2. An appeal of a decision issued under subsection 1, must be conducted in accordance with the provisions of chapter 28-32.

⁹⁶ **SECTION 4. REPEAL.** Sections 23-35-02.2 and 23-35-02.3 of the North Dakota Century Code are repealed.

SECTION 5. APPROPRIATION - DEPARTMENT OF ENVIRONMENTAL QUALITY - ONE-TIME FUNDING - REPORT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$99,500, or so much of the sum as may be necessary, to the department of environmental quality for the purpose of regulation of onsite wastewater treatment systems, for the biennium beginning July 1, 2025, and ending June 30, 2027. The department shall report to the legislative management prior to August 1, 2026. The appropriation in this section is considered a one-time funding item.

Approved April 22, 2025

Filed April 23, 2025

⁹⁶ Section 23-35-02.2 was amended by section 4 of Senate Bill No. 2308, chapter 479; section 23-35-02.3 was also repealed by section 39 of Senate Bill No. 2308, chapter 479.

CHAPTER 249

HOUSE BILL NO. 1597

(Representative Heinert)

AN ACT to provide an exemption; and to provide for the distribution of state financial assistance to eligible ambulance service operations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. EXEMPTION - AMBULANCE SERVICE OPERATION FUNDING DISTRIBUTION. Notwithstanding section 23-46-04 relating to state financial assistance for emergency medical services, during the biennium beginning July 1, 2025, and ending June 30, 2027, the department of health and human services, in consultation with the emergency medical services advisory council, shall provide state financial assistance to each eligible ambulance service operation pursuant to the following calculation:

1. The minimum reasonable budget for each operation must be determined by adding the product of the operation's average number of runs for the two most recent calendar years multiplied by the cost of a run. The cost of a run for this biennium is two thousand twenty-three dollars. If the average runs multiplied by the cost of a run equals less than one hundred twenty-five thousand dollars, the minimum reasonable budget for that ambulance service is one hundred twenty-five thousand dollars. The grant amount must be the lesser of:
 - a. The calculation in subsection 2; or
 - b. The cost of a run multiplied by the average number of runs.
2. The operation's grant amount must be determined by deducting the following amounts from the operation's budget calculated under subsection 1:
 - a. The product of the operation's average number of runs for the two most recent calendar years multiplied by the reimbursement for a run. The reimbursement for a run is seven hundred ninety-five dollars; and
 - b. The product of the property tax valuation of the operation's response area for the most recent taxable year multiplied by five mills. The property tax valuation of the operation's response area must be provided by the county auditor annually no later than July thirty-first. If the response area covers multiple counties, the county auditor with the most response area is responsible for coordinating with the other county auditors.
3. The maximum total grant calculation for each operation, after accounting for the deductions in subsection 2, may not exceed two hundred twenty-five thousand dollars.
4. The maximum reimbursement for a run is two thousand twenty-three dollars. Notwithstanding subsection 5, for grant amounts distributed through June 30, 2027, the minimum total grant calculation for each operation, after accounting

for the deductions in subsection 2, must be at least fifty percent of the previous year's grant amount, but not more than the amount calculated in subsection 1.

5. The department shall distribute a prorated share of the operation's calculated grant amount if legislative appropriations for state financial assistance for emergency medical services is not sufficient to provide full grant funding calculated under this section.
6. An operation is not eligible to receive funding under this section if the operation does more than eight hundred runs per year.
7. A response area acquired after April 1, 2024, due to an adjacent ambulance service closure is not calculated in the operations response area for the purpose of the grant calculation.

Approved April 15, 2025

Filed April 17, 2025

ENVIRONMENTAL QUALITY

CHAPTER 250

HOUSE BILL NO. 1058

(Energy and Natural Resources Committee)

(At the request of the Department of Environmental Quality)

AN ACT to create and enact a new chapter to title 23.1 of the North Dakota Century Code, relating to the regulation of aboveground storage tanks; to amend and reenact section 23.1-12-02 and subsection 7 of section 23.1-12-17 of the North Dakota Century Code, relating to the department of environmental quality and tank registration fees; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 23.1 of the North Dakota Century Code is created and enacted as follows:

Definitions.

For purposes of this chapter:

1. "Aboveground storage tank" means any one or a combination of aboveground containers, vessels, or enclosures, including associated piping or appurtenances used to store an accumulation of refined petroleum products that is not an underground storage tank as defined in chapter 23.1-04. The term does not include a:
 - a. Farm or residential tank used for storing motor fuel for noncommercial purposes.
 - b. Tank used for storing heating oil for consumptive use on the premises where stored.
 - c. Septic tank.
 - d. Pipeline facility, including gathering lines and breakout tanks, regulated under:
 - (1) The Natural Gas Pipeline Safety Act of 1968 [Pub. L. 90-481].
 - (2) The Hazardous Liquid Pipeline Safety Act of 1979 [Pub. L. 96-129, 49 U.S.C. 60101 et seq.].
 - (3) An interstate pipeline facility regulated under state laws comparable to the provisions of law in paragraph 1 or 2.
 - (4) Title 49, Code of Federal Regulations, part 195.

- e. Surface impoundment, pit, pond, lagoon, storm water collection system, or wastewater collection system.
 - f. Flow-through process tank or vapor recovery unit tank.
 - g. Liquid trap or associated gathering lines directly related to oil or gas production and gathering operations.
 - h. Tank owned by the federal government.
 - i. Tank used for the transportation of petroleum.
 - j. Tank with a capacity under one thousand three hundred twenty gallons [4996.73 liters] used to store lubricating oil.
 - k. Tank used to store ethanol or biodiesel for wholesale purposes with a capacity greater than twenty thousand gallons [75708.24 liters].
 - l. Tank that is located at or is part of a terminal, midstream facility, petrochemical plant, syngas plant, fertilizer plant, petroleum or renewable fuels refinery, electric energy conversion facility, electric transmission related facility, and associated transloading facility.
 - m. Tank, liquid trap, gathering line, or other facility associated with exploration, development, or production of oil, gas, or geothermal resources controlled under title 38.
 - n. Asphalt tank.
 - o. Storage tank situated in an underground area, including a basement, cellar, mine, mine drift, mine shaft, or mine tunnel, if the storage tank is situated upon or above the surface of the floor.
 - p. Propane storage tank.
 - q. Tank used to fuel or service rail locomotives, rail equipment, or coal mining equipment.
 - r. Portable tank.
 - s. Tank under subdivision d or l of subsection 13 of section 23.1-12-02, unless the owner or operator registers the tank and is eligible for reimbursement under the petroleum release compensation fund.
2. "Department" means the department of environmental quality.
3. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so the solid waste or hazardous waste or any hazardous constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including ground water.
4. "Electric energy conversion facility" means a plant, addition, or combination of a plant and addition, designed for or capable of wind energy generation, or any means of energy generation, and the plant associated facilities.

5. "Electric transmission related facility" means an electric transmission line and associated facilities designed for transmission of generated electricity, or a facility used for utility-scale storage of electricity and connected or adjacent to an electric transmission facility or facility controlled by or serving a utility with electric energy transmission, and distribution equipment and materials.
6. "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for storing a regulated substance. A facility may consist of several contiguous storage or operational units.
7. "Midstream facility" means a facility that receives petroleum products by pipeline or by truck. The term does not include a retailer or end user.
8. "Operator" means a person in control of, or having responsibility for, the daily operation of an aboveground storage tank.
9. "Owner" means a person who holds title to, controls, or possesses an interest in the aboveground storage tank.
10. "Petroleum" means:
 - a. Gasoline or petroleum products as defined in chapter 23.1-13;
 - b. Constituents of gasoline or fuel oil under subdivision a; and
 - c. Oil sludge and oil refuse.
11. "Portable tank" means a storage tank and storage tank piping or wiring that is not stationary or affixed, including a tank on skids.
12. "Refined petroleum products" means gasoline, kerosene, heating oils, diesel fuels, and other compounds as defined by the department.
13. "Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an aboveground storage tank into the environment, including ground water, surface water, or subsurface soils.
14. "Terminal" means a refined petroleum product storage and distribution facility that is supplied directly by pipeline and from which the refined petroleum product may be removed from the rack.
15. "Utility" means a person engaged in and controlling electric generation, transmission of electric energy, or the transmission of water from or to any electric energy conversion facility.

Powers and duties of the department.

The department shall:

1. Administer and enforce this chapter.
2. Administer aboveground storage tank programs under this chapter.
3. Adopt, modify, repeal, and enforce rules governing the aboveground storage tanks.

4. Enter agreements with other local, state, or federal agencies regarding responsibilities for regulating aboveground storage tanks to promote consistency in enforcement and avoid duplication in regulation.

Aboveground storage tank regulations.

The department shall adopt rules:

1. For maintaining a leak detection method or combination of methods designed to identify releases in a manner consistent with the protection of human health and the environment.
2. For maintaining records of any monitoring of a leak detection system, inventory control system, or tank testing system.
3. For reporting of any releases and corrective action taken in response to a release from an aboveground storage tank.
4. For taking corrective action in response to a release from an aboveground storage tank.
5. For the closure of an aboveground storage tank to prevent a release of regulated substances into the environment.
6. For designation of an aboveground tank as ineligible for delivery.
7. For maintaining evidence of financial responsibility for taking corrective action and compensating third parties for bodily injury and property damage caused by sudden and nonsudden accidental releases arising from operating an aboveground storage tank.
8. Establishing standards for construction and performance of new aboveground storage tanks.
9. For notifying the department or designated local agency of the existence of any operational or nonoperational aboveground storage tank.
10. For a permit fee system to own, install, or operate an aboveground storage tank.

Fees - Deposit in operating fund.

The department by rule may provide for the payment and collection of reasonable fees for the issuance of permits for registering, licensing, or permitting aboveground storage tanks. The permit fees must be based on the anticipated cost of filing and processing the application, taking action on the requested permit, and conducting a monitoring and inspection program to determine compliance or noncompliance with the permit. Any moneys collected for permit licensing fees must be deposited in the department operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly.

Inspections - Right of entry.

To develop or enforce any rule authorized by this chapter or enforce a requirement of this chapter, any duly authorized representative or employee of the department may, upon presentation of appropriate credentials, at any reasonable time:

1. Enter any place, facility, or site at which an aboveground storage tank is located.
2. Inspect and obtain samples of any substance the department has reason to believe may be regulated by this chapter.
3. Inspect and copy any records, reports, information, or test results relating to the purposes of this chapter.

Imminent hazard.

Upon receipt of information that a release from an aboveground storage tank may present an imminent and substantial endangerment to health or the environment, the department may take emergency action as necessary to protect health or the environment.

Enforcement penalties.

1. If the department finds a person is in violation of a permit, rule, standard, or requirement of this chapter, the department may issue an order requiring the person to comply with the permit, rule, standard, or requirement, and the department may bring an action for a civil penalty, including an action for injunctive relief. An action under this chapter must be brought in the district court for the county in which the violation occurred or in which the party in violation has the party's residence or principal office.
2. A person that violates a provision of this chapter or any rule, standard, or permit condition adopted under this chapter is subject to a civil penalty not to exceed twelve thousand five hundred dollars per day of violation. Each day of noncompliance constitutes a separate violation for purposes of penalty assessments.
3. A person that knowingly makes a false statement or representation in documentation required by this chapter is subject to a civil penalty not to exceed twelve thousand five hundred dollars per violation.
4. An administrative action brought under this chapter must be conducted in accordance with chapter 28-32.

SECTION 2. AMENDMENT. Section 23.1-12-02 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-02. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Actually incurred" means, in the case of corrective action expenditures, the owner, operator, landowner, an insurer, or a contractor hired by the owner, operator, or the landlord has expended time and materials, and only that person is receiving reimbursement from the fund.
2. "Board" means the petroleum release compensation board.
3. "Corrective action" means an action required by the department to minimize, contain, eliminate, remediate, mitigate, or clean up a release, including any remedial emergency measures. The term does not include the repair or replacement of equipment or preconstructed property.

4. "Dealer" means a person licensed by the tax commissioner to sell motor vehicle fuel or special fuels within the state.
5. "Department" means the department of environmental quality.
6. "Electric energy conversion facility" means a plant, addition, or combination of a plant and addition, designed for or capable of wind energy generation, or any means of energy generation, and the plant associated facilities.
7. "Electric transmission related facility" means an electric transmission line and associated facilities designed for transmission of generated electricity, or a facility used for utility-scale storage of electricity and connected or adjacent to an electric transmission facility or facility controlled by or serving a utility with electric energy transmission, and distribution equipment and materials.
8. "Fund" means the petroleum release compensation fund.
- ~~7-9.~~ "Location" means a physical address or site that has contiguous properties. Noncontiguous properties within a municipality or other governmental jurisdiction are considered separate locations.
10. "Midstream facility" means a facility that receives petroleum products by pipeline or by truck. The term does not include a retailer or end user.
- ~~8-11.~~ "Operator" means a person in control of, or having responsibility for, the daily operation of a tank under this chapter.
- ~~9-12.~~ "Owner" means a person who holds title to, controls, or possesses an interest in the tank before the discontinuation of its use.
- ~~40-13.~~ "Petroleum" means any of the following:
 - a. Gasoline and petroleum products as defined in chapter 23.1-13.
 - b. Constituents of gasoline and fuel oil under subdivision a.
 - c. Oil sludge and oil refuse.
- ~~44-14.~~ "Portable tank" means a storage tank along with its piping and wiring that is not stationary or affixed, including a tank that is on skids.
- ~~42-15.~~ "Release" means any unintentional spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum from a tank into the environment whether occurring before or after the effective date of this chapter, but does not include discharges or designed venting allowed under federal or state law or under adopted rules.
- ~~43-16.~~ "Tank" means any one or a combination of containers, vessels, and enclosures, whether aboveground or underground, including associated piping or appurtenances used to contain an accumulation of petroleum, ethanol, or biodiesel. The term does not include:
 - a. Tanks owned by the federal government.
 - b. Tanks used for the transportation of petroleum.
 - c. A pipeline facility, including gathering lines and breakout tanks:

- (1) Regulated under the Natural Gas Pipeline Safety Act of 1968.
 - (2) Regulated under the Hazardous Liquid Pipeline Safety Act of 1979.
 - (3) Regulated under state laws comparable to the provisions of law in paragraph 1 or 2, if the facility is an interstate pipeline facility.
 - (4) Regulated under title 49, Code of Federal Regulations, part 195.
- d. An underground farm or residential tank with a capacity of one thousand one hundred gallons [4163.94 liters] or less or an aboveground farm or residential tank of any capacity used for storing motor fuel for noncommercial purposes. However, the owner of an aboveground farm or residential tank may, upon application, register the tank and be eligible for reimbursement under this chapter.
 - e. A tank used for storing heating oil for consumptive use on the premises where stored.
 - f. A surface impoundment, pit, pond, ~~or lagoon,~~ storm water collection system, or wastewater collection system.
 - g. A flowthrough process tank or vapor recovery unit tank.
 - h. A tank, liquid trap, or associated gathering lines directly related to oil or gas, or other facility associated with the exploration, development, or production or gathering operations of oil, gas, or geothermal resources under title 38.
 - i. A storage tank situated in an underground area such as a basement, cellar, mine working, drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the floor.
 - j. A tank used for the storage of propane.
 - k. A tank used to fuel or service rail locomotives, rail equipment, or surface coal mining equipment.
 - l. An aboveground tank used to feed diesel fuel generators. Upon application, the owner or operator of an aboveground tank used to feed diesel fuel generators may register the tank and is eligible for reimbursement under this chapter.
 - m. A portable tank.
 - n. A tank with a capacity under one thousand three hundred twenty gallons [4996.728 liters] used to store lubricating oil.
 - o. A tank used to store ethanol or biodiesel for wholesale purposes with a capacity of greater than twenty thousand gallons [75708.24 liters].
 - p. A tank that is located at or is part of a terminal, midstream facility, petrochemical plant, syngas plant, fertilizer plant, petroleum or renewable fuels refinery, electric energy conversion facility, or electric transmission related facility, including associated transloading facility.
 - q. An asphalt tank.

r. A septic tank.

- ~~44-17.~~ "Tank integrity test" means a test to determine that a tank is sound and not leaking. For an underground tank, the term means a certified third-party test that meets environmental protection agency leak detection requirements. For an aboveground tank, the term means a test conducted according to steel tank institute SP 001 or American petroleum institute 653.
18. "Terminal" means a refined petroleum product storage and distribution facility that is supplied directly by pipeline and from which the refined petroleum product may be removed from the rack.
- ~~45-19.~~ "Third party" means a person who is damaged by the act of a registered owner, operator, or dealer requiring corrective action, or a person who suffers bodily injury or property damage caused by a petroleum release.
20. "Utility" means a person engaged in and controlling electric generation, the transmission of electric energy, or the transmission of water from or to any electric energy conversion facility.

SECTION 3. AMENDMENT. Subsection 7 of section 23.1-12-17 of the North Dakota Century Code is amended and reenacted as follows:

7. If a registration payment is not received within sixty days of ~~July first~~ the date required under rules adopted by the department, a late fee of twenty-five dollars per tank per month must be imposed on the tank owner or operator.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 251

SENATE BILL NO. 2110

(Workforce Development Committee)
(At the request of the Department of Environmental Quality)

AN ACT to create and enact a new section to chapter 23.1-07 of the North Dakota Century Code, relating to the certification and regulation of water distribution and wastewater system operators; to amend and reenact subsection 1 of section 23.1-07-04 and sections 23.1-07-05, 23.1-07-06, and 23.1-07-08 of the North Dakota Century Code, relating to the certification and penalization of water distribution and wastewater system operators; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 23.1-07-04 of the North Dakota Century Code is amended and reenacted as follows:

1. A certificate issued under this chapter is valid for only one year and expires on the first day of ~~July~~January of the year after which it was issued.

SECTION 2. AMENDMENT. Section 23.1-07-05 of the North Dakota Century Code is amended and reenacted as follows:

23.1-07-05. Fees.

~~The department may charge a fee for certificates issued under this chapter, but the fees may not exceed fifty dollars for the initial certificate, or twenty-five dollars for the annual renewal certificate.~~ by rule may prescribe and provide for the payment and collection of reasonable fees for certificates issued under this chapter. The fees must be based on the anticipated cost of filing and processing applications for operator certification, preparing and administering examinations, and the annual renewal of certificates. All receipts from the fees must be deposited in the state treasury to be credited to a special fund to be known as the "operators' certification fund" to be used by the department to administer and enforce this chapter and financially assist the department in conducting operator training programs. Any surplus at the end of the fiscal year must be retained by the department for future expenditures.

⁹⁷ **SECTION 3. AMENDMENT.** Section 23.1-07-06 of the North Dakota Century Code is amended and reenacted as follows:

23.1-07-06. Duties of the department.

The department shall:

1. Hold at least one examination each year, administered by the department or a third-party examination service, at a designated time and place for the purpose of examining candidates for certification.

⁹⁷ Section 23.1-07-06 was also amended by section 2 of House Bill No. 1577, chapter 252.

2. Promote the program of certification of water supply and wastewater disposal system operators.
3. Distribute notices and applications and to receive and evaluate applications.
4. Collect fees for initial certification and annual renewal.
5. Prepare, conduct, and grade examinations. The department may use a third-party examination service to prepare, conduct, and grade examinations.
6. Maintain records of operator qualifications, certification examination results, and a register of certified operators.
7. Promote and schedule regular training schools and programs.
8. Adopt rules necessary to carry out this chapter.

SECTION 4. AMENDMENT. Section 23.1-07-08 of the North Dakota Century Code is amended and reenacted as follows:

23.1-07-08. Violations - Penalty.

~~Any~~

1. A person that violates this chapter, a rule implementing this chapter, or an order issued by the department under this chapter is subject to a civil penalty not to exceed five thousand dollars per day of violation.
2. ~~A person violating that~~ A person that willfully violates this chapter or the rules adopted under this chapter, after written notice of the violation by the department, is guilty of a class A misdemeanor.
3. A person that willfully makes a false statement, representation, or certification in an application, record, report, plan, or other document filed or required to be maintained under this chapter or any rule, order, limitation, or other applicable requirement implementing this chapter or that falsifies, tampers with, or willfully renders inaccurate any monitoring device or sample is guilty of a class A misdemeanor, unless the penalty for the violation is otherwise specifically provided for and made exclusive in this chapter.

SECTION 5. A new section to chapter 23.1-07 of the North Dakota Century Code is created and enacted as follows:

Administrative procedure and judicial review.

1. A proceeding under this chapter to adopt or modify rules relating to the certification and regulation of water distribution and wastewater system operators, or for determining compliance with rules of the department, must be conducted in accordance with the provisions of chapter 28-32.
2. An appeal of a decision issued under subsection 1, must be conducted in accordance with the provisions of chapter 28-32.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 252

HOUSE BILL NO. 1577

(Representatives Mitskog, Kempenich, Kiefert, Martinson, Nelson, Stemen)
(Senators Kessel, Weber)

AN ACT to create and enact a new section to chapter 23.1-07 and a new subsection to section 23.1-07-06 of the North Dakota Century Code, relating to a wastewater infrastructure grant program and the duties of the department of environmental quality; to authorize a Bank of North Dakota line of credit; to provide an appropriation; to provide for a legislative management study; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 23.1-07 of the North Dakota Century Code is created and enacted as follows:

Wastewater infrastructure grant program.

1. The department shall award wastewater infrastructure grants to eligible entities identified in subsection 2 to upgrade, replace, or construct infrastructure for a wastewater collection system, wastewater disposal system, or wastewater treatment plant.
2. Cities, counties, townships, water resource districts, recreation service districts, and water districts operating wastewater systems in the state may receive a grant under this section for an eligible project, subject to the availability of funds.
3. In awarding wastewater infrastructure grants to eligible entities, the department shall prioritize eligible entities that:
 - a. Have experienced a reduction in previously approved federal funds or federal assistance related to wastewater infrastructure projects; and
 - b. Are prepared to begin the wastewater infrastructure project upon receipt of the grants.
4. An eligible wastewater system must be in compliance with current wastewater regulations unless the project will return the system to compliance. Eligible projects may not include operations and maintenance costs.
5. The department may not award a grant in excess of sixty percent of the total cost of a project and shall ensure no community receives a grant for more than one project per biennium.

⁹⁸ **SECTION 2.** A new subsection to section 23.1-07-06 of the North Dakota Century Code is created and enacted as follows:

Administer the wastewater infrastructure grant program.

⁹⁸ Section 23.1-07-06 was also amended by section 3 of Senate Bill No. 2110, chapter 251.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - WASTEWATER PROJECT FUND. During the 2025-26 interim, the legislative management shall study the feasibility and desirability of establishing a wastewater project fund to provide grants for upgrading, constructing, or replacing wastewater infrastructure. The study must include input from cities, counties, townships, and water resource districts. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 4. APPROPRIATION - DEPARTMENT OF ENVIRONMENTAL QUALITY - WASTEWATER INFRASTRUCTURE GRANTS - BANK OF NORTH DAKOTA LINE OF CREDIT - ONE-TIME FUNDING.

1. The department of environmental quality may borrow up to \$9,700,000 through a line of credit from the Bank of North Dakota, which is appropriated to the department of environmental quality for the purpose of providing wastewater infrastructure grants during the biennium beginning July 1, 2025, and ending June 30, 2027. The interest rate associated with the line of credit may not exceed the prevailing interest rate charged to North Dakota governmental entities. The department of environmental quality shall request a deficiency appropriation from the seventieth legislative assembly to repay the line of credit.
2. Of the total appropriated in this section, the department of environmental quality shall provide grants of \$7,800,000 and \$1,900,000 to entities with eligible wastewater infrastructure projects under section 1 of this Act. If an entity awarded funding under this section receives federal funding for the same wastewater infrastructure project, the entity shall remit the federal funding to the department of environmental quality for the repayment of the line of credit.
3. The appropriation in this section is considered a one-time funding item.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure.

Approved May 1, 2025

Filed May 2, 2025

HIGHWAYS, BRIDGES, AND FERRIES

CHAPTER 253

HOUSE BILL NO. 1053

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to amend and reenact section 24-01-01.2 of the North Dakota Century Code, relating to the length of the state highway system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-01-01.2 of the North Dakota Century Code is amended and reenacted as follows:

24-01-01.2. State highway system - Mileage.

The state highway system may not exceed ~~seven percent of the entire road mileage of the state, whether such roads are township, county, or state roads, which may be functionally classified as to service, and in no case may such highway system exceed~~ seven thousand seven hundred miles [12391.95 kilometers] in length.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 254

HOUSE BILL NO. 1090

(Representatives K. Anderson, Beltz, Hagert, D. Johnston, Monson, Osowski,
D. Ruby, Vetter)
(Senators Clemens, Myrdal, Weston)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating the bridge on state highway 18 as the Specialist 4 Richard W. Orsund Vietnam bridge; to provide a continuing appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Specialist 4 Richard W. Orsund Vietnam bridge - State highway 18 - Continuing appropriation.

The department shall designate the bridge on state highway 18 between the junction of sixty-ninth street northeast and the junction of seventieth street northeast as the Specialist 4 Richard W. Orsund Vietnam bridge and shall place signs along the highway designating that name. The department may accept any appropriate signs or funds donated to the department for the placement of signs. Any donated funds are appropriated to the department on a continuing basis for the purpose of providing signs designating the bridge on state highway 18 as the Specialist 4 Richard W. Orsund Vietnam bridge.

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

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 255

HOUSE BILL NO. 1091

(Representatives K. Anderson, D. Anderson, J. Olson, M. Ruby, Wagner)
(Senators Barta, Lemm, Myrdal)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating the bridge on United States highway 81 as the Specialist 4 David LaTraille Vietnam bridge; to provide a continuing appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Specialist 4 David LaTraille Vietnam bridge - United States highway 81 - Continuing appropriation.

The department shall designate the bridge on United States highway 81 in Grafton between the junction of park street and the junction of Cashel street as the Specialist 4 David LaTraille Vietnam bridge and shall place signs along the highway designating that name. The department may accept any appropriate signs or funds donated to the department for the placement of signs. Any donated funds are appropriated to the department on a continuing basis for the purpose of providing signs designating the bridge on United States highway 81 as the Specialist 4 David LaTraille Vietnam bridge.

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

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 256

HOUSE BILL NO. 1092

(Representatives Vigesaa, Headland)
(Senator Wanzek)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating the overpass on United States highway 52 as the S/Sgt. Miles Shelley WWII overpass; to provide a continuing appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

S/Sgt. Miles Shelley WWII overpass - United States highway 52 - Continuing appropriation.

The department shall designate the overpass on United States highway 52 over the railway in Carrington between the junction of state highway 200 and the junction of second street north as the S/Sgt. Miles Shelley WWII bridge and shall place signs along the highway designating that name. The department may accept any appropriate signs or funds donated to the department for the placement of the signs. Any donated funds are appropriated to the department on a continuing basis for the purpose of providing signs designating the overpass on United States highway 52 as the S/Sgt. Miles Shelley WWII bridge.

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

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 257

HOUSE BILL NO. 1140

(Representatives Steiner, Lefor, M. Ruby, Schatz, Kempenich, Pyle)
(Senators Bekkedahl, Dever, Hogue, Kessel, Rummel)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating the bridge on state highway 22 in Dickinson as the Specialist Jon P. Fettig Iraq bridge; to provide a continuing appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Specialist Jon P. Fettig Iraq bridge - State highway 22 - Continuing appropriation.

The department shall designate the bridge on state highway 22 in Dickinson between the junction of Kuchenski drive and the junction of fourth street southwest as the Specialist Jon P. Fettig Iraq bridge and shall place signs along the highway designating that name. The department may accept any appropriate signs or funds donated to the department for the placement of signs. Any donated funds are appropriated to the department on a continuing basis for the purpose of providing signs designating the bridge on state highway 22 as the Specialist Jon P. Fettig Iraq bridge.

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

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 258

HOUSE BILL NO. 1173

(Representative Hauck)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating the bridge on state highway 31 north of New Salem as the Specialist Dennis "DJ" Ferderer Jr. Iraq bridge; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

Specialist Dennis "DJ" Ferderer Jr. Iraq bridge - State highway 31 - Continuing appropriation.

The department shall designate the bridge on state highway 31 north of New Salem between the junction of thirty-third street and the junction of thirty-second street as the Specialist Dennis "DJ" Ferderer Jr. Iraq bridge and shall place signs along the highway designating that name. The department may accept any appropriate signs or funds donated to the department for the placement of signs. Any donated funds are appropriated to the department on a continuing basis for the purpose of providing signs designating the bridge on state highway 31 as the Specialist Dennis "DJ" Ferderer Jr. Iraq bridge.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 259

HOUSE BILL NO. 1212

(Representatives Monson, K. Anderson, J. Olson, Pyle, M. Ruby, Tveit, Brandenburg)
(Senators Myrdal, Axtman, Barta, Dever)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating a portion of state highway 18 as the PFC. Henry Gurke memorial highway; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

PFC. Henry Gurke memorial highway - State highway 18 - Continuing appropriation.

The department shall designate state highway 18 from the intersection of state highway 5 to the Canadian border as the PFC. Henry Gurke memorial highway and shall place signs along the highway designating that name. The department may accept any appropriate signs or funds donated to the department for placement of the signs. Any donated funds are appropriated to the department on a continuing basis for the purpose of providing signs designating state highway 18 as the PFC. Henry Gurke memorial highway.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 260

HOUSE BILL NO. 1228

(Representatives D. Anderson, Bahl, Vollmer)
(Senator Thomas)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating a portion of state highway 5 in Bottineau as the LCDR Carl J. Woods Vietnam bridge; to provide a continuing appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

LCDR Carl J. Woods Vietnam bridge - State highway 5 - Continuing appropriation.

The department shall designate the portion of highway on state highway 5 in Bottineau between the junction of thompson street and the junction of brander street as the LCDR Carl J. Woods Vietnam bridge and shall place signs along the highway designating that name. The department may accept any appropriate signs or funds donated to the department for the placement of signs. Any donated funds are appropriated to the department on a continuing basis for the purpose of providing signs designating the portion of highway on state highway 5 as the LCDR Carl J. Woods Vietnam bridge.

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

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 261

HOUSE BILL NO. 1426

(Representatives Dockter, Holle, Martinson, Porter, Rohr, Toman, Heinert)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating the bridge on state highway 6 as the CPL Raymond Porter Korea bridge; to provide a continuing appropriation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

CPL Raymond Porter Korea bridge - State highway - Continuing appropriation.

The department shall designate the bridge on state highway 6 between the junction of county road one thirty-seven and the junction of fifty-third street as the CPL Raymond Porter Korea bridge and shall place signs along the avenue designating that name. The department may accept any appropriate signs or funds donated to the department for the placement of signs. Any donated funds are appropriated to the department on a continuing basis for the purpose of providing signs designating the bridge on state highway 6 as the CPL Raymond Porter Korea bridge.

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

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 262

SENATE BILL NO. 2277

(Senators Boehm, Hogue, Larson)
(Representatives Heinert, Lefor, Tveit)

AN ACT to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to designating state highway 200 as the North Dakota fallen peace officers memorial highway; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

North Dakota fallen peace officers memorial highway - State highway 200 - Continuing appropriation.

1. The department shall designate state highway 200 from the Minnesota border to the Montana border as the North Dakota fallen peace officers memorial highway and shall place signs along the highway designating that name.
2. The department shall consult with the family and associates of North Dakota peace officers and law enforcement officers, and handlers and owners of canine officers, killed in the line of duty, to designate up to one mile of state highway 200 to memorialize an individual peace officer, law enforcement officer, or canine officer.
3. The department may accept any appropriate signs or funds donated to the department for the placement of signs. Any donated funds are appropriated to the department on a continuing basis for the purpose of providing signs designating state highway 200 as the North Dakota fallen peace officers memorial highway.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 263

HOUSE BILL NO. 1056

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to amend and reenact section 24-02-02.1 of the North Dakota Century Code, relating to the Oahe bridge development.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-02-02.1 of the North Dakota Century Code is amended and reenacted as follows:

24-02-02.1. Agreement for the construction of the Oahe bridge.

The director is authorized to execute an agreement with the federal government for the construction of a bridge over the Oahe Reservoir wherein the department agrees to hold the United States harmless and free from damages due to the construction or operation and maintenance of such bridge, except for damages due to the fault or negligence of the United States or its contractors. Notwithstanding any other provision of law, the director is authorized to accept ownership of or otherwise place onto the state highway system, a bridge and connecting roadway over the Oahe Reservoir.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 264

SENATE BILL NO. 2063

(Industry and Business Committee)
(At the request of the Department of Transportation)

AN ACT to amend and reenact section 24-02-20 of the North Dakota Century Code, relating to bid delays for construction contracts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-02-20 of the North Dakota Century Code is amended and reenacted as follows:

24-02-20. Bids, where opened - Requirements - Bonds or checks of three lowest bidders retained.

1. All bids must be opened at the time and place specified in the advertised request for bids. The submission of bids and bid openings may be delayed up to twenty-one days at the discretion of the department. The submission of bids and new bid opening dates must be noticed by electronic means as prescribed by the department. Each bid must be accompanied by a certified or cashier's check of the bidder on a solvent bank, in an amount equal to five percent of the bidder's bid, to be forfeited to the state highway fund should the bidder fail to effect a contract within ten days after notice of an award or by a bidder's bond in a sum equal to ten percent of the full amount of the bid, executed by the bidder as principal and by a surety company authorized to do business in this state, conditioned that if the principal's bid be accepted and the contract awarded to the principal, the principal, within ten days after notice of award, will execute and effect a contract in accordance with the terms of the principal's bid and a contractor's bond as required by law and the regulations and determinations of the department.
2. All bonds or checks, except those of the responsible bidders submitting the three lowest and best bids, must be returned to the bidders promptly upon opening such bids. The bond or check of the responsible bidder submitting the lowest and best bid may be cashed or retained until the contract has been awarded and executed properly. The bonds or checks of the responsible bidders submitting the second and third lowest and best bids may be returned to the bidders when the department has determined to whom the contract is to be awarded.

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 265

HOUSE BILL NO. 1051

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to amend and reenact subsection 3 of section 24-02-37 of the North Dakota Century Code, relating to the special road fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 24-02-37 of the North Dakota Century Code is amended and reenacted as follows:

3. The state treasurer shall deposit the moneys in the state highway fund in an interest-bearing account at the Bank of North Dakota. The state treasurer shall deposit eighty percent of the income derived from the interest-bearing account in a special interest-bearing account in the state treasury known as the special road fund. The special road fund may be used, within the limits of legislative appropriation, exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the special road committee. A political subdivision, tribal government, or state agency may request funds from the special road fund by applying to the committee on forms designated by the committee. The committee may require the political subdivision, tribal government, or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund. Any moneys in the fund not obligated by the special road committee by June thirtieth of each odd-numbered year must be held for an additional two years after which the funds revert to the state highway fund.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 266

HOUSE BILL NO. 1215

(Representatives D. Ruby, Hager, Monson, M. Ruby, Toman, Vigasaa, Weisz)
(Senators Clemens, Hogue, Weston)

AN ACT to repeal section 24-02-46 of the North Dakota Century Code, relating to the multistate highway transportation agreement.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 24-02-46 of the North Dakota Century Code is repealed.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 267

HOUSE BILL NO. 1444

(Representatives Brandenburg, Beltz, Grueneich, Hagert, Kempenich)
(Senators Conley, Erbele, Kessel, Patten, Thomas, Wanzek)

AN ACT to amend and reenact section 24-05-17 of the North Dakota Century Code, relating to the county road system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-05-17 of the North Dakota Century Code is amended and reenacted as follows:

24-05-17. Responsibility for county road system.

The boards of county commissioners in their respective counties have the sole authority and responsibility to acquire land for, construct, maintain, and operate the county road system as designated and selected by them. If a board of county commissioners determines a local road meets the criteria in section 24-05-16 and is under the jurisdiction of the township, the board of county commissioners shall notify the township of its intention to add the road to the county system. The board of county commissioners shall hold a public meeting to receive input on the county's intention to add the road to the county system. Following the public meeting, the board of county commissioners shall make a decision at its subsequent scheduled meeting regarding adding the road to the county system.

Approved April 2, 2025

Filed April 3, 2025

MENTAL AND PHYSICAL ILLNESS OR DISABILITY

CHAPTER 268

SENATE BILL NO. 2079

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact section 25-01-01 of the North Dakota Century Code, relating to the definition of a mental health professional.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 25-01-01 of the North Dakota Century Code is amended and reenacted as follows:

25-01-01. Definitions.

In this title, unless the context or subject matter otherwise requires:

1. "Licensed physician" means an individual licensed under the laws of this state to practice medicine and also means a medical officer of the government of the United States while in this state in the performance of the physician's official duties.
2. "Mentally ill individual" means an individual having a psychiatric or other disease which substantially impairs the individual's mental health.
3. "North Dakota vision services - school for the blind" means the North Dakota vision services - school for the blind as maintained under section 25-06-01.
4. "School for the deaf" means the school for the deaf of North Dakota.
5. "State hospital" means the state hospital for the mentally ill.
6. "Superintendent" means the superintendent of the state hospital, of the life skills and transition center, of North Dakota vision services - school for the blind, or of the school for the deaf, as the case may be.
7. "Supervising officer" means the commissioner of the department of health and human services or designee or the superintendent of public instruction, as the case may be.
8. "Tier 1 mental health professional" means a tier 1a or tier 1b mental health professional.
 - a. A tier 1a mental health professional is a psychiatrist licensed under chapter 43-17 or a psychologist licensed under chapter 43-32.

- b. A tier 1b mental health professional is a licensed physician or a physician assistant licensed under chapter 43-17 or an advanced practice registered nurse licensed under chapter 43-12.
9. "Tier 2 mental health professional" means a tier 2a or a tier 2b mental health professional.
- a. A tier 2a mental health professional is an independent clinician who is a licensed clinical social worker licensed under chapter 43-41, a licensed professional clinical counselor or licensed professional counselor licensed under chapter 43-47, or a licensed marriage and family therapist licensed under chapter 43-53.
 - b. A tier 2b mental health professional is an addiction counselor licensed under chapter 43-45 or a registered nurse licensed under chapter 43-12.
10. "Tier 3 mental health professional" means a licensed associate professional counselor licensed under chapter 43-47, a licensed master social worker or licensed baccalaureate social worker licensed under chapter 43-41, ~~a licensed professional counselor licensed under chapter 43-47~~, an associate marriage and family therapist licensed under chapter 43-53, an occupational therapist licensed under chapter 43-40, a licensed practical nurse licensed under chapter 43-12, a behavior analyst licensed or registered under chapter 43-32, a vocational rehabilitation counselor practicing under chapter 50-06.1, a school psychologist, or a human relations counselor.
11. "Tier 4 mental health professional" means a direct care associate ~~or~~ technician, or certified peer support specialist.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 269

SENATE BILL NO. 2078

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact sections 25-01.1-07, 25-02-01.1, and 25-02-03 of the North Dakota Century Code, relating to the North Dakota state hospital.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 25-01.1-07 of the North Dakota Century Code is amended and reenacted as follows:

25-01.1-07. Rules or policies for procedure and administration of institutions.

The supervising department shall make all necessary rules or policies for its own procedure and for the general administration, supervision, and management of the institutions under its control and management.

SECTION 2. AMENDMENT. Section 25-02-01.1 of the North Dakota Century Code is amended and reenacted as follows:

25-02-01.1. Maintenance of state hospital accreditation - Governing body membership - ~~Rulemaking authority~~ Authority.

1. The department of health and human services shall seek appropriations and resources sufficient to ensure maintenance of the state hospital's accreditation by the joint commission and certification by the centers for Medicare and Medicaid services or by similar accrediting and certifying organizations and agencies possessing hospital standards recognized by the health care industry and accepted by the department.
2. The department, in consultation with the state hospital, shall create a state hospital governing body and shall by rules, policies, or bylaws describe the powers and duties of the governing body. The department shall compensate members not employed by the department in the amount of one hundred dollars per day and reimburse members for expenses incurred in attending meetings in the amounts provided by sections 44-08-04 and 54-06-09.
3. The governing body must be composed of the commissioner of the department of health and human services or designee; the director of the division of behavioral health of the department or designee, who shall serve as chairman of the governing body; the state hospital superintendent; the state hospital medical director; a representative of the department's fiscal administration division; a behavioral health consumer selected by the mental health association; and a legislator selected by the legislative management. The governing body may include other persons as appointed by the governing body.

SECTION 3. AMENDMENT. Section 25-02-03 of the North Dakota Century Code is amended and reenacted as follows:

25-02-03. Object of state hospital.

The state hospital is an institution for mental diseases serving specialized populations of individuals with severe mental illness, including individuals with a substance use disorder. The state hospital is one component of the North Dakota mental health delivery system and serves as a resource to community-based treatment programs. The state hospital shall, pursuant to rules or policies adopted by the department of health and human services, receive and care for all eligible individuals with severe mental illness, including individuals with a substance use disorder, residing within this state in accordance with this title, and may furnish to those individuals all needed food, shelter, treatment, and support.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 270

SENATE BILL NO. 2171

(Senators Mathern, Roers)
(Representatives Porter, Rohr)

AN ACT to amend and reenact section 25-03.1-26 of the North Dakota Century Code, relating to an emergency mental health petition; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

⁹⁹ **SECTION 1. AMENDMENT.** Section 25-03.1-26 of the North Dakota Century Code is amended and reenacted as follows:

25-03.1-26. Emergency procedure - Acceptance of petition and individual - Notice - Court hearing set.

1. A public treatment facility immediately shall accept and a private treatment facility may accept on a provisional basis the application and the individual admitted under section 25-03.1-25. The superintendent or director shall require an immediate examination of the subject ~~and,~~
2. ~~either within twenty-four hours, exclusive of holidays, after admission or within~~ Within ~~seventy-two hours after admission, exclusive of holidays, if the individual is admitted with a serious physical condition or illness that requires prompt treatment as medically necessary, the superintendent or director shall either:~~
 - a. Release the individual if the superintendent or director finds that the subject does not meet ~~the~~ emergency commitment standards; or
 - b. File a petition if one has not been filed with the court of the individual's residence or the court which directed immediate custody under subsection 2 of section 25-03.1-25, giving notice to the court and stating in detail the circumstances and facts of the case.
- 2-3. ~~Upon receipt of the petition and notice of the emergency detention, the magistrate shall set a date for a preliminary hearing, if the respondent is alleged to be a person an individual who is mentally ill or a person an individual who is both mentally ill and has a substance use disorder, or a treatment hearing, if the respondent is alleged to be a person an individual who has a substance use disorder, to be held no later than four days, exclusive of weekends and holidays, after detention unless the person individual has been released as a person an individual not requiring treatment, has been voluntarily admitted for treatment, has requested or agreed to a continuance, or unless the hearing has been extended by the magistrate for good cause shown. The magistrate shall appoint counsel if one has not been retained by the respondent.~~

⁹⁹ Section 25-03.1-26 was also amended by section 9 of Senate Bill No. 2113, chapter 441.

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

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 271

HOUSE BILL NO. 1108

(Representatives Hager, Murphy)
(Senator Mathern)

AN ACT to amend and reenact section 25-03.1-34.2 of the North Dakota Century Code, relating to interstate contracts for treatment of mental illness or a substance use disorder; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 25-03.1-34.2 of the North Dakota Century Code is amended and reenacted as follows:

25-03.1-34.2. Interstate contracts for treatment of mental illness or a substance use disorder.

1. For purposes of this section, "bordering state" means Minnesota, Montana, or South Dakota.
2. Unless prohibited by another law and subject to the exceptions in subsection ~~34~~, the department may contract with ~~any~~:
 - a. An appropriate treatment or detoxification facility in a bordering state for the treatment of mental illness or substance use disorders or for providing substance use disorder detoxification services for residents of North Dakota. ~~The department may also contract with any; or~~
 - b. A bordering state to allow for a public or private agency or facility to provide treatment of mental illness or substance use disorders or to provide substance use disorder detoxification services in North Dakota to residents of a bordering state.
3. An individual who receives treatment for mental illness or a substance use disorder or who receives substance use disorder detoxification services in another state under this section is subject to the laws of the state in which treatment or detoxification is provided. An individual who receives treatment or detoxification in another state under this section must be informed of the consequences of receiving treatment or detoxification in another state, including the implications of the differences in state laws.
- ~~3-4.~~ A contract may not be entered under this section for treatment or detoxification to ~~individuals~~ an individual who:
 - a. ~~Are~~ serving a sentence after conviction of a criminal offense;
 - b. ~~Are on probation or parole;~~
 - c. ~~Are~~ the subject of a presentence investigation; or
 - d. ~~Have~~

- c. Has been committed involuntarily in North Dakota under chapter 25-03.1 for treatment of mental illness or a substance use disorder, except as provided under subsection 56.

4.5. Contracts entered under this section must, at a minimum:

- a. Describe the services to be provided;
- b. Establish responsibility for the costs of services;
- c. Establish responsibility for the costs of transporting ~~individuals~~ an individual receiving services under this section;
- d. Specify the duration of the contract;
- e. Specify the means of terminating the contract;
- f. Specify the terms and conditions for refusal to admit or retain an individual; and
- g. Identify the goals to be accomplished by the placement of an individual under this section.

5.6. The department may enter negotiations with appropriate personnel of a bordering state to develop an agreement that conforms to the requirements of this section. An agreement with a bordering state may enable the placement in North Dakota of ~~individuals~~ an individual who ~~require~~ requires detoxification services, ~~are~~ is on an emergency ~~hold~~ hold, or who ~~have~~ has been involuntarily committed as mentally ill or having a substance use disorder in a bordering state and enable the temporary placement in a bordering state of ~~patients~~ a patient who ~~require~~ requires detoxification services or who ~~are~~ is on an emergency ~~hold~~ hold in North Dakota under chapter 25-03.1.

7. An agreement with a bordering state must ~~provide that the~~ specify that:

- a. North Dakota courts retain jurisdiction over North Dakota residents, and ~~that~~ the bordering state affords to North Dakota residents the rights afforded to the residents under North Dakota law; and
- b. Responsibility for payment for the cost of care of a resident of a bordering state remains with the bordering state of which that individual is a resident and the cost of care of a North Dakota resident remains with the state of North Dakota.

8. Individuals committed by a court of a bordering state and placed in North Dakota facilities continue to be in the legal custody of the bordering state. The bordering state's laws governing length of commitment, re-examinations, and extension of commitment must continue to apply to these residents. In all other respects, residents of a bordering state placed in North Dakota facilities are subject to North Dakota laws. ~~An agreement with a bordering state must specify that responsibility for payment for the cost of care of a resident of a bordering state remains with the bordering state of which that individual is a resident and the cost of care of a North Dakota resident remains with the state of North Dakota.~~

9. This section applies to detoxification services ~~regardless of whether the services are~~ provided on a voluntary or involuntary basis.
10. A public or private entity entering an agreement with a bordering state under this section shall provide the department a copy of the agreement and any future agreements or amendments within thirty days of the date of entering or amending the agreement.

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

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 272

SENATE BILL NO. 2112

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact sections 25-04-00.1, 25-04-02, 25-04-04, 25-04-04.1, 25-04-05, 25-04-05.1, 25-04-08, 25-04-08.1, 25-04-14, and 25-04-17 of the North Dakota Century Code, relating to the life skills and transition center; to provide for a legislative management report; to provide for a department of health and human services study; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 25-04-00.1 of the North Dakota Century Code is amended and reenacted as follows:

25-04-00.1. Definitions.

For the purposes of this chapter:

1. "Department" means the department of health and human services.
2. "Eligible" means an individual has been deemed eligible by the department for developmental disability services.
3. "Individual served" is an eligible individual who is a legal resident of the state of North Dakota and is receiving services from the life skills and transition center.
4. "Noneligible" means a minor who is a legal resident of the state and has not been deemed eligible by the department for developmental disability services.
5. "Nonresident individual served" includes:
 - a. Any individual served by the life skills and transition center who is under eighteen years old and whose responsible relative is not a bona fide resident of this state.
 - b. Any enrolled member of a federally recognized Indian tribe for whom the United States government has, through its statutes and regulations, a responsibility for their care.
- ~~5-6.~~ "Nonresident responsible relative" includes the nonresident spouse, father, or mother of the individual served. It includes the bureau of Indian affairs in those cases involving an enrolled member of a federally recognized Indian tribe for whom the United States government has, through its statutes and regulations, a responsibility for their care.
- ~~6-7.~~ "Nonresidential services" means rehabilitative services and supports that are provided in a family home or community setting.

- ~~7-8.~~ "Residential services" are specialized services and supports provided at the life skills and transition center facility which include both room and board and rehabilitative services in accordance with an individual's care and support plan. Residential services provided at the life skills and transition center are available to address an individual's needs for stabilization.

SECTION 2. AMENDMENT. Section 25-04-02 of the North Dakota Century Code is amended and reenacted as follows:

25-04-02. Purpose of life skills and transition center.

1. The purpose of the life skills and transition center is to serve as a specialty care and support resource for eligible individuals with developmental disabilities who are experiencing crisis or who would benefit from stabilization, and to work together with parent, guardian, or legal custodian and care teams to identify opportunities for each individual served to live in a family home or community setting of their choice when possible.
2. The life skills and transition center must be maintained to provide care, treatment, training, rehabilitation, and supervision for eligible individuals. For this purpose the department may introduce and establish such rehabilitative and support services as, in its judgment, will best prepare the individuals served to live in the most integrated, independent setting possible.
3. The life skills and transition center may provide both residential services and nonresidential services and effectuate its powers and duties to best serve eligible individuals who may benefit from those activities.
4. Upon approval of the commissioner of the department or designee and in the opinion of the superintendent of the life skills and transition center, the life skills and transition center may provide:
 - a. Residential services or nonresidential services and effectuate its powers and duties to best serve noneligible individuals who are experiencing crisis or who would benefit from stabilization and may benefit from those activities; or
 - b. Consultation services to public and private providers serving noneligible individuals.

SECTION 3. AMENDMENT. Section 25-04-04 of the North Dakota Century Code is amended and reenacted as follows:

25-04-04. Who may receive benefits of life skills and transition center.

1. Subject to this chapter and to any rules adopted by the department, the benefits of the life skills and transition center may be received only by:
 - a. Eligible individuals who may benefit from services provided by the life skills and transition center who, in the opinion of the superintendent of the life skills and transition center are of suitable age and capacity to receive care, treatment, training, rehabilitation, or supervision by the life skills and transition center or whose disabilities prevent them from receiving training and instruction in the public schools;

- b. Eligible individuals who, in the opinion of the superintendent of the life skills and transition center, may benefit from services provided by the life skills and transition center and who are in need of stabilization supports and cannot be properly cared for in their family home or other available community settings; ~~or~~
 - c. Eligible individuals who, in the opinion of the superintendent of the life skills and transition center, may benefit from either residential services or nonresidential services provided by the life skills and transition center; or
 - d. Noneligible individuals who, upon approval of the commissioner of the department or designee and in the opinion of the superintendent of the life skills and transition center, may benefit from:
 - (1) Residential services for up to ninety days, unless an extension is granted for an additional ninety days by the superintendent of the life skills and transition center to facilitate effective transition;
 - (2) Nonresidential services provided by the life skills and transition center;
or
 - (3) Consultation services to public and private providers serving noneligible individuals.
2. Residents and nonresidents of this state may receive services from the life skills and transition center. ~~Priority, however, must be given to residents.~~ Residents of this state and minors with developmental disabilities must be given priority in receiving services from the life skills and transition center.

SECTION 4. AMENDMENT. Section 25-04-04.1 of the North Dakota Century Code is amended and reenacted as follows:

25-04-04.1. Program management for an individual served.

The department shall ensure active program management is maintained for ~~eligible individuals~~ served and noneligible individuals receiving residential services at the life skills and transition center.

SECTION 5. AMENDMENT. Section 25-04-05 of the North Dakota Century Code is amended and reenacted as follows:

25-04-05. Qualifications for accessing services provided by life skills and transition center - Educational or related services without charge for individuals twenty-one years of age and under.

- 1. The superintendent of the life skills and transition center may admit an eligible or noneligible individual to the life skills and transition center for residential services based on consideration of the following factors:
 - a. Ability of the life skills and transition center to provide the appropriate level of care based on the individual's need.
 - b. Health and safety considerations for both the individual served and other individuals currently being served by the life skills and transition center.

- c. The individual may be admitted without exceeding the resident capacity of the facility as specified in the professional standards of the department.
 - d. A noneligible individual may not receive residential services to the exclusion of an eligible individual, unless the noneligible individual is receiving residential services before the life skills and transition center receives an application to admit an eligible individual for residential services.
2. The superintendent of the life skills and transition center may approve an eligible or noneligible individual for nonresidential services provided by the life skills and transition center if all of the following conditions have been met:
 - a. Application has been made on behalf of the individual by a department developmental disabilities program manager, a parent, guardian, or legal custodian, in accordance with procedures established by the department.
 - b. Information has been submitted to the life skills and transition center which allows the superintendent to determine that the individual served eligible or noneligible individual would benefit from ~~nonresidential~~:
 - (1) Nonresidential stabilization services offered by the life skills and transition center for the purpose of avoiding institutionalization or further destabilization of the individual's living situation; or
 - (2) Consultation services to public and private providers serving noneligible individuals.
3. Notwithstanding any other provision of this chapter, no eligible individual served, twenty-one years of age or under, no noneligible individual, eighteen years of age or under, or the estate or the parent of such individual, may be charged for educational or related services provided at the life skills and transition center. Except as provided in subsection 4, the department has prior claim on all benefits accruing to such individuals served or noneligible individuals for medical and medically related services under entitlement from the federal government, medical or hospital insurance contracts, workforce safety and insurance, or medical care and disability programs. For purposes of this subsection, "related services" means transportation and such developmental, corrective, and other supportive services, as determined by the department of public instruction, as are required to assist an individual with a ~~developmental~~ disability to benefit from special education. The cost of related services other than medical and medically related services must be paid by the life skills and transition center, the school district of residence of the child with a ~~developmental~~ disability, and other appropriate state agencies and political subdivisions of this state. The department of public instruction, the department, the school district of residence, and other appropriate state agencies and political subdivisions, as determined by the department of public instruction, shall determine and agree to that portion of related services, other than medical and medically related services, for which each agency and political subdivision is liable. The department of public instruction may adopt rules necessary to implement this section.
4. Parents of an eligible individual, who is twenty-one years of age or under, are not required to file, assist in filing, agree to filing, or assign an insurance claim when filing the claim would pose a realistic threat that the parents would suffer

a financial loss not incurred by similarly situated parents of children with disabilities. Financial losses do not include incidental costs such as the time needed to file or assist in filing an insurance claim or the postage needed to mail the claim. Financial losses include:

- a. A decrease in available lifetime coverage or any other benefit under an insurance policy.
- b. An increase in premiums or the discontinuation of a policy.
- c. An out-of-pocket expense such as the payment of a deductible amount incurred in filing a claim unless the life skills and transition center pays or waives the out-of-pocket expense.

SECTION 6. AMENDMENT. Section 25-04-05.1 of the North Dakota Century Code is amended and reenacted as follows:

25-04-05.1. Transfer of individuals - Visiting privileges - Release and placement of individuals served.

1. The superintendent of the life skills and transition center shall have the right of temporary transfer of any individual served or noneligible individual, at the life skills and transition center, to an appropriate hospital or other specialized facility when in the superintendent's opinion the immediate health and safety of the individual or the immediate health and safety of others requires the transfer.
2. Subject to reasonable rules for the orderly operation of the life skills and transition center, any parent, guardian, or legal custodian of the individual served or noneligible individual shall have the right of visiting and communicating with the individual served or noneligible individual and authorizing visits and communications with others.
3. The superintendent may authorize the temporary discharge of any individual served or noneligible individual to the custody of the individual served's or noneligible individual's parent, guardian, or legal custodian of the individual, or to another person designated by the parent, guardian, or legal custodian. In the absence of such authorization, any parent, guardian, or legal custodian of the individual served may formally request, in writing, the individual served's temporary discharge. The discharge must be granted at the earliest reasonable opportunity, but not more than thirty days after receipt of a written application. If a discharge is, or would be, effected contrary to the advice of the superintendent based on a recent comprehensive evaluation of the individual, the superintendent shall so advise the parent, guardian, or legal custodian in writing.
4. The superintendent may arrange for the suitable placement of ~~an~~
 - a. An individual served outside the life skills and transition center and to discharge the individual served, provided placement has been preceded by a comprehensive evaluation. No such placement of an individual served may be effected until all reasonable efforts have been made to consult with the individual served's care team and parent, guardian, or legal custodian of the individual served; and

- b. A noneligible individual outside the life skills and transition center or to discharge the noneligible individual.

SECTION 7. AMENDMENT. Section 25-04-08 of the North Dakota Century Code is amended and reenacted as follows:

25-04-08. Discharge of an individual ~~served~~ from life skills and transition center.

An individual who receives residential services at the life skills and transition center must be discharged if any one of the following conditions are present:

1. The superintendent of the life skills and transition center, on the basis of a comprehensive evaluation and in consultation with the ~~individual's~~ individual served's parent, guardian, legal custodian, or care team, finds that the care, treatment, training, rehabilitation, and supervision offered by the life skills and transition center are no longer needed.
2. The parent, guardian, or legal custodian who voluntarily admitted the individual served to residential services at the life skills and transition center and who retains legal custody makes a written request for discharge.
3. The individual served is admitted on indefinite transfer to a hospital, school, or other facility, or a protective service under the jurisdiction of another state, or another agency or department of this state.
4. A court of competent jurisdiction orders the discharge of the individual served.
5. The superintendent makes a determination that the noneligible individual no longer qualifies for accessing services provided by the life skills and transition center.

SECTION 8. AMENDMENT. Section 25-04-08.1 of the North Dakota Century Code is amended and reenacted as follows:

25-04-08.1. Notification before discharge.

Before discharge the superintendent of the life skills and transition center shall meet with the parent, guardian, legal custodian, or care team of the ~~individual~~.

1. Individual served to be discharged, or with the court that ordered the individual served to receive services at the life skills and transition center pursuant to section 25-04-06.
2. Noneligible individual to be discharged.

SECTION 9. AMENDMENT. Section 25-04-14 of the North Dakota Century Code is amended and reenacted as follows:

25-04-14. Expenses chargeable against individual or individual's estate - Filing claims.

Expenses for care and treatment of each individual served or noneligible individual by the life skills and transition center must, if practicable, be in accordance with the cost of providing care and treatment for the different degrees or conditions of mental and physical health and charges may be adjusted in accordance with the individual served's or noneligible individual's ability to pay which must include an

estimate of potential future receipts, including amounts from estates. The department shall recover from the individual served or noneligible individual or from a discharged individual expenses chargeable for care and treatment. If any individual served or noneligible individual is receiving social security benefits or is a veteran or a dependent of a veteran who has received, is receiving, or is entitled to receive compensation or pension from the veterans' administration, the expenses are a current claim against the individual served or noneligible individual and may be recovered monthly by the department except that any amount required by the payer of the benefits to be paid directly to the individual served or noneligible individual must, upon approval of the department, be credited to the individual served's or noneligible individual's personal account from any money thus received.

SECTION 10. AMENDMENT. Section 25-04-17 of the North Dakota Century Code is amended and reenacted as follows:

25-04-17. Reduction or writeoff of accounts - Report to legislative audit and fiscal review committee.

The department may authorize the reduction or writeoff of an individual served's or noneligible individual's past-due account from the life skills and transition center's financial records upon determining that the account is not collectible. The department, by September first after the close of each fiscal year, shall present a detailed report to the legislative audit and fiscal review committee on the status of accounts receivable for that fiscal year. The report must include:

1. An aging by individual classification of accounts remaining unpaid.
2. The amounts by individual classification by which accounts were reduced or written off for reasons other than payment during that fiscal year.

SECTION 11. LEGISLATIVE MANAGEMENT REPORT - LIFE SKILLS AND TRANSITION CENTER. The department of health and human services shall submit a report every six months during the 2025-27 biennium to legislative management regarding:

1. The number of ineligible children served under this Act by the life skills and transition center, including consultation services to public and private providers.
2. De-identified information and reasons describing barriers to utilization of community-based services for ineligible children served under this Act by the life skills and transition center, including efforts made by the life skills and transition center.
3. The activities and strategies of the department, and any statutory recommendations to improve the state's community-based services and alternative community crisis and stabilization services to ineligible children served under this Act.

SECTION 12. STUDY OF LIFE SKILLS AND TRANSITION CENTER ALTERNATIVES - DEPARTMENT OF HEALTH AND HUMAN SERVICES - REPORT TO LEGISLATIVE MANAGEMENT. During the 2025-26 interim, the department of health and human services shall study alternatives to placement at the life skills transition center. The study must include development of a continuum of care to meet the mental health needs of youth in their community and, if needed, in an appropriate psychiatric residential facility. By March 1, 2026, the department of health and human services shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management.

SECTION 13. EXPIRATION DATE. Section 2 of this Act is effective through June 30, 2027, and after that date is ineffective.

Approved April 30, 2025

Filed May 1, 2025

CHAPTER 273

HOUSE BILL NO. 1109

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to create and enact three new sections to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled; to amend and reenact sections 25-16-01, 25-16-02, 25-16-03, 25-16-03.1, 25-16-04, 25-16-05, 25-16-06, 25-16-07, 25-16-08, 25-16-09, 25-16-12, 25-16-13, 25-16-14, 25-16.1-01, 25-16.1-02, 25-16.1-03, and 25-16.1-04 of the North Dakota Century Code, relating to developmental disability, residential care and services for the developmentally disabled, and receivers for developmentally disabled facilities; to repeal chapter 25-18 of the North Dakota Century Code, relating to fee for service ratesetting for developmentally disabled facilities; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 25-16-01 of the North Dakota Century Code is amended and reenacted as follows:

25-16-01. Definitions.

In this chapter unless the context or subject matter otherwise requires:

1. "Department" means the department of health and human services.
2. ~~"Treatment or care center"~~ "Developmental disability" has the same meaning as in section 25-01.2-01.
3. "Group home" means any community residential facility housing more than three individuals with a developmental disability.
4. "Host home" means a community-based family home environment providing services to no more than two individuals with a developmental disability who require out-of-home placement to facilitate delivery of intensive care and support.
5. "Provider agency" means an entity providing services to individuals with developmental disabilities and licensed by the department to provide services.

SECTION 2. AMENDMENT. Section 25-16-02 of the North Dakota Century Code is amended and reenacted as follows:

25-16-02. License required.

~~The operator of a treatment or care center~~ provider agency for individuals with a developmental disability shall secure annually from the department a license as required by rules adopted under this chapter.

SECTION 3. AMENDMENT. Section 25-16-03 of the North Dakota Century Code is amended and reenacted as follows:

25-16-03. Requirements for license.

The department shall issue a license for the operation of ~~a treatment or care center for an agency providing services to~~ individuals with a developmental disability upon a showing that:

1. The premises to be used are ~~in fit, safe, sanitary condition,~~ and properly equipped to provide good care ~~and treatment;~~
2. The persons in ~~active charge of the center and~~ provider agency, including their assistants, are qualified by training and experience to carry on efficiently the duties required of them;
3. The health, safety, and well-being of ~~the residents cared for and treated therein will be properly safeguarded~~ individuals receiving services are protected;
4. ~~There is sufficient entertainment~~ A variety of meaningful activities, treatment, educational opportunities, and physical facilities and services available to the residents therein are available;
5. Appropriate arrangements are made for a medical and psychological examination of each ~~resident~~ individual; and
6. The provider is in compliance with rules adopted by the department under this chapter.

SECTION 4. AMENDMENT. Section 25-16-03.1 of the North Dakota Century Code is amended and reenacted as follows:

25-16-03.1. Conviction not bar to licensure - Exceptions.

Conviction of an offense does not disqualify a person from licensure under this chapter unless the ~~division~~ department determines that the offense has a direct bearing upon a person's ability to serve the public as an owner or operator of a ~~treatment or care center for individuals with a developmental disability~~ provider agency, or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

SECTION 5. AMENDMENT. Section 25-16-04 of the North Dakota Century Code is amended and reenacted as follows:

25-16-04. Inspection and report by department.

The department may inspect the facilities ~~and,~~ premises, ~~and records~~ of the applicant or the provider agency to determine ~~the premises are fit, safe, and sanitary to provide quality care and treatment~~ whether the provider agency is in compliance with the rules of the department, to facilitate verification of the information submitted with an application for licensure, to investigate complaints, and to evaluate the implementation of a plan of correction.

SECTION 6. AMENDMENT. Section 25-16-05 of the North Dakota Century Code is amended and reenacted as follows:

25-16-05. Content of license.

~~The license to operate a treatment or care center for individuals with a developmental disability issued under the provisions of this chapter must specify:~~

1. The name of the ~~licensee~~provider agency.
2. The premises to which the license is applicable.
3. The ~~number of residents who may be received in such premises at any one time~~occupancy or service limitations.
4. The date of expiration of the license.

SECTION 7. AMENDMENT. Section 25-16-06 of the North Dakota Century Code is amended and reenacted as follows:

25-16-06. Department to prescribe forms - Rules.

The department may prescribe forms for the registration and record of ~~the persons residing in treatment or care centers for individuals with a developmental disability~~an eligible individual and may adopt reasonable rules ~~for the conduct of such centers as are~~ necessary to carry out the purposes of this chapter.

SECTION 8. AMENDMENT. Section 25-16-07 of the North Dakota Century Code is amended and reenacted as follows:

25-16-07. Records of treatment or care center confidential~~Confidential records.~~

Except as otherwise authorized by law, an agent of the department or the superintendent of the life skills and transition center or the ~~licensee or provider agency~~, their agents, or employees may not disclose the contents of ~~the individual an eligible individual's records of a treatment or care center for individuals with a developmental disability~~an eligible individual's records, nor of the reports received from those records, except:

1. In a judicial proceeding when ordered by the presiding judge;
2. To a law enforcement official for a law enforcement purpose or any other legally constituted boards or agencies serving the interests of the ~~residents~~eligible individuals for treatment, payment, or health care operations, to arrange, facilitate, or coordinate service to any such person;
3. To the parents or legal guardians of the ~~resident~~eligible individual;
4. To a physician to aid in the treatment of an individual within the fourth degree of consanguinity of a deceased ~~resident~~eligible individual, if the disclosure is limited to genetic health information that has a direct bearing on the health of the relative, the relative's child, or the relative's decision to have a child; or
5. To an individual who is within the fourth degree of consanguinity of a deceased ~~resident~~eligible individual, if the disclosure is limited to information about ~~a resident~~an eligible individual needed to establish a family's genealogy.

SECTION 9. AMENDMENT. Section 25-16-08 of the North Dakota Century Code is amended and reenacted as follows:

25-16-08. Revocation of license.

The department may revoke a license of a ~~treatment or care center for individuals with a developmental disability~~ provider agency upon a proper showing that:

1. Any of the conditions set forth in section 25-16-03 as requirements for the issuance of the license no longer exists;
2. The license was issued upon fraudulent or untrue representations;
3. The owner or operator has violated any of the rules of the department; or
4. The owner or operator of the ~~center~~ provider agency has been guilty of an offense determined by the department to have a direct bearing upon a person's ability to serve the public as an owner or operator, or the department determines, following conviction of an offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1.

SECTION 10. AMENDMENT. Section 25-16-09 of the North Dakota Century Code is amended and reenacted as follows:

25-16-09. Hearing on denial or revocation of license.

Before any application for a license to ~~conduct a treatment or care center for individuals with a developmental disability~~ is denied or before the revocation of such license by the department, written charges as to the reasons for the revocation or denial must be served upon the applicant or ~~licensee~~ provider agency, who has a right to a hearing before the department, if a hearing is requested within ten days after service of written charges.

SECTION 11. AMENDMENT. Section 25-16-12 of the North Dakota Century Code is amended and reenacted as follows:

25-16-12. Efforts to obtain private and governmental grants.

The department and the ~~duly licensed treatment or care centers for individuals with a developmental disability~~ provider agency may exert all possible efforts to obtain grants, both private and governmental, for the care, custody, treatment, training, and education of individuals with a developmental disability.

SECTION 12. AMENDMENT. Section 25-16-13 of the North Dakota Century Code is amended and reenacted as follows:

25-16-13. Expenses chargeable against patienteligible individual, patient'seligible individual's estate, or responsible relatives.

This chapter does not relieve the responsibility of the patienteligible individual, the patient'seligible individual's estate, or responsible relatives of the expenses for care and treatment as provided in chapter 25-04 or 50-06.3. The provisions of chapter 25-04 or 50-06.3 applicable to the expenses of care and treatment of patients apply to this chapter.

SECTION 13. AMENDMENT. Section 25-16-14 of the North Dakota Century Code is amended and reenacted as follows:

25-16-14. Definitions— Group homes for individuals with developmental disabilities - Zoning.**1. For the purposes of this section:**

- a. ~~"Group home" means any community residential facility, foster home, family care facility, or other similar home for individuals with a developmental disability.~~
- b. ~~"Individual with a developmental disability" means an individual with a severe, chronic disability which:~~
 - ~~(1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;~~
 - ~~(2) Is manifested before the individual attains age twenty-two;~~
 - ~~(3) Is likely to continue indefinitely;~~
 - ~~(4) Results in substantial functional limitations in three or more of the following areas of major life activity:~~
 - ~~(a) Self care;~~
 - ~~(b) Receptive and expressive language;~~
 - ~~(c) Learning;~~
 - ~~(d) Mobility;~~
 - ~~(e) Self direction;~~
 - ~~(f) Capacity for independent living; and~~
 - ~~(g) Economic sufficiency; and~~
 - ~~(5) Reflects the individual's needs for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are lifelong or extended duration and are individually planned and coordinated.~~

2. Notwithstanding the provisions in chapter 11-33, 40-47, or 58-03, or any other provisions authorizing any political subdivision to establish or enforce zoning regulations, a licensed group home serving six or fewer individuals with a developmental disability must be considered a permitted use in a single-family or equivalent least-density residential zone, and a licensed group home serving eight or fewer individuals with a developmental disability must be considered a permitted use in any area zoned for residential use of greater density than single-family use.

SECTION 14. Three new sections to chapter 25-16 of the North Dakota Century Code are created and enacted as follows:

Corrective actions.

- 1. If the department finds the provider agency is not in compliance with this chapter or the rules adopted by the department, the department may notify the provider agency of required corrective actions.

2. The provider agency shall submit a corrective action plan addressing the corrective actions.
3. If the provider agency fails to comply with the corrective action plan by the date certain for correction, the department may:
 - a. Issue a restricted license; or
 - b. Revoke the license.

Purchase of services - Host home program.

1. The department may purchase residential care, custody, treatment, training, and education services for individuals with developmental disabilities from a provider agency or a Medicaid-enrolled provider, from funds appropriated for that purpose.
2. The department may establish a host home program to provide out-of-home placement habilitation and support services for Medicaid-eligible individuals with developmental disabilities.

Federal requirements - Supremacy.

If any provision of this chapter is determined by the United States government to be in conflict with existing or future requirements of the United States government so as to limit or preclude federal financial participation in medical assistance, the department shall comply with the federal requirements to the extent necessary to obtain federal financial participation and shall not comply with the provisions of this chapter if necessary to avoid a loss of federal financial participation.

SECTION 15. AMENDMENT. Section 25-16.1-01 of the North Dakota Century Code is amended and reenacted as follows:

25-16.1-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Department" means the department of health and human services.
2. ~~"Treatment or care center"~~ "Provider agency" means an entity providing services to individuals with developmental disabilities and licensed by the department to provide services.

SECTION 16. AMENDMENT. Section 25-16.1-02 of the North Dakota Century Code is amended and reenacted as follows:

25-16.1-02. Conditions for appointment of receiver.

When the department has revoked the license of a ~~treatment or care center~~ provider agency, or when the operator of a ~~center~~ provider agency has requested, the department may file a petition with the district court to place the ~~center~~ provider agency under the control of a receiver if necessary to protect the health or safety of clients at the ~~center~~ provider agency. The court may grant the petition upon a finding that the health or safety of the clients at the ~~center~~ provider agency would be seriously threatened if a condition existing at the time the petition was filed is permitted to continue. Such a finding may be based upon evidence concerning the physical plant, the program and services offered by the ~~center~~ provider agency, but not solely upon evidence that a ~~center~~ provider agency:

1. Has been denied a license to operate as a ~~center~~provider agency, or has had a previously issued license revoked; or
2. Has been denied certification as an intermediate care facility for individuals with intellectual disabilities, or has lost or had revoked such certification.

SECTION 17. AMENDMENT. Section 25-16.1-03 of the North Dakota Century Code is amended and reenacted as follows:

25-16.1-03. Appointment of receiver.

The court shall appoint, as receiver, the ~~executive director~~commissioner of the department who shall designate a qualified individual not employed by this state or its political subdivisions, or a nonprofit organization to execute the receivership. The receiver appointed by the court shall use the income and assets of the ~~treatment or care center~~provider agency to maintain and operate the ~~center~~provider agency and to attempt to correct the conditions which constitute a threat to the clients. The receiver may not liquidate the assets of the ~~treatment or care center~~provider agency.

SECTION 18. AMENDMENT. Section 25-16.1-04 of the North Dakota Century Code is amended and reenacted as follows:

25-16.1-04. Termination of receivership.

The receivership shall be terminated when the receiver and the court certify that the conditions which prompted the appointment have been corrected, when the license is restored, when a new license is issued, or, in the case of an election by the owner or owners to discontinue operation, when the clients are safely placed or provided services in other ~~centers~~provider agencies.

SECTION 19. REPEAL. Chapter 25-18 of the North Dakota Century Code is repealed.

SECTION 20. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 23, 2025

Filed April 23, 2025

INSURANCE

CHAPTER 274

HOUSE BILL NO. 1026

(Legislative Management)
(Government Finance Committee)

AN ACT to amend and reenact sections 23-24-07, 26.1-01-03, 26.1-21-01, 26.1-21-02, 26.1-21-04, 26.1-21-07, 26.1-21-09.1, 26.1-21-10, 26.1-21-11, 26.1-21-12, 26.1-21-14, 26.1-21-16, 26.1-21-18, 26.1-21-19, 26.1-21-21, 26.1-21-23, 61-06-08, and 61-16.1-05 of the North Dakota Century Code, relating to changing the administration of the state bonding fund from the insurance commissioner to the office of management and budget; to repeal sections 26.1-21-03, 26.1-21-08, 26.1-21-09, 26.1-21-13, 26.1-21-15, 26.1-21-17, 26.1-21-20, 26.1-21-22, and 26.1-21-24 of the North Dakota Century Code, relating to the administration of the state bonding fund; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-24-07 of the North Dakota Century Code is amended and reenacted as follows:

23-24-07. Bonds of officers and employees.

The treasurer of the district must be bonded in such an amount as is required by the board of commissioners but ~~such the~~ bond may not be less than one thousand dollars. Other district employees must be bonded in such an amount as determined by the board ~~may prescribe~~. Every officer or employee of whom a bond is required must be deemed bonded with the state bonding fund upon notice of the ~~person's~~ appointment of the individual given to the state insurance commissioner administrator of the fund by the secretary of the district. Upon notification of the state bonding fund of the premium required, the treasurer shall remit the ~~same payment~~.

¹⁰⁰ **SECTION 2. AMENDMENT.** Section 26.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

26.1-01-03. Duties of commissioner.

The commissioner shall:

1. See that all the laws of this state respecting insurance companies and benevolent societies are executed faithfully.

¹⁰⁰ Section 26.1-01-03 was also amended by section 1 of House Bill No. 1027, chapter 275.

2. Report in detail to the attorney general any violation of law relative to insurance companies and their officers or agents.
3. File the articles of incorporation of all insurance companies organized or doing business in this state, and on application furnish a certified copy thereof.
4. Furnish the insurance companies required to make reports to the commissioner and the benevolent societies the necessary blank forms for required statements and reports. The commissioner is not required to send blank forms to those insurance companies which submit their reports on printed forms conforming to those furnished by the commissioner.
5. Preserve in permanent form a full record of the commissioner's proceedings and a concise statement of each company or agency visited or examined.
6. Furnish at the request of any person, upon the payment of the required fee, certified copies of any record or paper in the commissioner's office, if the commissioner deems it not prejudicial to the public interests to do so, and give such other certificates as may be provided by law.
7. Submit a biennial report as prescribed by section 54-06-04 to the governor and the secretary of state. In addition to the requirements of section 54-06-04, the report must contain an abstract only of the reports of the various insurance companies doing business in this state showing the condition of the companies.
8. Upon request, send a copy of the commissioner's annual report to the insurance commissioner, or other similar officer, of every other state and to each company doing business in this state.
9. Communicate, on request, to the insurance commissioner of any other state any facts that by law it is the commissioner's duty to ascertain respecting companies of this state doing business within that state.
10. ~~Manage, control, and supervise the state bonding fund.~~
44. Manage, control, and supervise the state fire and tornado fund and the insurance of public buildings in that fund.
- ~~42-11.~~ Manage, control, and supervise the state fire marshal.

SECTION 3. AMENDMENT. Section 26.1-21-01 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-01. Definitions.

~~In As used in~~ this chapter, ~~unless the context otherwise requires:~~

1. "Blanket bond" means a bond that covers collectively all public employees and public officials ~~without the necessity of scheduling names or positions as a part of the bond, and a bond whereby new public employees and new public officials entering employment or office during the period of the bond are automatically included without notice to the fund.~~
2. "Fund" means the state bonding fund.

3. "International peace garden" means an entity located upon the international boundary line between the United States and Canada used and maintained as a memorial to commemorate the long-existing relationship of peace and good will between the people and the governments of the United States and Canada and to further international peace among the nations of the world.
4. "Office" means the office of management and budget.
5. "Political subdivision" means a county, township, park district, school district, city, ~~and~~ any other unit of local government which is created either by statute or by the Constitution of North Dakota for local government or other public purposes.
- ~~5-6.~~ "Public employee" means an individual employed by a state agency or any political subdivision, an officer or employee eligible under section 57-15-56, an employee under section 61-16.1-05, ~~and~~ an officer or employee of an international peace garden. ~~"Public employee"~~ The term does not include an individual employed by an occupational and professional board or commission under title 43 or by the state bar association.
- ~~6-7.~~ "Public official" means an elected or appointed officer or deputy of a state agency or a political subdivision, ~~except for~~. The term does not include an officer of an occupational and professional board or commission under title 43 or of the state bar association.
- ~~7-8.~~ "State agency" means a state board, bureau, commission, department, agency, industry, ~~and~~ institution and the international peace garden.

SECTION 4. AMENDMENT. Section 26.1-21-02 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-02. State bonding fund - ~~Management by commissioner~~Office of management and budget - Administrative services - Continuing appropriation - Report.

~~A fund must be maintained as a fund~~

1. There is created in the state treasury the state bonding fund for the bonding of public employees and public officials. ~~All~~The fund consists of all assessments, interest, profits on investments, and all investment earnings, and other income collected under this chapter must be paid into the fund.
2. The ~~commissioner's~~office shall manage the fund. The office may contract for administrative services from the North Dakota insurance reserve fund or another entity to assist with the management of the fund. A contract for administrative services must have a two-year term ending on June thirtieth of each odd-numbered year, and the contract may not be terminated except at the end of the two-year term. If either party does not anticipate renewing the contract for another two-year term, the party shall give notice of the intent to not renew by September thirtieth of the even-numbered year during the two-year term.
3. Moneys in the fund are appropriated to the office on a continuing basis for paying claims against the fund, contracting for administrative services as provided under subsection 2, paying costs incurred by the state auditor for investigations under section 26.1-21-12, and paying reinsurance costs under section 26.1-21-21.

4. If the balance of the fund is less than three million dollars, the office shall collect assessments from state agencies and political subdivisions. If the balance of the fund exceeds three million dollars, the office shall waive assessments until the balance of the fund is less than two million dollars at which time the office shall resume collecting assessments.
5. If the office determines the interests of the fund are jeopardized by the misconduct or inefficiency of any public official, the office shall notify the state auditor to conduct an investigation.
6. The office shall include a summary of the fund in the biennial report submitted in accordance with section 54-06-04. The summary must include the revenues, expenditures, and balance of the fund.

SECTION 5. AMENDMENT. Section 26.1-21-04 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-04. Attorney general is attorney for fund.

The attorney general shall act as attorney legal counsel for the ~~commissioner~~ office in any proceeding to which the ~~commissioner~~ office is a party on behalf of the fund.

SECTION 6. AMENDMENT. Section 26.1-21-07 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-07. Coverage - Assessments - Minimum.

1. The amount of coverage afforded to each state agency or political subdivision must be determined by the ~~commissioner~~ office based upon the amount of money or property handled and the opportunity for defalcation ~~but the amount must at least~~. Except as otherwise required by law, the minimum amount of coverage must equal the amount of money or property actually handled or ten thousand dollars, whichever is less. ~~The coverage may be greater than but not less than the amount required by law or determined under law for a position.~~
2. The coverage for a state legislative or judicial branch agency, ~~however~~, may be determined by the legislative council or supreme court, respectively.
3. Notwithstanding any other provision of law, the ~~commissioner~~ office may issue bonds in such amounts as the ~~commissioner~~ determines necessary to carry out the purposes of the fund and, in determining the amount of coverage to be offered, the ~~commissioner~~ office may consider the reserves necessary to pay the bonds and for all other necessary costs or expenses to carry out the purposes of the fund.
4. The office shall determine the amount of the bond assessment. The minimum assessment is two dollars and fifty cents per public employee per year. Each state agency and political subdivision shall pay the assessment in advance, and the assessments collected must be deposited in the fund unless the assessment is waived in accordance with section 26.1-21-02.

SECTION 7. AMENDMENT. Section 26.1-21-09.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-09.1. Bonds of agents appointed to distribute hunting and fishing licenses or stamps - ~~Premiums~~Assessment - Determination of eligibility.

The annual ~~premium~~assessment for a bond of an agent appointed by the director of the game and fish department to distribute hunting and fishing licenses or stamps pursuant to section 20.1-03-17 is ten dollars. ~~The premium must be paid to the fund pursuant to rules adopted by the commissioner. The commissioner shall deposit the premiums with the state treasurer to the credit of the fund. The commissioner~~office may reduce or waive the premium assessment if it is ~~determined~~the office determines that funds received pursuant to under this section are sufficient to cover potential claims on the bonds of agents appointed to distribute hunting and fishing licenses or stamps. The ~~commissioner~~office shall determine the conditions and qualifications of agents bonded under this section. The minimum amount of coverage ~~afforded~~ under this section is fifteen thousand dollars per agent per year.

SECTION 8. AMENDMENT. Section 26.1-21-10 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-10. Automatic insurance of state and political subdivisions.

1. Each state agency and ~~each~~ political subdivision shall apply to be bonded in the fund ~~no less often than on a biennial basis~~ at least once per biennium or when a change in coverage is requested, whichever occurs first. Unless an application is denied within sixty days from the date it is received by the ~~commissioner~~office, the application will be ~~deemed~~ approved and bond coverage in force. If a bond is in the discretion of the state agency or political subdivision and a bond is not requested, the state agency or political subdivision is exempt from this section.
2. The application must include ~~a~~
 - a. The requested amount of bond coverage based on the amount of money and property handled and, the opportunity for defalcation, and any other condition imposed by law and list;
 - b. An amount equal to twenty-five percent of the money in control of the public officials or employees for which the bond is requested for the preceding year based on the total monthly balances. In addition, the application must include any; and
 - c. Any other information requested by the ~~commissioner~~office to determine the amount of money and property handled and the opportunity for defalcation, including the procedure used to determine the amount of bond requested, revenues for the last budget period by type, expenditures for the last budget period by type, the number of people that handle money, any portion of the last audit, and any financial procedures.
3. A blanket bond automatically includes coverage for new employees and new public officials.

SECTION 9. AMENDMENT. Section 26.1-21-11 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-11. ~~Default of public employees or public officials~~Claims - Limitation on filing of claims against fund - Register of claims - Review and payment of claims.

1. Within sixty days after the discovery of any default or wrongful act on the part of any public employee or public official for which the fund is or may become liable, the state auditor, county auditor, city auditor, township clerk, or business manager of the school district; the treasurer of the state or state agency or political subdivision if the defaulting officer is the auditor or clerk of the state or state agency or political subdivision; and any other officer having supervision of a defaulting public employee or public official shall file a claim with the ~~commissioner~~office against the fund.
2. ~~Any person injured by a default or wrongful act may present the claim to the commissioner within sixty days after the discovery of such default or wrongful act. If a claim is not filed within the time limited by this section, the claim is waived. A claim filed under this section must contain an abstract of the facts upon which the claim is based and must be verified by the claimant or by someone in the claimant's behalf. The claim and all papers relating to the claim must remain on file with the commissioner. The office may prescribe the forms for claims.~~
3. The office may administer oaths and examine witnesses in connection with a claim presented to the office.
4. The office shall maintain a register of all claims filed against the fund, including a brief description of each claim, the name of the public entity, the amount and character of the claim, the action taken upon the claim, and the date action was taken.
5. The office shall retain claims and documents relating to claims as provided by law.
6. The office shall review all claims presented to the office. The office shall notify the state auditor if any public employee or public official defaults or creates a liability against the fund, and the state auditor may conduct an investigation under section 26.1-21-12.
7. The office shall determine the allowable amount of the claim. The office may delay a determination of the allowable amount of the claim until receipt of the auditor's report under section 26.1-21-12. The office shall present all records relating to the claim, including the allowable amount determined by the office, to the attorney general for review.
8. The attorney general shall review the validity of the claim and the allowable amount determined by the office. Upon approval by the attorney general, the office shall pay the allowable amount to the claimant from the fund.

SECTION 10. AMENDMENT. Section 26.1-21-12 of the North Dakota Century Code is amended and reenacted as follows:

~~26.1-21-12. Commissioner to notify state auditor of default of public employee or public official - Duty of state auditor - Investigations - Review of coverage.~~

~~If any public employee or public official defaults or creates a liability against the fund, the commissioner shall notify the state auditor. The state auditor shall investigate, or cause to be investigated, the accounts of the public employee or public official and file a report with the commissioner stating any amount due from the fund because of the default or wrongful act. For these services, the auditor or investigating firm must be paid out of the fund all reasonable costs incurred.~~

1. Upon notification from the office of jeopardized fund interests under section 26.1-21-02, the state auditor may investigate the relevant state agency or political subdivision and may provide a report to the office regarding any findings.
2. The state auditor may evaluate the blanket bond coverage when conducting an audit of a state agency or political subdivision. The state auditor may recommend changes in the amount of coverage in the audit report.
3. Costs incurred by the state auditor under subsection 1 must be paid from the fund.
4. The state auditor may contract for an investigation under subsection 1.

SECTION 11. AMENDMENT. Section 26.1-21-14 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-14. Filing claim is condition precedent to bringing action~~**Action against the fund - Failure to act is disallowance - Limitation - Interest.**~~

1. An action may not be maintained brought against the fund upon a claim until the claim has been presented for allowance as provided into the office under this chapter and the commissioner's office has refused to allow the claim. A claim that has not been allowed within sixty days after presentation for allowance is disallowed. The filing and disallowance of the claim must be alleged in the complaint in any action brought against the fund.
2. An action brought against the fund for a claim must be commenced within one year after presenting the claim to the office. The liability of the fund is limited to a breach of a condition of the bond which occurred within two years before the date of presenting the claim to the office.

SECTION 12. AMENDMENT. Section 26.1-21-16 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-16. Suit by party injured by default of public employee or public official - Subrogation - Right of appeal.

~~A person injured by the default or wrongful act of any public employee or public official may sue the public employee or public official. To effect recovery from the fund, that person must join the fund as codefendant. A judgment must be obtained against the public employee or public official to create liability upon the bond. If the judgment is obtained against the public employee or public official, the judgment must specify that to the extent to which the fund is liable upon the bond of the public employee or public official, the judgment must be paid out of any money in the fund or~~

~~that which may accrue to the fund.~~ If the judgment payment is paid out of the fund, the fund has a right to recover and is subrogated to the right of the judgment creditor to recover against the public employee or public official. The commissioner office may act for the fund in all proceedings to enforce the right of subrogation ~~and may appeal from an order or judgment against the fund in~~ the same manner as other parties to civil actions.

SECTION 13. AMENDMENT. Section 26.1-21-18 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-18. ~~Commissioner may make examinations~~ Request for accountingAction against a public official - Reporting defaulting official to governor.

If the commissioner office determines that the interests of the fund are jeopardized by the misconduct or inefficiency of any public official, the commissioner ~~shall request the state auditor to make an examination, and, if necessary, shall cause an office may bring an~~ action for an accounting to be instituted against the public official for the purpose of requiring to require complete disclosure of the business of the office state agency or political subdivision of which the public official is an incumbent. The action must be brought in the name of the commissioner office as plaintiff, and the court in the action may interplead all concerned parties. ~~The commissioner may make a complaint to the governor requesting the governor to institute an investigation with the purpose of removing from the office any defaulting public official or any public official who so conducts the affairs of the public official's office as to endanger the fund.~~

SECTION 14. AMENDMENT. Section 26.1-21-19 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-19. Cancellation of liability of fund - ~~When permitted~~ EffectCancellation of coverage - Appeal proceeding.

1. After due an investigation, the commissioner office may cancel the liability of the fund bond for the acts of any public employee or public official. The cancellation takes effect thirty days after written notice. ~~If a public official's or public employee's bond is canceled, the public official or public employee may secure at personal expense a bond executed by a duly authorized surety company in an amount determined by the commissioner. Evidence of a surety bond purchased under this section must be filed with the commissioner.~~
2. The office shall notify the public entity employing the public employee or public official immediately by certified mail when the bond or coverage under a blanket bond is canceled.

SECTION 15. AMENDMENT. Section 26.1-21-21 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-21. ~~Fund may reinsure risks~~ Premium on reinsuranceReinsurance.

The commissioner office may reinsure any part of any liability in excess of twenty-five thousand dollars ~~upon~~ for any one public official, or group of public officials and public employees under a blanket bond, at a cost not exceeding the rate of premium provided for in assessment under this chapter, and the expense of such. ~~The cost of reinsurance must be paid out of from~~ the fund.

SECTION 16. AMENDMENT. Section 26.1-21-23 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-23. ~~Public official may furnish private bond - Premiums payable from public moneys only to fund~~ Additional bond coverage.

1. If a bond or bond coverage for a public employee or public official is canceled under section 26.1-21-19, the public official or public employee may purchase a bond from an authorized surety company for a coverage amount determined by the office. The public official or public employee may not use public funds to pay for the bond.
2. In lieu of the bond provided for in this chapter, a public officer or public employee may furnish secure a bond issued by a duly from an authorized surety company in an for a coverage amount determined by the commissioner, but an officer or board of the state or of any political subdivision may not pay for the surety bond out of any public funds office. The public official or public employee may not use public funds to pay for the bond.
3. A state agency or political subdivision may purchase a bond from an authorized surety company to provide coverage in addition to the bond provided by the fund.
4. Evidence of a bond purchased under this section must be filed with the commissioner office.

SECTION 17. AMENDMENT. Section 61-06-08 of the North Dakota Century Code is amended and reenacted as follows:

61-06-08. Officers or employees bonded in state bonding fund - Premium paid by whom ~~Assessment payment.~~

Every elective or appointive officer or employee of whom a bond is required under the provisions of this chapter shall be deemed to be bonded in the state bonding fund upon the giving of notice of such election or appointment by the secretary of the district to the ~~insurance commissioner~~ administrator of the fund. Upon notification ~~by the insurance commissioner of the amount of the premium of such bond or bonds assessment,~~ the secretary of the district ~~forthwith~~ shall remit the ~~same payment.~~

SECTION 18. AMENDMENT. Section 61-16.1-05 of the North Dakota Century Code is amended and reenacted as follows:

61-16.1-05. Bonds of treasurer and appointive officers.

The treasurer of a district shall be bonded in the amount set by the water resource board but the bond shall not be less than one thousand dollars. Other district employees shall be bonded in any amount set by the board. Every officer or employee of whom a bond is required shall be deemed bonded with the state bonding fund upon notice of that appointment given to the ~~state insurance commissioner~~ administrator of the fund by the secretary of the district. Upon notification ~~by the state bonding fund of the premium required of the assessment,~~ the district treasurer shall remit the ~~same payment.~~

SECTION 19. REPEAL. Sections 26.1-21-03, 26.1-21-08, 26.1-21-09, 26.1-21-13, 26.1-21-15, 26.1-21-17, 26.1-21-20, 26.1-21-22, and 26.1-21-24 of the North Dakota Century Code are repealed.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 275

HOUSE BILL NO. 1027

(Legislative Management)
(Government Finance Committee)

AN ACT to amend and reenact sections 26.1-01-03, 26.1-22-01, 26.1-22-02, 26.1-22-02.1, 26.1-22-03.1, 26.1-22-09, 26.1-22-10, 26.1-22-11, 26.1-22-14, 26.1-22-16, 26.1-22-17, 26.1-22-21, and 26.1-22-22, subdivisions a and c of subsection 1 of section 26.1-23.1-01, and section 37-03-13 of the North Dakota Century Code, relating to changing the administration of the state fire and tornado fund from the insurance commissioner to the office of management and budget; to repeal sections 26.1-22-03, 26.1-22-05, 26.1-22-06, 26.1-22-06.1, 26.1-22-08, 26.1-22-10.1, 26.1-22-13, 26.1-22-15, 26.1-22-18, 26.1-22-19, and 26.1-22-21.1 of the North Dakota Century Code, relating to the administration of the state fire and tornado fund; to provide for a legislative management study; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰¹ **SECTION 1. AMENDMENT.** Section 26.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

26.1-01-03. Duties of commissioner.

The commissioner shall:

1. See that all the laws of this state respecting insurance companies and benevolent societies are executed faithfully.
2. Report in detail to the attorney general any violation of law relative to insurance companies and their officers or agents.
3. File the articles of incorporation of all insurance companies organized or doing business in this state, and on application furnish a certified copy thereof.
4. Furnish the insurance companies required to make reports to the commissioner and the benevolent societies the necessary blank forms for required statements and reports. The commissioner is not required to send blank forms to those insurance companies which submit their reports on printed forms conforming to those furnished by the commissioner.
5. Preserve in permanent form a full record of the commissioner's proceedings and a concise statement of each company or agency visited or examined.
6. Furnish at the request of any person, upon the payment of the required fee, certified copies of any record or paper in the commissioner's office, if the commissioner deems it not prejudicial to the public interests to do so, and give such other certificates as may be provided by law.

¹⁰¹ Section 26.1-01-03 was also amended by section 2 of House Bill No. 1026, chapter 274.

7. Submit a biennial report as prescribed by section 54-06-04 to the governor and the secretary of state. In addition to the requirements of section 54-06-04, the report must contain an abstract only of the reports of the various insurance companies doing business in this state showing the condition of the companies.
8. Upon request, send a copy of the commissioner's annual report to the insurance commissioner, or other similar officer, of every other state and to each company doing business in this state.
9. Communicate, on request, to the insurance commissioner of any other state any facts that by law it is the commissioner's duty to ascertain respecting companies of this state doing business within that state.
10. Manage, control, and supervise the state bonding fund.
11. ~~Manage, control, and supervise the state fire and tornado fund and the insurance of public buildings in that fund.~~
12. Manage, control, and supervise the state fire marshal.

SECTION 2. AMENDMENT. Section 26.1-22-01 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-01. Definitions.

~~In~~As used in this chapter,~~unless the context otherwise requires:~~

1. "Fund" means the state fire and tornado fund.
2. "Indirect loss" means a loss in income or the additional expenses incurred because of a property loss.
3. "International peace garden" means an entity located upon the international boundary line between the United States and Canada used and maintained as a memorial to commemorate the long-existing relationship of peace and good will between the people and the governments of the United States and Canada and to further international peace among the nations of the world.
4. "North Dakota insurance reserve fund" means the public risk pool established under section 26.1-23.1-01 regardless of any name change or dissolution and reincorporation if the risk pool continues to provide coverage to a majority of eligible political subdivisions in the state.
5. "Office" means the office of management and budget.
6. "Permanent contents" refers only to such public property, either owned or leased, usually kept or used in or about public buildings insured in the fund, and to all public personal property usually kept or used in or about all buildings used for public purposes, or within one hundred feet [30.48 meters] of all such buildings, or while on sidewalks, streets, alleys, yards, detached platforms, and in or on railway cars. The term includes similar property owned by an international peace garden or a winter show. The term does not include automobiles, trucks, tractors, road machinery, or similar property used principally outside such buildings.

- ~~5-7.~~ "Political subdivision" means ~~all counties, townships, park districts, school districts, cities, and any other units~~ a county, township, park district, school district, city, or any other unit of local government which ~~are~~ is created either by statute or by the Constitution of North Dakota for local government or other public purposes.
- ~~6-8.~~ "Replacement cost" is the cost to replace a building or its permanent contents with a similar structure of like materials or a similar product at current prices.
- ~~7-9.~~ "State agency" means a state board, bureau, commission, department, agency, industry, or institution and the international peace garden.
- ~~10.~~ "Winter show" means an agricultural exhibition sponsored each year in March by a nonprofit corporation.

SECTION 3. AMENDMENT. Section 26.1-22-02 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-02. State fire and tornado fund under management of commissioner-- Purpose of fund~~Office of management and budget - Continuing appropriation.~~

1. There is created in the state treasury the state fire and tornado fund to insure state agencies, political subdivisions, and winter shows against direct and indirect losses under this chapter. The fund consists of all assessments, interest, investment earnings, and other income collected under this chapter.
2. The commissioner~~office~~ shall manage the fund. The fund must be maintained as a fund to insure the various state industries, the various political subdivisions, any international peace garden, and any winter show against loss to the public buildings, or buildings owned by an international peace garden or a winter show, and fixtures and permanent contents therein, and against indirect loss, through fire, lightning, inherent explosion, windstorm, cyclone, tornado and hail, explosion, riot attending a strike, aircraft, smoke, and vehicles. At the option of the insured, the fund may insure against other risks of direct physical loss and indirect loss from those risks. All moneys collected under this chapter must be paid into the fund for use only for the purposes provided for in this chapter. The office may use any information on file in the state fire marshal program and may delegate responsibilities according to a contract for administrative services from the North Dakota insurance reserve fund or another entity to assist with the management of the fund. A contract for administrative services must have a two-year term ending on June thirtieth of odd-numbered years, and the contract may not be terminated except at the end of the two-year term. If either party does not anticipate renewing the contract for another two-year term, notice must be given by September thirtieth of the even-numbered year during the two-year term.
3. Moneys in the fund are appropriated to the office on a continuing basis for paying claims against the fund for losses, including loss adjustment expenses; contracting for services under subsection 2; paying loss prevention inspection and rating inspection expenses to determine the proper assessment rates for property insured by the fund; and paying reinsurance expenses under section 26.1-22-21.

SECTION 4. AMENDMENT. Section 26.1-22-02.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-02.1. Insurance against indirect losses.

The ~~commissioner's office~~ shall provide, upon request of an entity insured ~~with~~ under the fund, coverage ~~by the fund~~ for an indirect loss ~~incurred because of a loss~~ arising out of a peril insured against by the fund. The coverage provided by the fund ~~shall must~~ be an amount that is subject to the underwriting guidelines ~~adopted~~ developed by the ~~commissioner's office~~.

SECTION 5. AMENDMENT. Section 26.1-22-03.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-03.1. North Dakota insurance reserve fund - Producers - Commission.

The North Dakota insurance reserve fund may use the services of producers licensed under this title to assist policyholders. Any commission paid to a producer under this section must be paid out of the ~~premium assessment~~ income of the fund and must be assessed against the policyholders that benefit from the producer.

SECTION 6. AMENDMENT. Section 26.1-22-09 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-09. Buildings to be reported to commissioner's office - Replacement cost appraisal.

1. In each odd-numbered year, or upon application for insurance, ~~the state board of higher education, and each officer, department, or agent of the state and of any industry thereof having in charge any public building belonging to the state, each county auditor, city auditor, township clerk, and school district business manager, as the case may be, the agent for an international peace garden, and the agent for a winter show, if applicable, every state agency, political subdivision, and winter show insured under the fund shall report to the commissioner's office the insurable value of each public building, or of each building owned by an international peace garden or a winter show with the exception of building, excluding buildings insured by private insurance companies, and the value of the fixtures and permanent contents therein insured under the fund, with the exception of excluding fixtures and permanent contents insured by private insurance companies, belonging to the state, political subdivision, an international peace garden, or a winter show, and shall supply such other information as may be required by the commissioner on forms provided by the commissioner. State agencies, political subdivisions, and winter shows shall report any additional information required by the office to administer this chapter. The office shall provide forms for reporting.~~
2. Once every six years, each state agency insured under the fund shall obtain a replacement cost appraisal on all buildings, fixtures, and permanent contents under the agency's custody which are insured under this chapter. The office shall determine the manner of conducting the appraisal. Annually, except for any year an appraisal is conducted, each state agency insured under the fund shall adjust the appraised value as required by the office and the amount must be considered the replacement value. If an appraisal results in a substantial premium increase the office determines may not be paid through existing agency appropriations, the amount must be considered an earned receivable of the fund, and the agency shall seek a deficiency or general appropriation sufficient for payment during the next legislative session.

SECTION 7. AMENDMENT. Section 26.1-22-10 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-10. Commissioner to provide insurance on Insurance for buildings and personal property - Additional coverage - Township and school district property.

1. Upon application, the ~~commissioner~~office shall provide for insurance against loss by fire, lightning, inherent explosion, windstorm, cyclone, tornado and hail, explosions, riot attending a strike, aircraft, smoke, vehicles, or may insure any other risks of direct physical loss, subject to the restrictions and exclusions ~~deemed necessary~~determined by the ~~commissioner~~office.
 - a. Insurance under this section applies to all buildings owned by the state, state industries~~state agencies~~, political subdivisions, international peace gardens, and winter shows, and the fixtures and permanent contents in ~~such~~the buildings, ~~to the extent of not to,~~
 - b. Insurance coverage under this section may not exceed the insurable value of such~~the~~ property, ~~as the value is agreed to between the commissioner and the officer or board having control of such property, or, in case of disagreement, by approval through arbitration.~~
 - c. State-owned buildings constructed after 1939 and fixtures and permanent contents insured under this chapter must be insured at replacement cost unless the office approves an alternate value.
 - d. The ~~commissioner~~office may allow property to be insured on a blanket basis.
2. ~~All buildings and the contents of the buildings owned by the state mill and elevator association, in lieu of coverage under this chapter, may, at the option of the industrial commission, be insured by private insurance companies licensed to do business in this state, against at least all the types of hazards insured against by the fund. If the industrial commission exercises the option provided in this section, the commission shall seek competitive sealed bids, shall invite the fund to submit a bid, and may reject any or all bids received. An insurance policy under this chapter must include the name of the insured, the location and description of the insured property, the amount of insurance coverage, and the amount of the assessment.~~
3. ~~All public buildings owned by a political subdivision, in lieu of coverage provided for in this section, may at the option of the governing body of the political subdivision be insured on the basis of competitive sealed bids, through the fund which must be invited to submit a sealed bid or private insurance companies licensed to do business in this state, against damage resulting from hazards, which include those types of hazards that may be insured against by the fund. The governing body may reject any or all such bids. In lieu of or in addition to the coverage under this section, a state agency, political subdivision, or winter show may purchase insurance from an authorized insurance company for all:~~
 - a. Buildings and the contents of the buildings owned by the state mill and elevator association.
 - b. Public buildings owned by a political subdivision.

- c. Public libraries owned by the state or a political subdivision for damage through vandalism.
4. All public libraries owned by the state or political subdivisions may, in addition to the coverage provided for in this section, be covered against damage through vandalism. If this coverage cannot be extended to the public libraries situated within this state, the libraries may contract for this coverage with private insurance companies; provided, that this coverage meets the recommendations of the insurance code of the American library association. The office shall develop guidelines to be used by state agencies, political subdivisions, and winter shows to determine insurable values of property for insurance coverage and indirect loss coverage under this chapter.
5. This chapter does not apply to the property of any township or school district located outside of the incorporated limits of a city unless the township or school district requests and applies for insurance coverage under this chapter. The application must be approved in writing by the office to be effective.
6. A state agency, political subdivision, or winter show may not make payments, enter contracts, or incur debt for insurance on buildings, fixtures, or permanent contents except as provided under this chapter.
7. If the insurance is canceled under section 26.1-22-16, the state agency, political subdivision, or winter show may procure insurance from any authorized insurance company.
8. If a disagreement or dispute arises under this section, the office and the state agency, political subdivision, or winter show shall settle the disagreement or dispute under section 26.1-22-11.

SECTION 8. AMENDMENT. Section 26.1-22-11 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-11. Arbitration of value or loss.

~~In case the commissioner and the board or officer having charge~~

1. If the office and the state agency, political subdivision, or winter show having custody of any property are unable to agree upon or disagree about the insurable value of the property or the amount of loss insured, the value must be determined by the office and the state agency, political subdivision, or winter show may agree to have the value or loss determined by a recognized competent, disinterested contractor, architect, experienced appraiser, appraisal company, or a member of those respective professional boards at the expense of the state agency, political subdivision, an international peace garden, or a winter show owning the property, if the appraisal company arbitrator meets with the approval of both the commissioner and the board or officer concerned. If they are unable to agree on an arbitrator, then the matter must be submitted to arbitration by a board of arbitration selected as provided by this section. The commissioner and the board or officer in charge.
2. If the office and the state agency, political subdivision, or winter show are unable to resolve a disagreement under subsection 1, the determination must be arbitrated as provided in this subsection.

- a. The office and the state agency, political subdivision, or winter show having custody of the property each shall select one competent, disinterested contractor, architect, experienced appraiser, appraisal company, or one of the members of such board, and the two so chosen member of those respective professional boards. The two selected arbitrators shall select a third person of arbitrator with similar qualification qualifications.
 - b. The three arbitrators shall proceed to determine the insurable value of the property, and the decision of the arbitrators, or a majority of them, must be given in writing to the commissioner and the board or officials concerned and or the amount of loss insured within thirty days after the selection of the first two arbitrators. Upon determination by a majority of the arbitrators, the arbitrators shall notify the parties of the determination in writing. The determination is binding upon both parties.
 - c. Each party to the dispute shall pay the expense and charges expenses of the arbitrator chosen by the party, and the expense and the charges. The expenses of the third arbitrator must be borne paid equally by both parties to the dispute. The decision by the board of arbitration must be made within thirty days from the time the matter is submitted to it. Until the commissioner and board or officer in charge have agreed, or in case of dispute, until the decision of the appraisal company or arbitrators, the property
 - d. While the value is being determined under this section, property must continue to be valued in the same amount as previously determined, or in case of new buildings or property, in the amount fixed determined by the commissioner. The same procedure must be followed in case of new construction or in any increase or decrease in values office.
3. This section applies to existing property, new construction, and property with a change in value.

SECTION 9. AMENDMENT. Section 26.1-22-14 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-14. Assessments and reporting of premiums and losses- Collections - Minimum fund balance - Bond and borrowing authorization.

1. Upon providing insurance coverage under this chapter, the office shall certify to the insured the amount of the assessment. The state agency, political subdivision, or winter show shall submit to the office the payment of the assessment within sixty days after the date of the certification. The office shall deposit the assessments in the fund.
2. If the assessment is not paid within sixty days after the date of the certification, the attorney general and the state's attorney of the relevant county shall bring appropriate actions to enforce the collection of the assessment upon request of the office. A judgment obtained under this section must include an interest rate of six percent per year.
3. If the reserve fund balance is less than twelve million dollars, the commissioner shall determine the amount of money necessary to bring the reserve balance up to twelve million dollars. The commissioner then office shall levy an assessment against on every policy in force with the fund.

2. The assessment must be computed to increase the fund balance of the fund to twelve million dollars calculated as follows:
- The eighty percent or ninety percent coinsurance rate established for each eligible insured property for which that rate may be applicable, and, the full rate established for policies providing coverage against indirect losses, and the full rate for properties to which the that are not eligible for the eighty percent or ninety percent coinsurance rate is not applicable, must be applied to the amount of insurance provided in each policy and the result of the application of the rate to the amount of insurance sets to determine the tentative assessment to be made against the each policy.
 - The total of all tentative assessments must then be ascertained is the sum of the amounts calculated under subdivision a.
 - The percentage of the assessment necessary to restore needed to increase the reserve fund balance to the sum of twelve million dollars must then be computed calculated and collected on each policy; provided, that until the reserve balance reaches twelve million dollars, the assessment must be in an amount determined by the commissioner but. The assessments may not exceed sixty percent of the rates set by the insurance services office for insured property unless the reserve fund balance is depleted below less than three million dollars.
 - In case of a fractional percentage the next higher whole percent must be used in such computation. A fractional percent must be rounded up to the next whole percent.
4. If the fund balance is less than two million dollars due to a catastrophe, disaster, or a succession of catastrophes or disasters, the office may issue anticipation bonds or borrow from the Bank of North Dakota to provide the amount needed to increase the fund balance to two million dollars upon approval from the industrial commission.
- The term of the anticipation bonds or loan may not exceed twenty years.
 - The office shall levy an assessment on all policies in force under the fund to repay the anticipation bonds or loan.

SECTION 10. AMENDMENT. Section 26.1-22-16 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-16. Rejection of certain Unreasonably hazardous risks - Mitigation - Insurance cancellation.

If the ~~commissioner~~office finds that any risk is unreasonably hazardous, the ~~commissioner~~office may require the ~~board or officer~~state agency, political subdivision, or winter show having control of the risk to make any improvements or changes necessary to mitigate or remove the extra hazard. If the ~~board or agency~~state agency, political subdivision, or winter show fails to make the improvements or changes mitigate or remove the extra hazard within six months after the demand by the ~~commissioner~~notification from the office, the ~~commissioner~~office may cancel the insurance on the renewal upon thirty days' notice. ~~No~~A cancellation may not be made by the ~~commissioner~~office for property under the industrial commission's custody without the approval of the industrial commission. ~~If a dispute arises between the commissioner and the board or official having control of the risk, either as to the~~

~~insurability thereof or as to the compliance by the board or officer with the requirements of the commissioner, the dispute must be submitted to a board of arbitration as provided in section 26.1-22-11 and the decision of the board of arbitration is binding on both parties. If the insurance on any risk is canceled as provided in this section, the board or officer in charge of the risk may procure insurance from any authorized insurance company, and the premium is a proper charge against the state, state industry, or political subdivision owning the property. If a disagreement or dispute arises under this section, the office and the state agency, political subdivision, or winter show shall settle the disagreement or dispute under section 26.1-22-11.~~

SECTION 11. AMENDMENT. Section 26.1-22-17 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-17. Loss—How paidLosses - Limitation.

1. All losses ~~occasioned~~ by the perils insured against under this chapter must be paid out of the fund in an amount not exceeding the amount of the insurance upon any particular risk. The loss upon any building or property insured in the fund, whether totally destroyed or partially damaged by ~~reason of~~ the perils, must be adjusted by the ~~commissioner or a duly~~office, authorized adjuster, or adjusting company. All ~~necessary~~ loss adjustment expenses must be included as a ~~component part~~part of the loss and must be paid ~~out of~~from the fund. ~~Immediately upon the happening or occasion of any such loss or damage, the insured shall notify the commissioner. The notification must be in the manner required by the commissioner and must provide~~
2. Immediately after an event causing loss or damage, the insured shall notify the office in a manner prescribed by the office. The notification must include a description of the property, the amount of insurance carried, the probable amount of loss or damage, and the probable cause of loss or damage. The insured may not disturb the property except as provided in the policy until the ~~commissioner's~~office or the ~~commissioner's~~office's agent has adjusted the loss or has given notice that the information on which the adjustment is to be made has been secured.
3. Allowances for loss ~~and~~or damage must be paid ~~out of~~from the fund ~~upon warrants drawn by the office of management and budget upon the state treasurer against the fund after the submission of a voucher prepared by the commissioner to the office of management and budget specifying the amount to be paid and the payee to whom the warrants must be drawn. However, if at any time due to a catastrophe or disaster, or a succession of catastrophes or disasters, the reserve balance has been depleted below two million dollars, the commissioner may, with the approval of the industrial commission, issue premium anticipation certificates in an amount sufficient to bring the reserve balance up to two million dollars. The premium anticipation certificates must be issued for a period of from ten to twenty years, as determined by the commissioner with the approval of the industrial commission, and the interest and principal must be paid and retired by assessments levied on all policies in force with the fund. To retire these premium anticipation certificates, the commissioner shall levy a special assessment on every policy in force with the fund; however, the total of all assessments and premiums provided for in section 26.1-22-14 may not exceed the full rate as developed by an advisory organization at the direction of the commissioner. Any state department may invest its funds in the purchase of the premium anticipation certificates.~~

SECTION 12. AMENDMENT. Section 26.1-22-21 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-21. Insurance required – Excess loss reinsurance - Insurance broker of record.

1. ~~The commissioner~~office shall procure and shall keep in force excess loss reinsurance naming the fund as the reinsured. The excess loss reinsurance must be in an amount and for a period determined by the ~~commissioner~~office to be sufficient for the fund. The reinsurance contract must reimburse the fund for losses incurred by the fund under policies issued by the fund and arising out of each occurrence of a covered cause of loss and include at least a sixty-day cancellation notice.
2. The cost of the excess loss reinsurance must be paid out of the ~~premium~~assessment income of the fund and must be assessed against the policyholders that benefit from the reinsurance. Excess loss reinsurance must be written only by a company or companies authorized to do business within this state. The contract must be countersigned by a licensed North Dakota resident insurance producer. ~~On the last Monday in June prior to the expiration of the contract, the commissioner, with the approval of the industrial commission, shall contract for the excess loss reinsurance with the company or group of companies submitting the lowest and best bid for the period commencing on the ensuing first day of August. The commissioner, with the approval of the industrial commission, may disregard this section after the commissioner and the commission have studied the available bids for the reinsurance required by this section.~~
3. The office may contract for insurance broker of record services to assist in procuring excess loss reinsurance. The insurance broker must be licensed and authorized to do business in the state.

SECTION 13. AMENDMENT. Section 26.1-22-22 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-22. Commissioner may waive~~Waiver of subrogation rights during construction.~~

~~The commissioner may, in the commissioner's discretion,~~office may waive any right of the fund to recover for damage sustained by any structure as a result of fire or explosion caused by a contractor, its employees or agents, in the performance of a contract for the alteration of, or the construction of an addition to, a building insured ~~in~~under the fund.

¹⁰² **SECTION 14. AMENDMENT.** Subdivision a of subsection 1 of section 26.1-23.1-01 of the North Dakota Century Code is amended and reenacted as follows:

- a. Casualty insurance, including general, public officials, and professional liability coverages. However, if a court determines by clear and convincing evidence a governing body of a political subdivision took intentional action through an ordinance, administrative rule, or any other official action in violation of any state law, the political subdivision is liable to the self-insurance pool for all attorney fees, expenses, and costs incurred defending the action.

¹⁰² Section 26.1-23.1-01 was also amended by section 15 of House Bill No. 1027, chapter 275.

¹⁰³ **SECTION 15. AMENDMENT.** Subdivision c of subsection 1 of section 26.1-23.1-01 of the North Dakota Century Code is amended and reenacted as follows:

- c. Property insurance, including inland marine coverage, money and securities coverage, and extra expense coverage. However, this subdivision does not authorize government self-insurance pools to write those types of insurance coverages offered by the state fire and tornado fund under the provisions of chapter 26.1-22 as they existed on December 31, 1988, unless a government self-insurance pool enters a contract with the ~~commissioner~~office of management and budget to provide services for the state fire and tornado fund under section ~~26.1-22-03~~26.1-22-02.

SECTION 16. AMENDMENT. Section 37-03-13 of the North Dakota Century Code is amended and reenacted as follows:

37-03-13. Adjutant general to control military installations - Maintenance fund - Insurance.

1. The adjutant general of the state of North Dakota has full control of Camp Gilbert C. Grafton, Ramsey County, Fraine Barracks, Burleigh County, national guard air base facilities constituting a portion of Hector Airfield in Cass County, all in North Dakota and such other real property, installations, and facilities that may be acquired or leased by this state or the office of the adjutant general for military purposes. All moneys received from the sale of timber, stone, agricultural products, or other material taken from the properties and the proceeds of any leases or subleases thereof and other proceeds from the sale of military property must be paid into the state treasury, and kept as a separate fund and are hereby appropriated for the improvement of the properties for military uses and must be paid out upon proper vouchers approved by the adjutant general in accordance with the act of Congress granting the lands, installations, or facilities to the state of North Dakota or as otherwise authorized by law.
2. The adjutant general, after consultation with the ~~insurance commissioner~~office of management and budget, shall insure ~~in full or in part~~ with the state fire and tornado fund in accordance with chapter 26.1-22 ~~such~~the buildings, installations, and facilities or their contents ~~or portions thereof~~ as the adjutant general determines to be in the best interests of the state. The adjutant general may not insure buildings or property that are subject to replacement by the United States.

SECTION 17. REPEAL. Sections 26.1-22-03, 26.1-22-05, 26.1-22-06, 26.1-22-06.1, 26.1-22-08, 26.1-22-10.1, 26.1-22-13, 26.1-22-15, 26.1-22-18, 26.1-22-19, and 26.1-22-21.1 of the North Dakota Century Code are repealed.

SECTION 18. LEGISLATIVE MANAGEMENT STUDY - POLITICAL SUBDIVISIONS - REMOVAL FROM STATE FIRE AND TORNADO FUND. During the 2025-26 interim, the legislative management shall consider studying, in collaboration with the director of the office of management and budget and the North Dakota insurance reserve fund, the feasibility and desirability of removing political subdivisions from the state fire and tornado fund. The study must include an analysis

¹⁰³ Section 26.1-23.1-01 was also amended by section 14 of House Bill No. 1027, chapter 275.

of the statutory changes necessary to accomplish the change and the impact removing political subdivisions may have on premiums. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 276

HOUSE BILL NO. 1088

(Industry, Business and Labor Committee)
(At the request of the Insurance Commissioner)

AN ACT to amend and reenact section 26.1-01-03.3 of the North Dakota Century Code, relating to penalties for violation of the insurance title; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-01-03.3 of the North Dakota Century Code is amended and reenacted as follows:

26.1-01-03.3. Penalty for violation of title.

1. Unless otherwise provided by law, a person who violates this title is subject, after hearing by the commissioner, to payment of an administrative monetary ~~penalty~~fine of up to ten thousand dollars for each violation.
2. In addition to or in lieu of a monetary fine, the commissioner, after a hearing, may require restitution in the amount of direct financial loss be made to any person directly harmed by a violation of this title. The commissioner may not determine or adjudicate whether an obligation is owed under a policy or contract of insurance, or require a person to pay a claim or an amount claimed owed under a policy or contract of insurance.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 277

HOUSE BILL NO. 1123

(Industry, Business and Labor Committee)
(At the request of the Insurance Commissioner)

AN ACT to amend and reenact sections 26.1-01-07 and 26.1-26-13.4, subsection 4 of section 26.1-26.8-04, subdivision b of subsection 1 of section 26.1-26.8-05, subdivision a of subsection 1 of section 26.1-26.8-06, subdivision b of subsection 1 of section 26.1-26.8-09, subdivision b of subsection 2 of section 26.1-26.8-09, and subsections 2 and 4 of section 26.1-27-03 of the North Dakota Century Code, relating to fees charged by the insurance commissioner.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰⁴ **SECTION 1. AMENDMENT.** Section 26.1-01-07 of the North Dakota Century Code is amended and reenacted as follows:

26.1-01-07. Fees chargeable by commissioner.

1. The commissioner shall charge and collect the following fees:

- a. For filing articles of incorporation, or copies, or amendments thereof, ~~twenty-five~~fifty dollars.
- b. For each original certificate of authority issued upon admittance and for each annual renewal thereof, ~~one hundred~~one hundred fifty dollars and for amendment to certificate of authority, or certified copy thereof, ~~fifty~~one hundred dollars. For each annual renewal for county mutuals, one hundred fifty dollars.
- c. For issuing an annual reciprocal exchange license, the same fees as those applicable to the issuance of a certificate of authority in subsection 2.
- d. For filing an annual report of a fraternal benefit society, and issuing a license or permit to the society, and for each renewal thereof, one hundred dollars.
- e. For filing of articles of merger, or copies thereof, ~~thirty~~fifty dollars.
- f. For filing an annual statement for a county mutual, fifty dollars. For filing an annual statement for a life settlement provider, one hundred dollars. For filing an annual statement, ~~twenty-five~~one hundred dollars.
- g. For filing the abstract of the annual statement of ~~any~~any insurance company for publication, ~~thirty~~fifty dollars.
- h. For an official examination, the expenses of the examination at the rate adopted by the department. The rates must be reasonably related to the

¹⁰⁴ Section 26.1-01-07 was also amended by section 1 of House Bill No. 1584, chapter 278.

direct and indirect costs of the examination, including actual travel expenses, including hotel and other living expenses, compensation of the examiner and other persons making the examination, and necessary attendant administrative costs of the department directly related to the examination and must be paid by the examined insurer together with compensation upon presentation by the department to the insurer of a detailed account of the charges and expenses after a detailed statement has been filed by the examiner and approved by the department.

- i. For issuing a certificate to a domestic insurance company showing a compliance with the compulsory reserve provisions of this title and the maintenance of proper security deposits and for any renewal of the certificate, twenty-five dollars.
- j. For a written licensee's examination not administered by the office of the commissioner under a contract with a testing service, the actual cost of the examination, subject to approval of the commissioner, which must be paid to the testing service.
- k. For issuing a surplus lines insurance producer's or insurance consultant's license, one hundred dollars. For each annual renewal of a surplus lines insurance producer's or insurance consultant's license, twenty-five dollars.
- l. For issuing an insurance producer's license, one hundred dollars.
- m. For issuing a duplicate of any license or registration issued under this title, ten dollars.
- n. For each insurance company appointment and renewal of an appointment of an insurance producer, ~~ten~~twenty-five dollars.
- o. For each company application for admission, five hundred dollars, except applications for admission for county mutual, fraternal benefit, and surplus lines companies must be one hundred dollars.
- p. For issuing a license and each annual renewal of a license to an insurance premium finance company, one hundred dollars.
- q. For examining or investigating an insurance premium finance company, the actual expense and per diem incurred; but the per diem charge may not exceed fifty dollars.
- r. For issuing and each annual renewal of a license to an advisory organization, fifty dollars.
- s. For filing an individual insurance producer licensing continuation, twenty-five dollars.
- t. For services provided by the state fire marshal.
- u. For an initial application for multiple employer welfare arrangements, five hundred dollars. For each annual renewal, one hundred dollars.
- v. For an initial application for a life settlement provider, one hundred dollars. For each annual renewal, twenty-five dollars.

- w. For a life settlement broker application, an initial broker license fee of one hundred dollars. For each annual renewal, twenty-five dollars.
 - x. For issuing an individual resident or nonresident public adjuster license, one hundred dollars. For each biennial renewal, twenty-five dollars.
 - y. For issuing a business entity public adjuster license, one hundred dollars. For each biennial renewal, twenty-five dollars.
 - z. For issuing a license or certificate for a life or health insurance administrator, two hundred fifty dollars. For each annual renewal, one hundred dollars.
2. Nonprofit health service corporations and health maintenance organizations are subject to the same fees as any other insurance company. County mutual insurance companies and benevolent societies are liable only for the fees mentioned in subdivisions b, f, g, ~~and h,~~ and n of subsection 1.
3. ~~However, the commissioner may, after public notice and hearing, increase the fees authorized by this section for any year if it is determined necessary to generate the revenue appropriated by the legislative assembly from the insurance regulatory trust fund to fund budgeted operations for the insurance department. The insurance commissioner may not implement a fee increase pursuant to this section to enhance or in any manner add funds to the legislative appropriation for the insurance department. If an amount of a fee, penalty, or interest has been paid which was not due under this section, a refund may be issued to the individual who made the erroneous payment. The refund is allowed as a cash refund, at the discretion of the commissioner. The individual who made the erroneous payment shall present a claim for refund to the commissioner not later than two years after the due date of the fee for the period for which the erroneous payment was made.~~

SECTION 2. AMENDMENT. Section 26.1-26-13.4 of the North Dakota Century Code is amended and reenacted as follows:

26.1-26-13.4. Biennial license continuation.

A licensed individual insurance producer shall file a biennial license continuation in the form and manner prescribed by the commissioner and pay a fee ~~of twenty-five dollars~~ as prescribed in section 26.1-01-07. The commissioner shall give a licensee not less than sixty days' notice of the biennial license continuation filing deadline.

SECTION 3. AMENDMENT. Subsection 4 of section 26.1-26.8-04 of the North Dakota Century Code is amended and reenacted as follows:

4. ~~Has paid the resident licensing fee, not to exceed one hundred dollars, prescribed by the commissioner~~ prescribed in section 26.1-01-07;

SECTION 4. AMENDMENT. Subdivision b of subsection 1 of section 26.1-26.8-05 of the North Dakota Century Code is amended and reenacted as follows:

- b. ~~Has paid the nonresident licensing fee, not to exceed one hundred dollars, prescribed by the commissioner~~ prescribed in section 26.1-01-07.

SECTION 5. AMENDMENT. Subdivision a of subsection 1 of section 26.1-26.8-06 of the North Dakota Century Code is amended and reenacted as follows:

- a. Has paid the business entity licensing fee, ~~not to exceed fifty dollars, prescribed by the commissioner~~ prescribed in section 26.1-01-07; and

¹⁰⁵ **SECTION 6. AMENDMENT.** Subdivision b of subsection 1 of section 26.1-26.8-09 of the North Dakota Century Code is amended and reenacted as follows:

- b. To renew a license, a licensed resident public adjuster and a licensed nonresident public adjuster shall file a biennial license continuation in the form and manner prescribed by the commissioner and pay a fee ~~of twenty-five dollars as prescribed in section 26.1-01-07~~. The commissioner shall give a licensee at least sixty days' notice of the biennial license continuation filing deadline. A resident public adjuster or a nonresident public adjuster who allows the license to lapse may, within the twelve-month period immediately following the expiration date, reinstate the same license without the necessity of passing a written examination, upon payment of a reinstatement fee, ~~not to exceed one hundred twenty-five dollars, prescribed by the commissioner in addition to the renewal fee.~~

¹⁰⁶ **SECTION 7. AMENDMENT.** Subdivision b of subsection 2 of section 26.1-26.8-09 of the North Dakota Century Code is amended and reenacted as follows:

- b. To renew a license, a licensed business entity public adjuster shall file a biennial license continuation in the form and manner prescribed by the commissioner and pay a fee as prescribed in section 26.1-01-07.

¹⁰⁷ **SECTION 8. AMENDMENT.** Subsections 2 and 4 of section 26.1-27-03 of the North Dakota Century Code are amended and reenacted as follows:

2. All applications must be accompanied by a filing fee ~~of one hundred dollars as prescribed in section 26.1-01-07~~.
4. The administrator shall pay an annual renewal fee ~~of fifty dollars as prescribed in section 26.1-01-07~~ to maintain the certificate.

Approved March 17, 2025

Filed March 18, 2025

¹⁰⁵ Section 26.1-26.8-09 was also amended by section 7 of House Bill No. 1123, chapter 277, and section 5 of Senate Bill No. 2125, chapter 285.

¹⁰⁶ Section 26.1-26.8-09 was also amended by section 6 of House Bill No. 1123, chapter 277, and section 5 of Senate Bill No. 2125, chapter 285.

¹⁰⁷ Section 26.1-27-03 was also amended by section 1 of House Bill No. 1087, chapter 286.

CHAPTER 278

HOUSE BILL NO. 1584

(Representatives Kasper, Koppelman, Lefor, Steiner, Vigasaa, Warrey)
(Senators Barta, Boehm, Boschee, Hogue, Klein)

AN ACT to create and enact four new sections to chapter 26.1-27.1 of the North Dakota Century Code, relating to pharmacy benefits managers and a pharmacy benefit manager enforcement fund; to amend and reenact subsection 1 of section 26.1-01-07, sections 26.1-27.1-01, 26.1-27.1-02, 26.1-27.1-04, 26.1-27.1-06 and 26.1-27.1-07 of the North Dakota Century Code, relating to pharmacy benefits managers; to repeal section 26.1-27-01.1 and chapter 26.1-36.10 of the North Dakota Century Code, relating to pharmacy benefits managers and prescription drug costs; to provide a penalty; to provide an appropriation; to provide for a transfer; to provide an effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁰⁸ **SECTION 1. AMENDMENT.** Subsection 1 of section 26.1-01-07 of the North Dakota Century Code is amended and reenacted as follows:

1. The commissioner shall charge and collect the following fees:
 - a. For filing articles of incorporation, or copies, or amendments thereof, twenty-five dollars.
 - b. For each original certificate of authority issued upon admittance and for each annual renewal thereof, one hundred dollars and for amendment to certificate of authority, or certified copy thereof, fifty dollars.
 - c. For issuing an annual reciprocal exchange license, the same fees as those applicable to the issuance of a certificate of authority in subsection 2.
 - d. For filing an annual report of a fraternal benefit society, and issuing a license or permit to the society, and for each renewal thereof, one hundred dollars.
 - e. For filing of articles of merger, or copies thereof, thirty dollars.
 - f. For filing an annual statement, twenty-five dollars.
 - g. For filing the abstract of the annual statement of an insurance company for publication, thirty dollars.
 - h. For an official examination, the expenses of the examination at the rate adopted by the department. The rates must be reasonably related to the direct and indirect costs of the examination, including actual travel expenses, including hotel and other living expenses, compensation of the

¹⁰⁸ Section 26.1-01-07 was also amended by section 1 of House Bill No. 1123, chapter 277.

examiner and other persons making the examination, and necessary attendant administrative costs of the department directly related to the examination and must be paid by the examined insurer together with compensation upon presentation by the department to the insurer of a detailed account of the charges and expenses after a detailed statement has been filed by the examiner and approved by the department.

- i. For issuing a certificate to a domestic insurance company showing a compliance with the compulsory reserve provisions of this title and the maintenance of proper security deposits and for any renewal of the certificate, twenty-five dollars.
- j. For a written licensee's examination not administered by the office of the commissioner under a contract with a testing service, the actual cost of the examination, subject to approval of the commissioner, which must be paid to the testing service.
- k. For issuing a surplus lines insurance producer's or insurance consultant's license, one hundred dollars. For each annual renewal of a surplus lines insurance producer's or insurance consultant's license, twenty-five dollars.
- l. For issuing an insurance producer's license, one hundred dollars.
- m. For issuing a duplicate of any license or registration issued under this title, ten dollars.
- n. For each insurance company appointment and renewal of an appointment of an insurance producer, ten dollars.
- o. For each company application for admission, five hundred dollars, except applications for admission for county mutual, fraternal benefit, and surplus lines companies must be one hundred dollars.
- p. For issuing a license and each annual renewal of a license to an insurance premium finance company, one hundred dollars.
- q. For examining or investigating an insurance premium finance company, the actual expense and per diem incurred; but the per diem charge may not exceed fifty dollars.
- r. For issuing and each annual renewal of a license to an advisory organization, fifty dollars.
- s. For filing an individual insurance producer licensing continuation, twenty-five dollars.
- t. For services provided by the state fire marshal.
- u. For the initial application fee for a pharmacy benefit manager, an amount determined by the commissioner, which may not exceed ten thousand dollars. For each annual renewal, an amount to be determined by the commissioner, which may not exceed ten thousand dollars.

SECTION 2. AMENDMENT. Section 26.1-27.1-01 of the North Dakota Century Code is amended and reenacted as follows:

26.1-27.1-01. Definitions.

In this chapter, unless the context otherwise requires:

1. "Covered entity" means a nonprofit hospital or a medical service corporation; a health insurer; a health benefit plan; a health maintenance organization; a health program administered by the state in the capacity of provider of health coverage; or ~~an employer~~, a labor union, or other entity organized in the state which provides health coverage to covered individuals who are employed or reside in the state. The term does not include ~~a self-funded plan that is exempt from state regulation pursuant to the Employee Retirement Income Security Act of 1974 [Pub. L. 93-406; 88 Stat. 829; 29 U.S.C. 1001 et seq.]; a plan issued for coverage for federal employees; or a health plan that provides coverage only for accidental injury, specified disease, hospital indemnity, Medicare supplement, disability income, long-term care, or other limited-benefit health insurance policy~~policies or contract~~contracts that do not include prescription drug coverage.~~
2. "Covered individual" means a member, a participant, an enrollee, a contractholder, a policyholder, or a beneficiary of a covered entity who is provided health coverage by the covered entity. The term includes a dependent or other individual provided health coverage through a policy, contract, or plan for a covered individual.
3. "De-identified information" means information from which the name, address, telephone number, and other variables have been removed in accordance with requirements of title 45, Code of Federal Regulations, part 164, section 512, subsections (a) or (b).
4. ~~"Generic drug" means a drug that is chemically equivalent to a brand name drug for which the patent has expired.~~
5. "Labeler" means a person that has been assigned a labeler code by the federal food and drug administration under title 21, Code of Federal Regulations, part 207, section 20, and that receives prescription drugs from a manufacturer or wholesaler and repackages those drugs for later retail sale.
- 6-5. "Payment received by the pharmacy benefits manager" means the aggregate amount of the following types of payments:
 - a. A rebate collected by the pharmacy benefits manager or a rebate aggregator which is allocated to a covered entity, or retained by the pharmacy benefits manager;
 - b. An administrative fee collected from the manufacturer in consideration of an administrative service provided by the pharmacy benefits manager to the manufacturer;
 - c. A pharmacy network fee; pharmacy price concessions, and any other financial payment made by a pharmacy to a pharmacy benefits manager; and

- d. Any other fee or amount collected by the pharmacy benefits manager from a manufacturer or labeler for a drug switch program, formulary management program, mail service pharmacy, educational support, data sales related to a covered individual, or any other administrative function.

7-6. "Pharmacy benefits management" means the procurement of prescription drugs at a negotiated rate for dispensation within this state to covered individuals; the administration or management of prescription drug benefits provided by a covered entity for the benefit of covered individuals; or the providing of any of the following services with regard to the administration of the following pharmacy benefits:

- a. Claims processing, ~~retail pharmacy~~ network management, and payment of claims to a pharmacy for prescription drugs dispensed to a covered individual;
- b. Clinical formulary development and management services; or
- c. Rebate contracting and administration.

8-7. "Pharmacy benefits manager" means a person ~~that~~who performs pharmacy benefits management, as a third party under a contract or other financial arrangement with a covered entity. ~~The term includes does not include a person acting for a health benefit plan that manages or directs its own pharmacy benefits manager in a contractual or employment relationship in the performance of pharmacy benefits management for a covered entity. The term does not include a public self-funded pool or a private single employer self-funded plan that provides benefits or services directly to its beneficiaries. The term does not include a health carrier licensed under title 26.1 if the health carrier is providing pharmacy benefits management to its insureds.~~

9-8. "Rebate" means a retrospective reimbursement of a monetary amount by a manufacturer under a manufacturer's discount program with a pharmacy benefits manager for drugs dispensed to a covered individual.

10-9. "Utilization information" means de-identified information regarding the quantity of drug prescriptions dispensed to members of a health plan during a specified time period.

¹⁰⁹ **SECTION 3. AMENDMENT.** Section 26.1-27.1-02 of the North Dakota Century Code is amended and reenacted as follows:

26.1-27.1-02. Licensing - Terms and fee - Application.

1. A person may not ~~perform~~establish or operate as a pharmacy benefits manager in this state ~~unless that person holds~~without first obtaining a certificate of registration ~~license as an administrator under chapter 26.1-27 from the commissioner under this section. A person violating this subsection is guilty of a class C felony.~~
2. A person applying for a pharmacy benefits manager license shall submit an application to the commissioner. The commissioner shall make an application form available on its website which includes a request for the following information:

¹⁰⁹ Section 26.1-27.1-02 was also amended by section 2 of House Bill No. 1087, chapter 286.

- a. The identity, address, electronic mail address, and telephone number of the applicant;
 - b. The name, business address, electronic mail address, and telephone number of the contact person for the applicant;
 - c. If applicable, the federal employer identification number for the applicant; and
 - d. Any other information the commissioner considers necessary and appropriate to establish the qualifications to receive a license as a pharmacy benefits manager to complete the licensure process.
3. The term of licensure is one year from April thirtieth through March thirty-first.
 4. The pharmacy benefits manager shall pay an annual renewal fee no later than April thirtieth.
 5. The applicant shall submit the fee with the initial application or renewal application for licensure. The initial application fee and renewal fee are nonrefundable.
 6. Each application for a license, and subsequent renewal for a license, must be accompanied by evidence of financial responsibility in an amount of one million dollars.
 7. Upon receipt of a completed application, evidence of financial responsibility, and fee, the commissioner shall review each application and issue a license if the applicant is qualified in accordance with the provisions of this section and the rules promulgated by the commissioner under this section. The commissioner may require additional information or submissions from an applicant and may obtain any documents or information reasonably necessary to verify the information contained in the application.
 8. The license may be in paper or electronic form. The license is nontransferable, and must prominently list the expiration date.

SECTION 4. AMENDMENT. Section 26.1-27.1-04 of the North Dakota Century Code is amended and reenacted as follows:

26.1-27.1-04. Prohibited practices.

1. A pharmacy benefits manager shall comply with sections 19-02.1-01, 19-02.1-02, 19-02.1-14.2, 19-02.1-16, 19-02.1-16.1, 19-02.1-16.2, 19-02.1-16.3, 19-02.1-16.4, 19-02.1-16.5, and 19-02.1-16.6 in chapter 19-02.1 regarding the substitution of one prescription drug for another.
2. A pharmacy benefits manager may not require a pharmacist or pharmacy to participate in one contract in order to participate in another contract. The pharmacy benefits manager may not exclude an otherwise qualified pharmacist or pharmacy from participation in a particular network if the pharmacist or pharmacy accepts the terms, conditions, and reimbursement rates of the pharmacy benefits manager's contract.
3. A pharmacy benefits manager shall offer pharmacy contracts that are opt-in contracts with at least thirty days to respond and signatures must be obtained from the pharmacy or an entity contracting on behalf of the pharmacy.

4. A pharmacy may opt-out of a pharmacy benefits managers contract by providing at least a ninety-day notice.

SECTION 5. AMENDMENT. Section 26.1-27.1-06 of the North Dakota Century Code is amended and reenacted as follows:

26.1-27.1-06. Examination of insurer-covered entity.

1. During an examination of a covered entity as provided for in chapter 26.1-03, 26.1-17, or 26.1-18.1, the commissioner shall examine any contract between the covered entity and a pharmacy benefits manager and any related record to determine if the payment received by the pharmacy benefits manager which the covered entity received ~~from the pharmacy benefits manager~~ has been applied toward reducing the covered entity's rates or has been distributed to covered individuals.
2. To facilitate the examination, the covered entity shall disclose annually to the commissioner the benefits of the payment received by the pharmacy benefits manager received under any contract ~~with a pharmacy benefits manager~~ and shall describe the manner in which the payment received by the pharmacy benefits manager is applied toward reducing rates or is distributed to covered individuals.
3. Any information disclosed to the commissioner under this section is considered a trade secret under chapter 47-25.1. This section does not prevent the disclosure of a final order issued against a pharmacy benefits manager. Such order is an open record.

SECTION 6. AMENDMENT. Section 26.1-27.1-07 of the North Dakota Century Code is amended and reenacted as follows:

26.1-27.1-07. Rulemaking authority.

The commissioner shall adopt rules as necessary ~~before implementation of to~~ implement this chapter.

SECTION 7. A new section to chapter 26.1-27.1 of the North Dakota Century Code is created and enacted as follows:

Enforcement.

1. All powers granted to the commissioner under title 26.1 and chapter 28-32 are available in enforcing chapter 26.1-27.1, including subpoena power.
2. This section does not limit the attorney general from investigating and prosecuting violations of the law.
3. This section does not prohibit the commissioner, state board of pharmacy, or department of health and human services from collaborating through joint exercise of common powers agreements.

SECTION 8. A new section to chapter 26.1-27.1 of the North Dakota Century Code is created and enacted as follows:

Administrative penalties.

1. A pharmacy benefits manager found to be in violation of this chapter or any rules adopted under this chapter is subject to:
 - a. A monetary penalty of up to ten thousand dollars per violation;
 - b. Suspension or revocation of license; and
 - c. A civil penalty of up to fifty thousand dollars for a second or subsequent violation.
2. The commissioner may require a pharmacy benefits manager to provide restitution to affected covered entities, pharmacies, or individuals for losses incurred as a result of the violation.
3. A pharmacy benefits manager subject to penalties under this section is entitled to a hearing conducted in accordance with chapter 28-32.

SECTION 9. A new section to chapter 26.1-27.1 of the North Dakota Century Code is created and enacted as follows:

Proceedings by commissioner - Service of process - Procedure.

The commissioner shall serve process upon any licensee in any action or proceeding instituted by the commissioner under this chapter by electronic mail to the electronic mail address maintained in section 26.1-27.1-02 or by United States mail to the licensee at the licensee's last-known address of record or principal place of business. Service of process under this section is complete upon electronic mailing or United States mailing.

SECTION 10. A new section to chapter 26.1-27.1 of the North Dakota Century Code is created and enacted as follows:

Pharmacy benefit manager enforcement fund - State board of pharmacy wholesaler and virtual wholesaler license fees - Revenue deposits or transfers.

The pharmacy benefit manager enforcement fund is a special fund in the state treasury. The fund consists of moneys transferred to or deposited in the fund by legislative action and moneys transferred to or deposited in the fund by the state board of pharmacy. The state board of pharmacy may deposit or transfer up to six hundred dollars of every eligible wholesaler license fee and every virtual wholesaler license fee collected by the board under section 43-15.3-12 to the pharmacy benefit manager enforcement fund. Moneys in the fund are available to the insurance commissioner, subject to legislative appropriations, for enforcing the provisions of this chapter.

SECTION 11. REPEAL. Section 26.1-27-01.1 and chapter 26.1-36.10 of the North Dakota Century Code are repealed.

SECTION 12. TRANSFER - DRUG PRICING FUND TO PHARMACY BENEFIT MANAGER ENFORCEMENT FUND. On the effective date of this Act, the office of management and budget shall transfer the balance in the drug pricing fund to the pharmacy benefit manager enforcement fund for the purpose of enforcing the provisions of chapter 26.1-27.1.

SECTION 13. APPROPRIATION - INSURANCE COMMISSIONER - PHARMACY BENEFIT MANAGER ENFORCEMENT FUND. There is appropriated out of any moneys in the pharmacy benefit manager enforcement fund in the state treasury, not otherwise appropriated, the sum of \$1,200,000, or so much of the sum as may be

necessary, to the insurance commissioner for the purpose of enforcing the provisions of chapter 26.1-27.1 and conducting an actuarial analysis of the effect of the policies contained in this Act on health insurance premiums and consumer drug prices, for the period beginning with the effective date of this Act and ending June 30, 2027. The insurance commissioner is authorized three full-time equivalent positions, including an attorney, a pharmacist, and an investigator, for this purpose.

SECTION 14. EFFECTIVE DATE. Section 3 of this Act becomes effective on January 1, 2026.

SECTION 15. EXPIRATION DATE. Section 10 of this Act is effective through June 30, 2029, and after that date is ineffective.

SECTION 16. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 279

SENATE BILL NO. 2374

(Senators Barta, Hogue, Klein)
(Representatives Lefor, Warrey, J. Johnson)

AN ACT to create and enact two new sections to chapter 26.1-30, two new sections to chapter 26.1-39, a new section to chapter 26.1-44, and a new subsection to section 26.1-46-03 of the North Dakota Century Code, relating to mandatory arbitration endorsements for property insurance, managed repair programs, civil remedy actions against property insurers, notice of property insurance claims, and surplus lines insurance policies; to amend and reenact sections 26.1-02-05, 26.1-25-02.1, 26.1-25-16, 26.1-26-04.1, 26.1-44-03, 26.1-46-01, 26.1-46-08, and 26.1-46-08.1 of the North Dakota Century Code, relating to exceptions to unauthorized insurance transactions, exceptions for large commercial risks in fire, property, and casualty insurance rates, surplus lines insurance, risk retention groups and purchasing groups, restrictions on insurance purchased by purchasing groups, and purchasing group taxation and fees; to repeal section 26.1-44-03.3 of the North Dakota Century Code, relating to an exemption from search requirements for licensed surplus line producers; to provide for a legislative management report; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

26.1-02-05. Unauthorized insurance prohibited - Exceptions.

An insurance company may not transact insurance business in this state, as set forth in section 26.1-02-06, without a certificate of authority from the commissioner. This section does not apply to:

1. The lawful transaction of surplus lines insurance.
2. The lawful transaction of reinsurance by insurers.
3. Transactions involving a policy lawfully solicited, written, and delivered outside of this state covering only subjects of insurance not resident, located, or expressly to be performed in this state at the time of issuance, and which transactions are subsequent to the issuance of such policy.
4. Transactions involving life insurance, health insurance, or annuities provided to educational or religious or charitable institutions organized and operated without profit to any private shareholder or individual, for the benefit of the institutions and individuals engaged in the service of the institutions.
5. Attorneys acting in the ordinary relation of attorney and client in the adjustment of claims or losses.
6. Transactions involving group life, accident, and health, or blanket accident and health insurance, or group annuities if the master policy of the group was

lawfully issued and delivered in and pursuant to the laws of a state in which the insurance company was authorized to do an insurance business, to a group organized for purposes other than the procurement of insurance, and where the policyholder is domiciled or otherwise has a bona fide situs.

7. Transactions involving any insurance policy or annuity contract issued before July 1, 1973.
8. Transactions relative to a policy issued or to be issued outside this state involving insurance on vessels, craft or hulls, cargoes, marine builder's risk, marine protection and indemnity or other risk, including strikes and war risks commonly insured under ocean or wet marine forms of policy.
9. Transactions involving insurance contracts issued to one or more industrial insureds; provided, that this does not relieve an industrial insured from taxation imposed upon independently procured insurance. An industrial insured is an insured:
 - a. Which procures the insurance of any risk or risks other than life and annuity contracts by use of the services of a full-time employee acting as an insurance manager or buyer or the services of a regularly and continuously retained qualified insurance consultant;
 - b. Whose aggregate annual premiums for insurance on all risks total at least twenty-five thousand dollars; and
 - c. Which has at least twenty-five full-time employees.
10. Transactions involving insurance contracts covering a large commercial risk as defined in section 26.1-25-02.1, provided an industrial insured is not relieved from taxation imposed upon independently procured insurance.

SECTION 2. AMENDMENT. Section 26.1-25-02.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-25-02.1. Definitions.

1. "Advisory organization" means any entity, including its affiliates or subsidiaries, which either has two or more member insurers or is controlled either directly or indirectly by two or more insurers, and which assists insurers in ratemaking-related activities as enumerated in this chapter. Two or more insurers having a common ownership or operating in this state under common management or control constitute a single insurer for purposes of this definition.
2. "Commercial risk" means any kind of risk which is not a personal risk.
3. "Competitive market" means a commercial risk market that has not been found to be noncompetitive as provided for in section 26.1-25-04. All commercial risk markets except crop hail, farmowners, and medical malpractice insurance are presumed to be competitive.
4. "Developed losses" means losses including loss adjustment expenses, adjusted, using standard actuarial techniques, to eliminate the effect of differences between current payment or reserve estimates and those needed to provide actual ultimate loss including loss adjustment expense payments.

5. "Expenses" means that portion of a rate attributable to acquisition, field supervision, collection expenses, general expenses, taxes, licenses, and fees.
6. "Joint underwriting" means a voluntary arrangement established to provide insurance coverage for a commercial risk pursuant to which two or more insurers jointly contract with the insured at a price and under policy terms agreed upon between the insurers.

7. "Large commercial risk" means an insured that has:

- a. Total insured property values of twenty-five million dollars or more;
- b. Total annual gross revenue of fifty million dollars or more; or
- c. A total premium of one hundred thousand dollars or more for property insurance, one hundred thousand dollars or more for general liability insurance, or two hundred thousand dollars or more for multiperil insurance.
- d. The term does not include farming or ranching.

8. "Loss trending" means any procedure for projecting developed losses to the average date of loss for the period during which the policies are to be effective.

~~8-9.~~ "Noncompetitive market" means the crop hail, farmowners, and medical malpractice insurance markets together with any other line of commercial risk insurance that has not been found by the commissioner to have a reasonable degree of competitiveness within the market considering:

- a. Market concentration and changes in market concentration determined through the use of the Herfindahl-Hirschman index and the United States department of justice merger guidelines for an unconcentrated market;
- b. The existence of financial and other barriers that prevent a company from entering the market;
- c. The number of insurers or groups of affiliated insurers providing coverage in the market;
- d. The extent to which any insurer or group of affiliated insurers controls the market;
- e. Whether the total number of companies writing the line of insurance in this state is sufficient to provide multiple insurance options in the market;
- f. The availability of insurance coverage to consumers in the markets by specific geographic area, by line of insurance, and by class of risk; and
- g. The opportunities available in the market to acquire pricing and other consumer information.

A determination that a market is noncompetitive may not be based solely on the consideration of any one factor.

- 9-10. "Personal risk" means homeowners, tenants, private passenger nonfleet automobiles, mobile homes, and other property and casualty insurance for personal, family, or household needs.
- 40-11. "Pool" means a voluntary arrangement, established on an ongoing basis, pursuant to which two or more insurers participate in the sharing of risks on a predetermined basis. The pool may operate through an association, syndicate, or other pooling agreement.
- 44-12. "Prospective loss costs" means that portion of a rate that does not include provisions for expenses other than loss adjustment expenses, or profit, and are based on historical aggregate losses and loss adjustment expenses adjusted through development to their ultimate value and projected through trending to a future point in time.
- 42-13. "Rate" means that cost of insurance per exposure unit whether expressed as a single member or as a prospective loss cost with an adjustment to account for the treatment of expenses, profit, and individual insurer variation in loss experience, prior to any application of individual risk variations based on loss or expense considerations, and does not include minimum premium.
- 43-14. "Residual market mechanism" means an arrangement, either voluntary or mandated by law, involving participation by insurers in the equitable apportionment among them of insurance which may be afforded applicants who are unable to obtain insurance through ordinary methods.
- 44-15. "Supplementary rating information" includes any manual or plan of rates, classification, rating schedule, minimum premium, policy fee, rating rule, underwriting rule, statistical plan, and any other similar information needed to determine the applicable rate in effect or to be in effect.
- 45-16. "Supporting information" means:
- a. The experience and judgment of the filer and the experience or date of other insurers or advisory organizations relied upon by the filer;
 - b. The interpretation of any other data relied upon by the filer; and
 - c. Descriptions of methods used in making the rates and any other information required by the commissioner to be filed.

SECTION 3. AMENDMENT. Section 26.1-25-16 of the North Dakota Century Code is amended and reenacted as follows:

26.1-25-16. Rebates prohibited - Exception.

1. ~~No insurance producer~~An insurance producer may not knowingly charge, demand, or receive a premium for any insurance policy except in accordance with this chapter. No insurer or employee of an insurer, and no insurance producer, broker or agent may pay, allow, or give, or offer to pay, allow, or give, directly or indirectly, as an inducement to insurance, or after insurance has been effected, any rebate, discount, abatement, credit, or reduction of the premium named in an insurance policy, or any special favor or advantage in the dividends or other benefits to accrue on the policy, or any valuable consideration or inducement whatever, not specified in the insurance policy, except to the extent provided for in applicable filing. No insured named in an

insurance policy, nor any employee of the insured, may knowingly receive or accept, directly or indirectly, any such rebate, discount, abatement, credit, or reduction of premium, or any such special favor or advantage or valuable consideration or inducement. This section does not prohibit the payment of commissions or other compensation to licensed insurance producers, nor any insurer from allowing or returning to its participating policyholders, members, or subscribers dividends, savings, or unabsorbed premium deposits. As used in this section, "insurance" includes suretyship and "policy" includes bond and federal crop insurance.

2. Notwithstanding any other provision in this section, if the cost does not exceed an aggregate retail value of one hundred dollars per person per year, an insurance producer may give a gift, prize, promotional article, logo merchandise, meal, or entertainment activity directly or indirectly to a person in connection with marketing, promoting, or advertising the business. As used in this subsection, "person" means the named insured, policy owner, or prospective client or the spouse of any of these individuals, but the term does not include a certificate holder, child, or employee of the named insured, policy owner, or prospective client. Subject to the limits of this subsection, an insurance producer may give a gift card for specific merchandise or services such as a meal, gasoline, or car wash but may not give cash, a cash card, any form of currency, or any refund or discount in premium. An insurance producer may not condition the giving of a gift, prize, promotional article, logo merchandise, meal, or entertainment activity on obtaining a quote or a contract of insurance. Notwithstanding the limitation in this subsection, an insurance producer may conduct raffles or drawings, if there is no financial cost to an entrant to participate, the drawing or raffle does not obligate a participant to purchase insurance, the prizes are not valued in excess of a reasonable amount determined by the commissioner, and the drawing or raffle is open to the public. The raffle or drawing must be offered in a manner that is not unfairly discriminatory and may not be contingent on the purchase, continued purchase, or renewal of a policy. Notwithstanding the limitation in this subsection, an insurance producer may make a donation to a nonprofit organization that is exempt from federal taxation under Internal Revenue Code section 501(c)(3) [26 U.S.C. 501(c)(3)] in any amount as long as the donation is not given as an inducement to obtain a contract of insurance.
3. The provisions in this section may not be construed as including within the definition of discrimination or rebates any of the following practices:
 - a. The offer or provision by an insurer or producer, by or through an employee, an affiliate, or a third-party representative, of value-added products or services at no or reduced cost if the products or services are not specified in the policy of insurance if the product or service:
 - (1) Relates to the insurance coverage and is designed to satisfy one or more of the following:
 - (a) Provide loss mitigation or loss control;
 - (b) Reduce claims costs or claim settlement costs;
 - (c) Provide education about liability risk or risk of loss to persons or property;

- (d) Monitor or assess risk, identify sources of risk, or develop strategies for eliminating or reducing risk;
 - (e) Enhance health;
 - (f) Enhance financial wellness through items such as education of financial planning services;
 - (g) Provide post-loss services;
 - (h) Incent behavioral changes to improve the health or reduce the risk of death or disability of an individual defined as policyholder, potential policyholder, certificate holder, potential certificate holder, insured, potential insured, or applicant; or
 - (i) Assist in the administration of the employee or retiree benefit insurance coverage.
- (2) If offered by the insurer or producer, the insurer or producer, upon request, shall ensure the person is provided with contact information to assist the person with questions regarding the product or service.
 - (3) Is based on fair documented criteria and offered in a manner not unfairly discriminatory. The documented criteria must be maintained by the insurer or producer and produced at the request of the commissioner.
 - (4) Is reasonable in comparison to that person's premiums or insurance coverage for the policy class.
- b. If an insurer or producer does not have sufficient evidence, but has a good-faith belief the product or service meets the criteria in subdivision a, the provision by the insurer or producer of a product or service in a manner that is not unfairly discriminatory as part of a pilot or testing program no longer than one year. An insurer or producer shall notify the department of the pilot or testing program offered to consumers in this state before launching and may proceed with the program unless the department objects within twenty-one days of notice.
- 4. An insurer, producer, or representative of an insurer or producer may not offer or provide insurance as an inducement to the purchase of another policy or otherwise use of the words "free" or "no cost" or words of similar import in an advertisement.
 - 5. The commissioner may adopt regulations when implementing the permitted practices set forth in this regulation to ensure consumer protection. Consistent with applicable law, the topics addressed by the regulations may include consumer data protections and privacy, consumer disclosure, and unfair discrimination.

SECTION 4. AMENDMENT. Section 26.1-26-04.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-26-04.1. Fees for services - Rules.

1. Notwithstanding any other provision of this title, an insurance producer may charge a fee for any services rendered in connection with the sale, solicitation, negotiation, placement, or servicing of an insurance contract, if the following conditions are met:
 - a. The fees may not be charged on a personal lines account, such as personal homeowners and automobile, personal life, and health insurance.
 - b. Before rendering the services and accepting any payment, a written disclosure must be provided to the party to be charged on a form approved by the commissioner disclosing:
 - (1) The nature of the services for which the fees will be charged along with a separate itemization of the amount of the fees;
 - (2) That the fees are charged in addition to any premiums paid;
 - (3) That if the insurance producer is also an appointed agent of an insurer with which coverage is being considered for placement, a statement that the insurance producer also represents the insurer in the transaction and owes a duty of loyalty to the insurer; and
 - (4) That if the insurance producer is to receive a commission from the sale of an insurance policy related to the services rendered, a statement clearly and completely disclosing that the:
 - (a) Insurance producer will receive a commission from the insurer which is paid from the premiums owed for the insurance; and
 - (b) Amount of commission received by the insurance producer may differ depending on the product sold and the insurer.
 - c. The disclosure required by this section must be signed and dated by both the producer and the party to be charged.
 - d. The producer shall retain the signed disclosure required by this section for not less than five years following the completion of the service. A copy of the signed disclosure must be available to the commissioner for inspection upon request.
 - e. The insurance producer may not pay or return, or offer to pay or return, all or part of a fee charged as an inducement to purchase a specific policy, or coverage within a policy, or coverage from a particular insurer.
 - f. Any fee charged under this section must bear a reasonable relationship to the services provided and may not be discriminatory.
2. An insurance producer charging a fee for services rendered for risk management services under this section owes the person to be charged a higher standard of care than the ordinary standard of care otherwise owed by an insurance producer to fully advise the party to be charged as to the party's insurance needs, including the duty to inform the person to be charged as to a potential source of risk and to recommend, if available, insurance coverage for that risk.

3. An insurance producer may charge an individual, for personal or commercial lines, a fee for paying agency-billed premiums and fees by credit card or other electronic means, if the fee is disclosed to the client in writing and agreed to by the client in writing.
4. Subdivisions b through d of subsection 1 do not apply to a large commercial risk as defined in section 26.1-25-02.1.
5. The commissioner may adopt rules determined necessary by the commissioner for the administration of this section.

SECTION 5. A new section to chapter 26.1-30 of the North Dakota Century Code is created and enacted as follows:

Mandatory arbitration endorsements for property insurance - Written acceptance - Penalty.

1. A property insurance policy may be issued or delivered in this state with mandatory binding arbitration provisions if the:
 - a. Mandatory binding arbitration provisions are contained in a separate endorsement;
 - b. Named insured accepts the mandatory binding arbitration endorsement in writing in accordance with subsection 2; and
 - c. Property insurance policy does not require mandatory binding arbitration upon request.
2. The written acceptance of the insured required under subsection 1 must:
 - a. Be on a form separate from the policy application and other policy forms;
 - b. Clearly state the rights being waived in exchange for the premium discount, including the right to a trial by jury; and
 - c. Include the following statement in at least twelve-point bold font:

"By signing this form, I agree to resolve all covered property insurance claims through mandatory binding arbitration. I understand that by agreeing to mandatory binding arbitration:

I am giving up my right to have disputes resolved in court.

I am giving up my right to a jury trial.

I am accepting these terms in exchange for a premium discount of [dollar amount or percentage of premium amount].

This agreement is binding on all insureds under the policy and remains effective upon policy renewal, replacement, or reinstatement unless I request removal of the mandatory binding arbitration endorsement in writing".
3. All arbitration proceedings under this section must:

- a. Be conducted in this state if involving a resident of this state;
- b. Be governed by state law; and
- c. Not require arbitration in another state.
4. The acceptance or rejection of mandatory binding arbitration is valid and binding on all insureds under the policy and remains effective upon policy renewal, replacement, or reinstatement unless the named insured requests a change in writing.
5. This section applies to all property and casualty insurance policies issued or renewed after the effective date of this Act.
6. This section does not apply to a:
 - a. Voluntary arbitration agreement entered after a dispute has arisen;
 - b. Large commercial risk as defined in section 26.1-25-02.1; or
 - c. Commercial surplus line insurance policy placed in accordance with section 26.1-44-03.
7. The commissioner shall enforce this section.
8. The commissioner may assess a penalty on an insurer in violation of this section, as determined by the commissioner.

SECTION 6. A new section to chapter 26.1-30 of the North Dakota Century Code is created and enacted as follows:

Managed repair programs - Penalty.

1. A property insurance policy may be issued or delivered in this state with a managed repair program provision offering premium incentives for managed repair program participation. As used in this section, "managed repair program" means an insurance policy providing a program with a specified reduction in premium or other specified incentive for participation in a program restricting an insured's choice of repair vendors or contractors for covered repairs.
2. An insurer offering a managed repair program shall:
 - a. Prominently disclose on the policy declarations page the policy restricts the insured's right to choose repair vendors;
 - b. Specify any premium benefits for program participation;
 - c. Include a separate disclosure form, written in at least twelve-point font, which explains the restrictions on vendor selection, including:
 - (1) The process for repairs under the program;
 - (2) The insured's rights and responsibilities; and
 - (3) Any warranty or guarantee provided for repairs.

3. This section does not apply to contractor referral or managed or direct repair programs that do not provide a specified reduction in premium or other incentive.
4. This section applies to insurance policies issued or renewed after the effective date of this Act.
5. The commissioner shall enforce this section.
6. The commissioner may assess a penalty on an insurer in violation of this section, as determined by the commissioner.

SECTION 7. A new section to chapter 26.1-39 of the North Dakota Century Code is created and enacted as follows:

Civil remedy actions against property insurers.

Notwithstanding any provision under title 26.1, before a named insured may proceed with a bad faith claim against a property insurer, the named insured shall establish through an adverse adjudication by a court of law the property insurer breached the insurance contract and a final judgment or decree must have been rendered against the insurer.

SECTION 8. A new section to chapter 26.1-39 of the North Dakota Century Code is created and enacted as follows:

Notice of property insurance claim.

1. As used in this section:
 - a. "Reopened claim" means a claim an insurer closed and reopened upon an insured's request for additional reimbursement of damage arising out of the original occurrence, and not previously identified or disclosed to the insurer.
 - b. "Supplemental claim" means a claim for additional loss or costs from the same occurrence the insurer previously compensated the insured.
2. A reopened claim under an insurance policy that provides property insurance, including a policy issued by an eligible surplus lines insurer, for loss or damage is barred unless notice of the claim was given to the insurer within one year after the date of loss. A supplemental claim is barred unless notice of the supplemental claim was given to the insurer of the policy within twelve months after the date of the last payment issued by the insurer for that element of the loss.
3. The time limitations under subsection 2 are tolled during any term of deployment for a named insured service member to a combat zone or combat support posting that materially affects the ability of the named insured to file a claim, supplemental claim, or reopened claim.

SECTION 9. AMENDMENT. Section 26.1-44-03 of the North Dakota Century Code is amended and reenacted as follows:

26.1-44-03. Surplus lines insurance.

The placement of nonadmitted insurance is subject to this section only if the insured's home state is this state. Surplus lines insurance may be placed by a surplus lines producer if:

1. Each insurer is an eligible surplus lines insurer;
2. Each insurer is authorized to write the kind of insurance in its domiciliary jurisdiction;
3. ~~The full amount or type of insurance cannot be obtained from insurers who are admitted to do business in this state. The full amount or type of insurance may be procured from eligible surplus lines insurers provided that a diligent search is made among~~The surplus lines producer is aware that:
 - a. The full amount and type of insurance is not available from the insurers who are admitted to transact and are actually writing the particular type of insurance in this state if any are writing it; or
 - b. The risk was referred to the surplus lines producer by an insurance producer licensed in this state.
4. At the time of placement the surplus lines producer has determined that the nonadmitted insurer:
 - a. Has established satisfactory evidence of good repute and financial integrity and has capital and surplus or its equivalent under the laws of its domiciliary jurisdiction which equals the greater of:
 - (1) (a) The minimum capital and surplus requirements under the law of this state; or
 - (b) Fifteen million dollars.
 - (2) The requirements of paragraph 1 may be satisfied by an insurer possessing less than the minimum capital and surplus upon an affirmative finding of acceptability by the commissioner. The finding must be based upon such factors as quality of management, capital and surplus of any parent company, company underwriting profit and investment income trends, market availability, and company record and reputation within the industry. The commissioner may not make an affirmative finding of acceptability when the nonadmitted insurer's capital and surplus is less than four million five hundred thousand dollars; or
 - b. For an insurer not domiciled in the United States or its territories, the insurer is listed on the quarterly listing of alien insurers maintained by the national association of insurance commissioners international insurers department; and
5. All other requirements of this chapter are met.

SECTION 10. A new section to chapter 26.1-44 of the North Dakota Century Code is created and enacted as follows:

Surplus lines insurance policies.

A surplus lines insurer may not issue a policy designed to satisfy any law mandating insurance coverage by a licensed insurance company.

SECTION 11. AMENDMENT. Section 26.1-46-01 of the North Dakota Century Code is amended and reenacted as follows:

26.1-46-01. Definitions.

As used in this chapter, ~~unless the context requires otherwise:~~

1. "Commissioner" means the North Dakota insurance commissioner or the commissioner, director, or superintendent of insurance in any other state.
2. "Completed operations liability" means liability arising out of the installation, maintenance, or repair of any product at a site which is not owned or controlled by any person who performs that work or any person who hires an independent contractor to perform that work, but includes liability for activities which are completed or abandoned before the date of the occurrence giving rise to the liability.
3. "Domicile", for purposes of determining the state in which a purchasing group is domiciled, means:
 - a. For a corporation or limited liability company, the state in which the purchasing group is incorporated or organized.
 - b. For an entity which is not a corporation or limited liability company, the state of its principal place of business.
4. "Hazardous financial condition" means that, based on its present or reasonably anticipated financial condition, a risk retention group, although not yet financially impaired or insolvent, is unlikely to be able to do either of the following:
 - a. To meet obligations to policyholders with respect to known claims and reasonably anticipated claims.
 - b. To pay other obligations in the normal course of business.
5. "Insurance" means primary insurance, excess insurance, reinsurance, surplus lines insurance, and any other arrangement for shifting and distributing risk which is determined to be insurance under the laws of this state.
6. a. "Liability" means legal liability for damages, including costs of defense, legal costs and fees, and other claims expenses because of injuries to other persons, damage to their property, or other damage or loss, including contractual claims and expenses, to such other persons resulting from or arising out of either of the following:
 - ~~a.~~ (1) Any business whether profit or nonprofit, trade, product, services including professional services, premises, or operations.
 - ~~b.~~ (2) Any activity of any state or local government, or any agency or political subdivision thereof.

- b. The term does not include personal risk liability and an employer's liability with respect to its employees other than legal liability under the federal Employer's Liability Act [45 U.S.C. 51 et seq.].
- 7. "Personal risk liability" means liability for damages because of injury to any person, damage to property, or other loss or damage resulting from any personal, familial, or household responsibilities or activities, rather than from responsibilities or activities referred to in subsection 56.
- 8. "Plan of operation or a feasibility study" means an analysis which presents the expected activities and results of a risk retention group, including, at a minimum, all of the following:
 - a. For each state in which it intends to operate, the coverages, deductibles, coverage limits, rates, and rating classification systems for each line of insurance the group intends to offer.
 - b. Historical and expected loss experience of the proposed members and national experience of similar exposures to the extent that this experience is reasonably available.
 - c. Pro forma financial statements and projections.
 - d. Appropriate opinions by a qualified independent casualty actuary, including a determination of minimum premium or participation levels required to commence operations and to prevent a hazardous financial condition.
 - e. Identification of management, underwriting and claims procedures, marketing methods, managerial oversight methods, reinsurance agreements, and investment policies.
 - f. Such other matters as may be prescribed by the commissioner for liability insurance companies authorized by the insurance laws of the state in which the risk retention group is chartered.
 - g. Information sufficient to verify that its members are engaged in businesses or activities similar or related with respect to the liability to which such members are exposed by virtue of any related, similar, or common business, trade, product, services, premises, or operations.
 - h. Identification of each state in which the risk retention group has obtained, or sought to obtain, a charter and license, and a description of its status in each such state.
- 9. "Product liability" means liability for damages because of any personal injury, death, emotional harm, consequential economic damage, or property damage, including damages resulting from the loss of use of property, arising out of the manufacture, design, importation, distribution, packaging, labeling, lease, or sale of a product, but does not include the liability of any person for those damages if the product involved was in the possession of such a person when the incident giving rise to the claim occurred.
- 10. "Purchasing group" means any group which meets all of the following:

- a. The group has as one of its purposes the purchase of liability insurance on a group basis.
 - b. The group purchases ~~such~~ insurance only for its group members and only to cover their similar or related liability exposure, as described in subdivision c.
 - c. The group is composed of members whose business or activities are similar or related with respect to the liability to which members are exposed by virtue of any related, similar, or common business, trade, product, services, premises, or operations.
 - d. The group is domiciled in any state.
11. "Risk retention group" means any corporation or other limited liability association:
- a. Whose primary activity consists of assuming and spreading all, or any portion, of the liability exposure of its group members.
 - b. Which is organized for the primary purpose of conducting the activity described under subdivision a.
 - c. Which is chartered and licensed as a liability insurance company and authorized to engage in the business of insurance under the laws of any state; or, before January 1, 1985, was chartered or licensed and authorized to engage in the business of insurance under the laws of Bermuda or the Cayman Islands and, before such date, had certified to the insurance commissioner of at least one state that it satisfied the capitalization requirements of such state, except that any such group shall be considered to be a risk retention group only if it has been engaged in business continuously since that date and only for the purpose of continuing to provide insurance to cover product liability or completed operations liability as such terms were defined in the Product Liability Risk Retention Act of 1981 before the date of the enactment of the Liability Risk Retention Act of 1986.
 - d. Which does not exclude any person from membership in the group solely to provide for members of such a group a competitive advantage over such a person.
 - e. Which has as its owners only persons who comprise the membership of the risk retention group and who are provided insurance by such group, or has as its sole owner an organization which has as its members only persons who comprise the membership of the risk retention group and its owners only persons who comprise the membership of the risk retention group and who are provided insurance by such group.
 - f. Whose members are engaged in businesses or activities similar or related with respect to the liability of which such members are exposed by virtue of any related, similar, or common business trade, product, services, premises, or operations.
 - g. Whose activities do not include the provision of insurance other than:
 - (1) Liability insurance for assuming and spreading all or any portion of the liability of its group members.

- (2) Reinsurance with respect to the liability of any other risk retention group or any members of such other group which is engaged in business or activities so that the group or member meets the requirement described in subdivision f from membership in the risk retention group which provides such reinsurance.
- h. The name of which includes the phrase "risk retention group".
12. "State" means any state of the United States or the District of Columbia.

SECTION 12. A new subsection to section 26.1-46-03 of the North Dakota Century Code is created and enacted as follows:

A risk retention group that is not chartered in this state but is in compliance with this section is deemed an authorized insurer for the satisfaction of any requirement, under the laws of this state, that insurance coverage be placed with an authorized insurer.

SECTION 13. AMENDMENT. Section 26.1-46-08 of the North Dakota Century Code is amended and reenacted as follows:

26.1-46-08. Restrictions on insurance purchased by purchasing groups.

1. A purchasing group may not purchase insurance from a risk retention group that is not chartered in a state or from an insurer not admitted in the state in which the purchasing group is located, unless the purchase is effected through a licensed insurance producer acting pursuant to the surplus lines laws and regulations of such state.
2. A purchasing group which obtains liability insurance from an insurer not admitted in this state or a risk retention group shall inform each of the members of the group which have a risk resident or located in this state that the risk is not protected by an insurance insolvency guaranty fund in this state, and that the risk retention group or insurer may not be subject to all insurance laws and rules of this state.
3. ~~No~~A purchasing group may not purchase insurance providing for a deductible or self-insured retention applicable to the group as a whole; however, coverage may provide for a deductible or self-insured retention applicable to individual members unless the purchasing group uses a policyholder's disclosure statement approved by the commissioner which clearly explains in simplified language the policy is subject to a group deductible or self-insured retention and provides a detailed explanation of the process of the satisfaction of the deductible or self-insured retention among members.
4. ~~Purchases of insurance by purchasing groups are subject to the same standards regarding aggregate limits which are applicable to all purchases of group insurance. A purchasing group may not purchase insurance providing for a shared aggregate limit applicable to the group as a whole unless the purchasing group uses a policyholder's disclosure statement approved by the commissioner which clearly explains in simplified language the policy is subject to a group aggregate limit and coverage for each individual member could be exhausted by claims from other members. The insurance must allow for an individual member to purchase additional limits in the event of exhaustion and this option must be described in the disclosure statement.~~

SECTION 14. AMENDMENT. Section 26.1-46-08.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-46-08.1. Purchasing group taxation - Fees.

1. a. Premium taxes and taxes on premiums paid for coverage of risks resident or located in this state by a purchasing group or any members of the purchasing group must be:
 4. (1) Imposed at the same rate and subject to the same interest, fines, and penalties as ~~that~~ applicable to premium taxes and taxes on premiums paid for similar coverage from a similar insurance source by other insureds; and
 2. (2) Paid first by ~~such~~the insurance source, and if not by ~~such~~the source, by the insurance producer for the purchasing group, and if not by ~~such~~the insurance producer, then by the purchasing group, ~~and if not by such purchasing group, then by each of its members.~~
- b. To the extent any administrative fee is charged under subsection 2, the fee may not be considered a premium and is not subject to premium tax.
2. A purchasing group's administrator, manager, or other related party may charge reasonable fees provided the fees are:
 - a. For reimbursement of expenses incurred by the administrator, manager, or other related party in performing its administrative duties for the purchasing group; and
 - b. Disclosed to all members of the risk purchasing group on a form approved by the commissioner which states the nature of the administrative duties for which the fees will be charged along with separate itemization of the amount of fees to be paid by each member.

SECTION 15. REPEAL. Section 26.1-44-03.3 of the North Dakota Century Code is repealed.

SECTION 16. INSURANCE COMMISSIONER STUDY - TOWING AND RECOVERY COVERAGE FOR VEHICLES WITH LIABILITY-ONLY INSURANCE - REPORT TO LEGISLATIVE MANAGEMENT.

1. During the 2025-26 interim, the insurance commissioner may study the feasibility, benefits, and challenges of providing towing and recovery costs associated with vehicle liability-only insurance for towing operations. The study must be conducted with stakeholders from both the insurance industry and the towing industry. The study must include:
 - a. An evaluation of the frequency and financial impact of the towing and recovery costs of vehicles without applicable insurance coverage.
 - b. A review of the cost structures, fee practices, and reimbursement models associated with standard towing and recovery operations across this state.
 - c. Consideration of the financial and operational implications of expanding coverage to include towing and recovery cost coverage for the at-fault vehicle with only liability coverage.

- d. An analysis of the regulatory, administrative, and consumer impacts resulting from the coverage expansion, including anticipated efficiencies or burdens.
 - e. A review of approaches taken by other states regarding similar coverage options, including statutory or regulatory frameworks, and how those states balance the needs of insurers, towing providers, and consumers.
 - f. An analysis of insurance protocols and preferred procedures regarding towing operations. For the purpose of establishing agreements and contracts between insurance companies and towing companies, preventing misunderstandings, and ensuring a seamless claims process.
2. Before September 1, 2026, the insurance commissioner shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management.

Approved April 30, 2025

Filed May 1, 2025

CHAPTER 280

SENATE BILL NO. 2088

(Industry and Business Committee)
(At the request of the Insurance Commissioner)

AN ACT to amend and reenact subsection 4 of section 26.1-02.2-01, sections 26.1-02.2-05 and 26.1-02.2-07, and subsection 1 of section 26.1-02.2-08 of the North Dakota Century Code, relating to data security requirements for insurance producers; and to repeal section 26.1-02.2-11 of the North Dakota Century Code, relating to implementation dates for certain data security requirements for insurance producers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 26.1-02.2-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Cybersecurity event" means an event resulting in unauthorized access to, disruption, or misuse of, an information system or nonpublic information stored on the information system. The term does not include:
 - a. ~~The~~the unauthorized acquisition of encrypted nonpublic information if the encryption, process, or key is not also acquired, released, or used without authorization; ~~or~~
 - b. ~~An event the licensee has determined that the nonpublic information accessed by an unauthorized person has not been used or released and has been returned or destroyed.~~

SECTION 2. AMENDMENT. Section 26.1-02.2-05 of the North Dakota Century Code is amended and reenacted as follows:

26.1-02.2-05. Notification of a cybersecurity event.

1. A licensee shall notify the commissioner as promptly as possible, but no later than three business days from a determination that a cybersecurity event ~~involving nonpublic information that is in the possession of a licensee~~ has occurred if:
 - a. This state is the licensee's state of domicile, in the case of an insurer, or this state is the licensee's home state, in the case of a producer as defined in chapter 26.1-26, and the cybersecurity event ~~has a reasonable likelihood of materially harming a consumer residing in this state~~triggers notification to a consumer residing in the state in accordance with chapter 51-30 or has a reasonable likelihood of materially harming any material part of the normal operations of the licensee; or
 - b. The licensee reasonably believes the nonpublic information involved is of two hundred fifty or more consumers residing in this state and is:

- (1) A cybersecurity event impacting the licensee for which notice is required to be provided to any government body, self-regulatory agency, or any other supervisory body pursuant to any state or federal law; or
 - (2) A cybersecurity event that has a reasonable likelihood of materially harming any consumer residing in this state or materially harming any part of the normal operations of the licensee.
2. The licensee shall provide the notice required under this section in electronic form as directed by the commissioner. The licensee shall update and supplement the initial and any subsequent notifications to the commissioner regarding material changes to previously provided information relating to the cybersecurity event. The licensee's notice required under this section must include:
 - a. The date of the cybersecurity event;
 - b. Description of how the information was exposed, lost, stolen, or breached, including the specific roles and responsibilities of third-party service providers, if any;
 - c. How the cybersecurity event was discovered;
 - d. Whether any lost, stolen, or breached information has been recovered and if so, how;
 - e. The identity of the source of the cybersecurity event;
 - f. Whether the licensee has filed a police report or has notified any regulatory, government, or law enforcement agencies and, if so, when the notification was provided;
 - g. Description of the specific types of information acquired without authorization. Specific types of information means particular data elements, including medical information, financial information, or any other information allowing identification of the consumer;
 - h. The period during which the information system was compromised by the cybersecurity event;
 - i. The total number of consumers in this state affected by the cybersecurity event. The licensee shall provide the best estimate in the initial report to the commissioner and update the estimate with a subsequent report to the commissioner pursuant to this section;
 - j. The results of any internal review identifying a lapse in either automated controls or internal procedures, or confirming that all automated controls or internal procedures were followed;
 - k. Description of efforts being undertaken to remediate the situation that permitted the cybersecurity event to occur;

- l. A copy of the licensee's privacy policy and a statement outlining the steps the licensee will take to investigate and notify consumers affected by the cybersecurity event; and
 - m. Name of a contact person that is both familiar with the cybersecurity event and authorized to act for the licensee.
3. The licensee shall comply with chapter 51-30, as applicable, and provide a copy of the notice sent to consumers to the commissioner, when a licensee is required to notify the commissioner under subsection 1.
4. In the case of a cybersecurity event in a system maintained by a third-party service provider, of which the licensee has become aware, the licensee shall treat the event in accordance with subsection 1 unless the third-party service provider provides the notice required under chapter 26.1-02.2 to the commissioner.
 - a. The computation of licensee's deadlines under this subsection begin on the day after the third-party service provider notifies the licensee of the cybersecurity event or the licensee otherwise has actual knowledge of the cybersecurity event, whichever is sooner.
 - b. Nothing in this chapter prevents or abrogates an agreement between a licensee and another licensee, a third-party service provider, or any other party to fulfill any of the investigation requirements imposed under section 26.1-02.2-04 or notice requirements imposed under subsection 1.
5. If a cybersecurity event involving nonpublic information that is used by a licensee that is acting as an assuming insurer or in the possession, custody, or control of a licensee that is acting as an assuming insurer and that does not have a direct contractual relationship with the affected consumers, the assuming insurer shall notify the insurer's affected ceding insurers and the commissioner of the insurer's state of domicile within three business days of making the determination that a cybersecurity event has occurred. The ceding insurer that has a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements imposed under chapter 51-30 and any other notification requirements relating to a cybersecurity event imposed under subsection 1.
6. If a cybersecurity event involving nonpublic information that is in the possession, custody, or control of a third-party service provider of a licensee that is an assuming insurer, the assuming insurer shall notify the insurer's affected ceding insurers and the commissioner of the insurer's state of domicile within three business days of receiving notice from its third-party service provider that a cybersecurity event has occurred. The ceding insurers that have a direct contractual relationship with affected consumers shall fulfill the consumer notification requirements imposed under chapter 51-30 and any other notification requirements relating to a cybersecurity event imposed under subsection 1.
7. Any licensee acting as assuming insurer does not have any other notice obligations relating to a cybersecurity event or other data breach under this section or any other law of this state.

8. If a cybersecurity event involving nonpublic information that is in the possession, custody, or control of a licensee that is an insurer or the insurer's third-party service provider for which a consumer accessed the insurer's services through an independent insurance producer, and for which consumer notice is required by chapter 51-30, the insurer shall notify the producers of record of all affected consumers of the cybersecurity event no later than the time at which notice is provided to the affected consumers. The insurer is excused from the obligation imposed under this subsection for any producers that are not authorized by law or contract to sell, solicit, or negotiate on behalf of the insurer, and those instances in which the insurer does not have the current producer of record information for an individual consumer.

SECTION 3. AMENDMENT. Section 26.1-02.2-07 of the North Dakota Century Code is amended and reenacted as follows:

26.1-02.2-07. Confidentiality.

1. Any documents, materials, or other information in the control or possession of the department which are furnished by a licensee, or an employee or agent thereof acting on behalf of a licensee pursuant to this chapter, or that are obtained by the commissioner in an investigation or examination pursuant to section 26.1-02.2-06 are confidential, not subject to chapter 44-04, not subject to subpoena, and are not subject to discovery or admissible in evidence in any private civil action. The commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's duties. ~~The commissioner may not otherwise make the documents, materials, or other information public without the prior written consent of the licensee.~~
2. The commissioner or any person that received documents, materials, or other information while acting under the authority of the commissioner may not be permitted or required to testify in any private civil action concerning any confidential documents, materials, or information subject to subsection 1.
3. In order to assist in the performance of the commissioner's duties under this chapter, the commissioner:
 - a. May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to subsection 1, with other state, federal, and international regulatory agencies, with the national association of insurance commissioners, its affiliates or subsidiaries, and with state, federal, and international law enforcement authorities, provided the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information;
 - b. May receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, from the national association of insurance commissioners, its affiliates or subsidiaries, and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information;

- c. May share documents, materials, or other information subject to this section, with a third-party consultant or vendor provided the consultant agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information; and
 - d. May enter agreements governing sharing and use of information consistent with this subsection.
4. A waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information does not occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection 3.
5. Documents, materials, or other information in the possession or control of the national association of insurance commissioners or a third-party consultant or vendor pursuant to this chapter are confidential, not subject to chapter 44-04, not subject to subpoena, and not subject to discovery or admissible in evidence in any private civil action.

SECTION 4. AMENDMENT. Subsection 1 of section 26.1-02.2-08 of the North Dakota Century Code is amended and reenacted as follows:

1. The following exceptions apply to this chapter:
- a. A licensee with less than five million dollars in gross revenue or less than ten million dollars in year-end assets is exempt from subsections 2 through 10 of section 26.1-02.2-03.
 - ~~b. During the period beginning on August 1, 2021, and ending on July 31, 2023, a licensee with fewer than fifty employees, including independent contractors and employees of affiliated companies having access to nonpublic information used by the licensee or in the licensee's possession, custody, or control, is exempt from section 26.1-02.2-03.~~
 - ~~c. After July 31, 2023, a licensee with fewer than twenty five employees, including independent contractors and employees of affiliated companies having access to nonpublic information used by the licensee or in the licensee's possession, custody, or control is exempt from section 26.1-02.2-03.~~
 - ~~d-b.~~ A licensee that is subject to ~~and~~ governed by, and compliant with the privacy, security, and breach notification rules issued by the United States department of health and human services, title 45, Code of Federal Regulations, parts 160 and 164, established pursuant to the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191], and the federal Health Information Technology for Economic and Clinical Health Act [Pub. L. 111-5], and which maintains nonpublic information concerning a consumer in the same manner as protected health information is deemed to comply with the requirements of ~~this chapter except for the commissioner notification requirements under subsections 1 and 2 of section 26.1-02.2-05~~ section 26.1-02.2-03.
 - ~~e-c.~~ An employee, agent, representative, or designee of a licensee, that also is a licensee, is exempt from section 26.1-02.2-03 and is not required to develop an information security program to the extent the employee, agent, representative, or designee is covered by the information security program of the other licensee.

SECTION 5. REPEAL. Section 26.1-02.2-11 of the North Dakota Century Code is repealed.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 281

HOUSE BILL NO. 1398

(Representatives Grueneich, D. Anderson, Dockter, Fisher, Heinert, Jonas,
Brandenburg, Swiontek)
(Senators Erbele, Conley, Walen)

AN ACT to amend and reenact section 26.1-03-10 of the North Dakota Century Code, relating to the publication of an abstract of annual statement.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-03-10 of the North Dakota Century Code is amended and reenacted as follows:

26.1-03-10. Publication of abstract of annual statement and certificate of authority.

An insurance company, at the time it submits its annual statement for filing, shall submit an abstract of the annual statement for publication ~~upon~~ on the form prescribed by the commissioner. The abstract of the annual statement of each company, other than a state or county mutual insurance company, must be published at least three times in ~~one~~ a newspaper of general circulation, ~~designated by the commissioner, printed and published in each judicial district in this state in which the company has an agency and evenly distributed for publication across all newspapers operating in the judicial district.~~ The abstract of the annual statement of each state or county mutual insurance company must be published once in a newspaper published in the county in which the company has its principal place of business, the newspaper to be designated by the members of the company at their annual meeting. The certificate of authority issued by the commissioner to authorize the company to do business within this state must be published in connection with the publication of the abstract of its annual statement. The fees for publication are those provided under section 46-05-03. Proof of publication must be filed with the commissioner within four months after the filing of the annual statement. The commissioner shall provide abstracts, in a convenient form, on the commissioner's website.

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 282

SENATE BILL NO. 2124

(Industry and Business Committee)
(At the request of the Insurance Commissioner)

AN ACT to create and enact section 26.1-03-19.8 and a new section to chapter 26.1-03 of the North Dakota Century Code, relating to insurance company inquiries and insurance company statements; and to amend and reenact section 26.1-03-19.1 and subsection 6 of section 26.1-03-19.4 of the North Dakota Century Code, relating to insurance company definitions and examination records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-03-19.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-03-19.1. Examination of companies - Definitions.

In sections 26.1-03-19.1 through ~~26.1-03-19.7~~26.1-03-19.8, unless the context otherwise requires:

1. "Company" means any foreign or domestic insurance company as defined in section 26.1-02-01.
2. "Data call" means an inquiry addressed to a company issued before, or in lieu of an examination under this chapter.
3. "Examiner" means any individual or firm having been authorized by the commissioner to conduct an examination under this chapter.
- ~~3-4.~~ "Person" means any individual, aggregation of individuals, trust, association, partnership, or corporation, or any affiliate thereof.

SECTION 2. AMENDMENT. Subsection 6 of section 26.1-03-19.4 of the North Dakota Century Code is amended and reenacted as follows:

6. All working papers, recorded information, documents, and copies thereof produced by, obtained by, or disclosed to the commissioner or any other person in the course of an examination made under this chapter, or in the course of analysis by the commissioner of the financial condition or market conduct of the company, must be given confidential treatment and are not subject to subpoena and may not be made public by the commissioner or any other person, except as provided in this subsection and to the extent provided in subsection 5. Access also may be granted to the national association of insurance commissioners. The parties must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section, unless the prior written consent of the company to which it pertains has been obtained. This subsection may not be construed as prohibiting the commissioner from making public aggregate or anonymized information from the materials contemplated in this subsection.

SECTION 3. Section 26.1-03-19.8 of the North Dakota Century Code is created and enacted as follows:

26.1-03-19.8. Data calls.

1. The commissioner or the commissioner's designated representative may issue a data call under this chapter whenever the commissioner deems it appropriate. The insurance company shall reply in writing to the data call within twenty days of receipt of the inquiry unless within that twenty days the company requests and the commissioner grants an extension of time.
2. For purposes of completing a data call under this section, the commissioner may inquire into any person, or the business of any person, to the extent the inquiry or investigation is, in the sole discretion of the commissioner, necessary or material to the operations of the company.
3. The commissioner may designate the national association of insurance commissioners or another representative as the repository for data call responses.
4. All materials, working papers, information, documents, and copies produced by, obtained by, or disclosed to the commissioner or any other person in the course of a data call made under this chapter, or in the course of analysis by the commissioner of the market conduct of the company:
 - a. Must be given confidential treatment;
 - b. Are not subject to subpoena; and
 - c. May not be made public by the commissioner or any other person, except to the extent provided in this chapter.
5. The commissioner may use the documents, materials, or other information in furtherance of any regulatory or legal action brought as part of the commissioner's official duties.
6. The commissioner may make the results of the data call available for public inspection in an aggregate and anonymized format that does not disclose information or data attributed to any specific company or person, including the name of any company or person who responded to the data call.
7. The commissioner may adopt rules to administer this section.

SECTION 4. A new section to chapter 26.1-03 of the North Dakota Century Code is created and enacted as follows:

Market conduct annual statement.

1. The commissioner may require a foreign or domestic insurance company to annually file a market conduct annual statement. The statement must:
 - a. Be filed with the commissioner, or with the commissioner's designee, on a date specified by the commissioner;
 - b. Include the scope of information prescribed by the commissioner; and

- c. Be in the proper form and transmitted, as prescribed by the commissioner.
- 2. The commissioner may, in the commissioner's discretion and for good cause, exclude an insurance company from filing a statement under this section.
- 3. The commissioner may adopt rules to implement and administer this section.

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 283

SENATE BILL NO. 2032

(Legislative Management)
(Health Services Committee)

AN ACT to create and enact chapter 26.1-08.1 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; to repeal chapters 26.1-08 and 26.1-08.1 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹¹⁰ **SECTION 1.** Chapter 26.1-08.1 of the North Dakota Century Code is created and enacted as follows:

26.1-08.1-01. Definitions.

As used in this chapter:

1. "Association" means the comprehensive health association of North Dakota.
2. "Board" means the comprehensive health association of North Dakota board of directors.
3. "Creditable coverage" means, with respect to an individual, coverage under chapter 26.1-08.
4. "Guaranteed issue" means an issuer may not:
 - a. Deny or condition the issuance or effectiveness of a Medicare supplement policy that is offered and is available for issuance to new enrollees by the issuer;
 - b. Discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition; or
 - c. Impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.
5. "Lead carrier" means the insurance company selected by the board to administer the association benefit plans.

26.1-08.1-02. Cessation of operations.

1. The association shall cease enrollment under the plan effective May 1, 2025.
2. After taking all reasonable steps, including those specified in this section, to timely and efficiently assist in the transition of individuals receiving benefits

¹¹⁰ Chapter 26.1-08.1 was repealed by section 2 of Senate Bill No. 2032, chapter 283.

under chapter 26.1-08, and paying health insurance claims for plan coverage and meeting all other obligations of the board under this section, the association shall cease operating the pool.

3. The association may take any action it deems necessary to:
 - a. Cease enrollment for plan coverage effective May 1, 2025.
 - b. Terminate all existing benefit plans effective December 31, 2025.
 - c. Provide at least a ninety-day notice to current policyholders of the termination.
4. This section does not require the board to revise plan benefits to comply with this chapter.

26.1-08.1-03. Board of directors.

1. Notwithstanding any other provision of this chapter, to facilitate an efficient cessation of operations, the board:
 - a. May continue to use the lead carrier to fulfill administrative tasks and operations.
 - b. Shall continue to follow the requirements of participating members under section 26.1-08-09.
 - c. May implement a process to assess members based on actual program costs rather than projected program costs.
2. If the board has excess funds after cessation of operations of the association, the funds must be returned by the lead carrier to the insurer assessed under section 26.1-08-09.

26.1-08.1-04. Enrollment of individuals losing creditable coverage.

An individual losing creditable coverage must be provided enrollment into a comparable:

1. Health benefit plan; or
2. Plan under a Medicare supplement policy that has a benefit package classified as plan A, B, C, F (including F with a high deductible), G, K, or L under guaranteed issue.

26.1-08.1-05. Statute of limitations.

A cause of action against the association or the board must be commenced within the earlier of one year after the cause of action occurs or December 31, 2027.

¹¹¹ **SECTION 2. REPEAL.** Chapters 26.1-08 and 26.1-08.1 of the North Dakota Century Code are repealed.

SECTION 3. EFFECTIVE DATE. Section 2 of this Act becomes effective December 31, 2027.

¹¹¹ Chapter 26.1-08.1 was created by section 1 of Senate Bill No. 2032, chapter 283.

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

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 284

HOUSE BILL NO. 1124

(Industry, Business and Labor Committee)
(At the request of the Insurance Commissioner)

AN ACT to amend and reenact sections 26.1-10-01, 26.1-10-04, 26.1-10-05, and 26.1-10-07 of the North Dakota Century Code, relating to the standards and management of an insurer with an insurance holding company system and the confidential treatment of investigation and examination records of insurance holding companies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-10-01 of the North Dakota Century Code is amended and reenacted as follows:

26.1-10-01. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is under the control of, or is under common control with, the person specified.
2. "Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control is presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing ten percent or more of the voting securities of any other person. This presumption may be rebutted by a showing made in the manner provided for in subsection 9 of section 26.1-10-04, that control does not exist in fact. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support such determination, that control exists in fact, notwithstanding the absence of a presumption to that effect.
3. "Enterprise risk" means any activity, circumstance, event, or series of events involving one or more affiliates of an insurer which, if not remedied promptly, is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or the insurer's insurance holding company system as a whole including anything that would cause the insurer's risk-based capital to fall into company action level as set forth in section 26.1-03.1-03 or would cause the insurer to be in hazardous financial condition as set forth in North Dakota Administrative Code section 45-03-13-01.
4. "Group capital calculation instructions" means the group capital calculation instructions adopted by the national association of insurance commissioners and as amended in accordance with the procedures adopted by the national association of insurance commissioners.

5. "Groupwide supervisor" means the regulatory official authorized to engage in conducting and coordinating groupwide supervision activities who is determined or acknowledged by the commissioner under section 26.1-10-06.2 to have sufficient significant contacts with the internationally active insurance group.
- 5-6. "Insurance holding company system" means two or more affiliated persons, one or more of which is an insurer.
- 6-7. "Insurer" has the same definition as provided in section 26.1-29-02, except the term does not include an agency, authority, or instrumentality of the United States or its possessions or a state or political subdivision of a state.
- 7-8. "Internationally active insurance group" means an insurance holding company system that includes an insurer registered under section 26.1-10-04, and meets the following criteria:
- a. Premiums written in at least three countries;
 - b. The percentage of gross premiums written outside the United States is at least ten percent of the insurance holding company system's total gross written premiums; and
 - c. Based on a three-year rolling average, the total assets of the insurance holding company system are at least fifty billion dollars or the total gross written premiums of the insurance holding company system are at least ten billion dollars.
- 8-9. "Liquidity stress test framework" means the national association of insurance commissioners liquidity stress test framework that includes a history of the association's development of regulatory liquidity stress testing, the scope criteria applicable for a specific data year, the liquidity stress test instructions, and reporting templates for a specific data year, as adopted and amended in accordance with the procedures adopted by the association.
10. "Person" means an individual, a corporation, a limited liability company, a partnership, an association, a joint stock company, a trust, or an unincorporated organization or any similar entity or any combination of the foregoing acting in concert. The term does not include any joint venture partnership exclusively engaged in owning, managing, leasing, or developing real or tangible personal property.
11. "Scope criteria" means the designated exposure bases along with minimum magnitudes of those bases for the specified data year, used to establish a preliminary list of insurers considered scoped into the national association of insurance commissioners liquidity stress test framework for that data year.
- 9-12. "Securityholder" of a specified person means the owner of any security of the person, including common stock, preferred stock, debt obligations, and any other security convertible into or evidencing the right to acquire any of the foregoing.
- 40-13. "Subsidiary" of a specified person means an affiliate under the control of the person directly, or indirectly through one or more intermediaries.

~~44-14.~~ "Voting security" includes any security convertible into or evidencing a right to acquire a voting security.

SECTION 2. AMENDMENT. Section 26.1-10-04 of the North Dakota Century Code is amended and reenacted as follows:

26.1-10-04. Registration of insurers.

1. Every insurer that is authorized to do business in this state and which is a member of an insurance holding company system shall register with the commissioner, except a foreign insurer subject to registration requirements and standards adopted by statute or rule in the jurisdiction of its domicile which are substantially similar to those contained in this section and section 26.1-10-05. Any insurer subject to registration under this section shall register within fifteen days after it becomes subject to registration, and annually thereafter by March first of each year for the previous calendar year unless the commissioner for good cause shown extends the time for registration, and then within the extended time. The commissioner may require any insurer authorized to do business in the state which is a member of an insurance holding company system not subject to registration under this section to furnish a copy of the registration statement, the summary specified in subsection 10 of section 26.1-10-04, or other information filed by the insurer with the insurance regulatory authority of the domiciliary jurisdiction.
2. Every insurer subject to registration shall file a registration statement with the commissioner on a form approved by the commissioner, which must contain current information about:
 - a. The capital structure, general financial condition, ownership, and management of the insurer and any person in control of the insurer.
 - b. The identity and relationship of every member of the insurance holding company system.
 - c. The following agreements in force and transactions currently outstanding or which have occurred during the last calendar year between the insurer and its affiliates:
 - (1) Loans, other investments, or purchases, sales, or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates.
 - (2) Purchases, sales, or exchange of assets.
 - (3) Transactions not in the ordinary course of business.
 - (4) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered into in the ordinary course of the insurer's business.
 - (5) All management agreements, service contracts, and all cost-sharing arrangements.
 - (6) Reinsurance agreements.
 - (7) Dividends and other distributions to shareholders.

- (8) Consolidated tax allocation agreements.
- d. Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system.
 - e. If requested by the commissioner, the insurer shall include financial statements of or within an insurance holding company system, including all affiliates. A financial statement may include an annual audited financial statement filed with the United States securities and exchange commission pursuant to the federal Securities Act of 1933, as amended, [15 U.S.C. 77a et seq.] or the federal Securities Exchange Act of 1934, as amended, [15 U.S.C. 78a et seq.] or the financial statement pursuant to this subdivision may satisfy the request by providing the commissioner with the most recently filed parent corporation financial statements that have been filed with the United States securities and exchange commission.
 - f. Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the commissioner.
 - g. Statements that the insurer's board of directors is responsible for and supervises, relating to corporate governance and internal controls that the insurer's officers or senior management have approved, implemented, and continue to maintain and monitor.
 - h. Any other information required by the commissioner by rule.
3. No information need be disclosed on the registration statement filed pursuant to subsection 2 if the information is not material for the purposes of this section. Unless the commissioner by rule or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, or investments, or guarantees involving one-half of one percent or less of an insurer's admitted assets as of December thirty-first next preceding are not material for purposes of this section. The definition of materiality provided in this subsection does not apply for purposes of the group capital calculation or the liquidity stress test framework.
 4. In addition to the annual filing requirement under subsection 1, each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms approved by the commissioner within fifteen days after the end of the month in which it learns of each change or addition; provided, however, that subject to subsections 7, 8, and 9 of section 26.1-10-05, each registered insurer shall report all dividends and other distributions to shareholders within five business days following the declaration and no less than ten business days prior to payment thereof.
 5. The commissioner shall terminate the registration of any insurer that demonstrates it no longer is a member of an insurance holding company system.
 6. The commissioner may require or allow two or more affiliated insurers subject to registration to file a consolidated registration statement.

7. The commissioner may allow an insurer which is authorized to do business in this state and which is part of an insurance holding company system to register on behalf of any affiliated insurer which is required to register under subsection 1 to file all information and material required to be filed under this section.
8. This section does not apply to any insurer, information, or transaction if and to the extent excepted by the commissioner by rule or order.
9. Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or a disclaimer may be filed by the insurer or any member of an insurance holding company system. The disclaimer must fully disclose all material relationships and bases for affiliation between the person and the insurer as well as the basis for disclaiming the affiliation. A disclaimer of affiliation is deemed to have been granted unless the commissioner, within thirty days following receipt of a complete disclaimer, notifies the filing party the disclaimer is disallowed. In the event of disallowance, the disclaiming party may request an administrative hearing, which must be granted. The disclaiming party is relieved of its duty to register under this section if approval of the disclaimer has been granted by the commissioner or if the disclaimer is deemed to have been approved.
10. All registration statements must contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.
11. Any person within an insurance holding company system subject to registration must provide complete and accurate information to an insurer, when the information is reasonably necessary to enable the insurer to comply with the provisions of this chapter.
12. The ultimate controlling person of every insurer subject to registration shall file an annual enterprise risk report. To the best of the ultimate controlling person's knowledge and belief, the report must identify the material risks within the insurance holding company system which could pose enterprise risk to the insurer. The report must be filed with the lead state commissioner of the insurance holding company system as determined by the procedures within the financial analysis handbook adopted by the national association of insurance commissioners.
13. Except as provided in subsection 14, the ultimate controlling person of each insurer subject to registration shall concurrently file with the registration an annual group capital calculation as directed by the lead state commissioner. The report must be completed in accordance with the national association of insurance commissioners group capital calculation instructions, which may permit the lead state commissioner to allow a controlling person that is not the ultimate controlling person to file the group capital calculation. The report must be filed with the lead state commissioner of the insurance holding company system as determined by the commissioner in accordance with the financial analysis handbook procedures adopted by the national association of insurance commissioners.
14. An insurance holding company system is exempt from filing the group capital calculation if the insurance holding company system meets any of the criteria described below.

- a. An insurance holding company system that has only one insurer within its holding company structure, only writes business, is only licensed in its domestic state, and assumes no business from any other insurer.
- b. If a system is required to perform a group capital calculation specified by the United States federal reserve board, the lead state commissioner shall request the calculation from the federal reserve board under the terms of information sharing agreements in effect. If the federal reserve board cannot share the calculation with the lead state commissioner, the insurance holding company system is not exempt from the group capital calculation filing.
- c. An insurance holding company system that has a non-United States groupwide supervisor located within a reciprocal jurisdiction as set forth in subsection 7 of section 26.1-31.2-01 which recognizes the United States state regulatory approach to group supervision and group capital.
- d. An insurance holding company system that:
 - (1) Provides information to the lead state that meets the requirements for accreditation under the national association of insurance commissioners financial standards and accreditation program, either directly or indirectly through the groupwide supervisor, who has determined the information is satisfactory to allow the lead state to comply with the national association of insurance commissioners group supervision approach, as detailed in the national association of insurance commissioners financial analysis handbook; and
 - (2) Has a non-United States groupwide supervisor that is not in a reciprocal jurisdiction which recognizes and accepts, as specified by the commissioner by rule, the group capital calculation as the worldwide group capital assessment for United States insurance groups that operate in that jurisdiction.
- e. Notwithstanding subdivisions c and d, a lead state commissioner shall require the group capital calculation for United States operations of any non-United States based insurance holding company system where, after any necessary consultation with other supervisors or officials, it is deemed appropriate by the lead state commissioner for prudential oversight and solvency monitoring purposes or for ensuring the competitiveness of the insurance marketplace.
- f. Notwithstanding subdivisions a through d, the lead state commissioner may exempt the ultimate controlling person from filing the annual group capital calculation or accept a limited group capital filing or report in accordance with criteria as specified by the commissioner by rule.
- g. If the lead state commissioner determines an insurance holding company system no longer meets one or more of the requirements for an exemption from filing the group capital calculation under this section, the insurance holding company system shall file the group capital calculation at the next annual filing date, unless an extension is provided by the lead state commissioner based on reasonable grounds shown.

15. The ultimate controlling person of every insurer subject to registration and scoped into the national association of insurance commissioners liquidity stress test framework shall file the results of a specific year's liquidity stress test. The results must be filed with the lead state insurance commissioner of the insurance holding company system as determined by the financial analysis handbook procedures adopted by the national association of insurance commissioners.

a. The national association of insurance commissioners liquidity stress test framework includes scope criteria applicable to a specific data year. The scope criteria are reviewed at least annually by the financial stability task force or its successor. A change to the national association of insurance commissioners liquidity stress test framework or to the data year for which the scope criteria are to be measured is effective on January first of the year following the calendar year when the change is adopted. An insurer that meets at least one threshold of the scope criteria is considered scoped into the national association of insurance commissioners liquidity stress test framework for the specified data year unless the lead state insurance commissioner, in consultation with the national association of insurance commissioners financial stability task force or its successor, determines the insurer should not be scoped into the framework for that data year. An insurer that does not trigger at least one threshold of the scope criteria is considered scoped out of the liquidity stress test framework for the specified data year, unless the lead state insurance commissioner, in consultation with the national association of insurance commissioners financial stability task force or its successor, determines the insurer should be scoped into the framework for that data year.

b. To avoid having insurers scoped in and out of the national association of insurance commissioners liquidity stress test framework on a frequent basis, the lead state insurance commissioner, in consultation with the financial stability task force or its successor, shall assess this concern as part of the determination for an insurer.

c. The performance of, and filing of the results from, a specific year's liquidity stress test must comply with the national association of insurance commissioners liquidity stress test framework's instructions and reporting templates for that year and any lead state insurance commissioner determinations, in consultation with the financial stability task force or its successor, provided within the framework.

13-16. The failure to file a registration statement or any summary of the registration statement or enterprise risk filing required by this section within the time specified for the filing is a violation of this section.

SECTION 3. AMENDMENT. Section 26.1-10-05 of the North Dakota Century Code is amended and reenacted as follows:

26.1-10-05. Standards and management of an insurer with an insurance holding company system.

1. Transactions within an insurance holding company system to which an insurer subject to registration is a party are subject to the following standards:

a. The terms must be fair and reasonable.

- b. Agreements for cost-sharing services and management must include provisions as required by rules adopted by the commissioner.
- c. The books, accounts, and records of each party must clearly and accurately disclose the precise nature and details of the transactions, including that accounting information that is necessary to support the reasonableness of the charges or fees to the respective parties.
- d. The insurer's surplus as regards to policyholders following any dividends or distributions to shareholder affiliates must be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.
- e. Charges or fees for services performed must be reasonable.
- f. Expenses incurred and payment received must be allocated to the insurer in conformity with statutory accounting practices consistently applied.
- g. If an insurer subject to this chapter is deemed by the commissioner to be in a hazardous financial condition as defined by North Dakota Administrative Code chapter 45-03-13 or a condition that would be grounds for supervision, conservation, or a delinquency proceeding, the commissioner may require the insurer to secure and maintain a deposit, held by the commissioner, or a bond, as determined by the insurer at the insurer's discretion, for the protection of the insurer for the duration of the contracts or agreements, or the existence of the condition for which the commissioner is required to secure and maintain the deposit or the bond. In determining whether a deposit or a bond is required, the commissioner must consider whether concerns exist with respect to the affiliated person's ability to fulfill the contracts or agreements if the insurer were to be put into liquidation. Once the insurer is deemed to be in a hazardous financial condition or a condition that would be grounds for supervision, conservation or a delinquency proceeding, and a deposit or bond is necessary, the commissioner may determine the amount of the deposit or bond, not to exceed the value of the contracts or agreements in any one year, and whether such deposit or bond should be required for a single contract, multiple contracts, or a contract only with specific persons.
- h. All records and data of the insurer held by an affiliate are and remain the property of the insurer, are subject to the control of the insurer, are identifiable, and are segregated or readily capable of segregation, at no additional cost to the insurer, from all other persons' records and data. This includes all records and data that are otherwise the property of the insurer, in whatever form maintained, including claims and claim files, policyholder lists, application files, litigation files, premium records, rate books, underwriting manuals, personnel records, financial records, or similar records within the possession, custody or control of the affiliate. At the request of the insurer, the affiliate shall permit the receiver to obtain a complete set of all records of any type that pertain to the insurer's business, obtain access to the operating systems on which the data is maintained, obtain the software that runs those systems either through assumption of licensing agreements or otherwise, and restrict the use of the data by the affiliate if it is not operating the insurer's business. The affiliate shall provide a waiver of any landlord lien or other encumbrance to give the insurer access to all records and data in the event of the affiliate's default under a lease or other agreement.

- i. Premiums or other funds belonging to the insurer which are collected by or held by an affiliate are the exclusive property of the insurer and are subject to the control of the insurer. Any right of offset in the event an insurer is placed into receivership shall be subject to chapter 26.1-06.1.
- 2. The following transactions involving a domestic insurer and any person in its insurance holding company system, including an amendment or modification of an affiliate agreement previously filed pursuant to this section, which is subject to any materiality standards contained in subdivisions a through g, may not be entered unless the insurer has notified the commissioner in writing of its intention to enter into the transaction at least thirty days prior thereto, or a shorter period as the commissioner may permit, and the commissioner has not disapproved it within that period. The notice for an amendment or modification must include the reason for the change and the financial impact on the domestic insurer. Within thirty days after a termination of a previously filed agreement, informal notice must be reported to the commissioner for determination of the type of filing required, if any.
 - a. Sales, purchases, exchanges, loans, or extensions of credit, or investments provided the transactions are equal to or exceed:
 - (1) With respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders as of December thirty-first next preceding.
 - (2) With respect to life insurers, three percent of the insurer's admitted assets as of December thirty-first next preceding.
 - b. Loans or extensions of credit to any person that is not an affiliate, if the insurer makes loans or extensions of credit with the agreement or understanding that the proceeds of the transactions, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase assets of, or to make investments in any affiliate of the insurer making the loans or extensions of credit provided the transactions are equal to or exceed:
 - (1) With respect to nonlife insurers, the lesser of three percent of the insurer's admitted assets or twenty-five percent of surplus as regards policyholders as of December thirty-first next preceding.
 - (2) With respect to life insurers, three percent of the insurer's admitted assets as of December thirty-first next preceding.
 - c. Reinsurance agreements or modifications thereto, including:
 - (1) All reinsurance pooling agreements.
 - (2) Agreements in which the reinsurance premium or a change in the insurer's liabilities, or the projected reinsurance premium or a change in the insurer's liabilities in any of the next three years, equals or exceeds five percent of the insurer's surplus as regards policyholders, as of December thirty-first next preceding, including those agreements which may require as consideration the transfer of assets from an insurer to a nonaffiliate, if an agreement or understanding exists between the insurer and nonaffiliate that any portion of such assets will be transferred to one or more affiliates of the insurer.

- d. All management agreements, service contracts, tax allocation agreements, guarantees, and cost-sharing arrangements.
- e. Any guarantee made by a domestic insurer; however, a guarantee that is quantifiable as to amount is not subject to the notice requirements of this subsection unless the guarantee exceeds the lesser of one-half of one percent of the insurer's admitted assets or ten percent of surplus as regards policyholders as of December thirty-first next preceding. Additionally, all guarantees that are not quantifiable as to amount are subject to the notice requirements of this subsection.
- f. Any direct or indirect acquisition or investment in a person that controls the insurer or in an affiliate of the insurer in an amount that, together with its present holdings in such investments, exceeds two and one-half percent of the insurer's surplus to policyholders. A direct or indirect acquisition or investment in a subsidiary acquired pursuant to section 26.1-10-02, or authorized under any other section of this chapter, or in a nonsubsidiary insurance affiliate that is subject to this chapter, is exempt from this requirement.
- g. Any material transactions, specified by rule, which the commissioner determines may adversely affect the interests of the insurer's policyholders.

Nothing in this subsection may be deemed to authorize or permit any transactions which, in the case of an insurer which is not a member of the same insurance holding company system, would be otherwise contrary to law.

- 3. A domestic insurer may not enter transactions that are part of a plan or series of like transactions with persons within the insurance holding company system if the purpose of those separate transactions is to avoid the statutory threshold amount and thus avoid the review that would occur otherwise. If the commissioner determines that the separate transactions were entered over any twelve-month period for that purpose, the commissioner may exercise the commissioner's authority under the penalty sections of this chapter.
- 4. The commissioner, in reviewing transactions pursuant to subsection 2, shall consider whether the transactions comply with the standards set forth in subsection 1 and whether they may adversely affect the interests of the policyholders.
- 5. The commissioner must be notified within thirty days of any investment of the domestic insurer in any one corporation if the total investment in that corporation by the insurance holding company system exceeds ten percent of the corporation's voting securities.
- 6. For purposes of this chapter, in determining whether an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to meet its financial needs, the following factors, among others, must be considered:
 - a. The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, insurance in force, and other appropriate criteria.

- b. The extent to which the insurer's business is diversified among the several lines of insurance.
 - c. The number and size of risks insured in each line of business.
 - d. The extent of the geographical dispersion of the insurer's insured risks.
 - e. The nature and extent of the insurer's reinsurance program.
 - f. The quality, diversification, and liquidity of the insurer's investment portfolio.
 - g. The recent past and projected future trend in the size of the insurer's investment portfolio.
 - h. The surplus as regards policyholders maintained by other comparable insurers.
 - i. The adequacy of the insurer's reserves.
 - j. The quality and liquidity of investments in affiliates. The commissioner may treat the investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in the commissioner's judgment the investment so warrants.
7. A domestic insurer may not pay any extraordinary dividend or make any other extraordinary distribution to its shareholders until thirty days after the commissioner has received notice of the declaration thereof and has not within that period disapproved the payment, or until the commissioner has approved the payment within the thirty-day period.
8. For purposes of this section, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, when the fair market value together with that of other dividends or distributions made within the preceding twelve months exceeds the lesser of:
- a. Ten percent of the insurer's surplus as regards policyholders as of December thirty-first next preceding; or
 - b. The net gain from operations of the insurer, if the insurer is a life insurer, or the net income, if the company is not a life insurer, not including realized capital gains, for the twelve-month period ending December thirty-first next preceding, but shall not include pro rata distributions of any class of the insurer's own securities.
9. In determining whether a dividend or distribution is extraordinary under subsection 8, an insurer other than a life insurer may carry forward net income from the previous two calendar years which has not already been paid out as dividends. This carry-forward must be computed by taking the net income from the second and third preceding calendar years, not including realized capital gains, less dividends paid in the second and immediate preceding calendar years.
10. Notwithstanding any other provision of law, an insurer may declare an extraordinary dividend or distribution which is conditional upon the commissioner's approval, and the declaration confers no rights upon shareholders until:

- a. The commissioner has approved the payment of the dividend or distribution; or
 - b. The commissioner has not disapproved the payment within the thirty-day period referred to in subsection 7.
11. An affiliate that is a party to an agreement or contract with a domestic insurer that is subject to subdivision d of subsection 2 shall be subject to the jurisdiction of any supervision, seizure, conservatorship, or receivership proceedings against the insurer and to the authority of any supervisor, conservator, rehabilitator, or liquidator for the insurer appointed under chapters 26.1-06.1 and 26.1-06.2 for the purpose of interpreting, enforcing, and overseeing the affiliate's obligations under the agreement or contract to perform services for the insurer that are:
- a. An integral part of the insurer's operations, such as management, administrative, accounting, data processing, marketing, underwriting, claims handling, investment, or any other similar functions; or
 - b. Essential to the insurer's ability to fulfill its obligations under insurance policies.
12. The commissioner may require that an agreement or contract under subdivision d of subsection 2 for the provision of services in subdivision a and b specify the affiliate consents to the jurisdiction as set forth in subsection 11.

SECTION 4. AMENDMENT. Section 26.1-10-07 of the North Dakota Century Code is amended and reenacted as follows:

26.1-10-07. Confidential treatment.

1. Any document, material, or other information in the possession or control of the North Dakota insurance department which is obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to section 26.1-10-06 and all information reported pursuant to subdivisions l and m of subsection 2 of section 26.1-10-03 and sections 26.1-10-04 and 26.1-10-05 is confidential and privileged, not subject to section 44-04-18, not subject to subpoena, and not subject to discovery or admissible in evidence in any private civil action. However, the commissioner may use the document, material, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties. The commissioner may not otherwise make the document, material, or other information public without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates that would be affected thereby, notice and opportunity to be heard, determines that the interests of policyholders, shareholders, or the public will be served by the publication thereof, in which event the commissioner may publish all or any part thereof in any manner the commissioner deems appropriate.
 - a. For purposes of the information reported and provided under subsections 13 and 14 of section 26.1-10-04, the commissioner shall maintain the confidentiality of the group capital calculation and group capital ratio produced within the calculation and any group capital information received from an insurance holding company supervised by the federal reserve board or any United States groupwide supervisor.

- b. For purposes of the information reported and provided under subsection 15 of section 26.1-10-04, the commissioner shall maintain the confidentiality of the liquidity stress test results and supporting disclosures and any liquidity stress test information received from an insurance holding company supervised by the federal reserve board and non-United States groupwide supervisors.
2. Neither the commissioner nor any person that received any document, material, or other information while acting under the authority of the commissioner or with whom such document, material, or other information is shared under this chapter is permitted or required to testify in any private civil action concerning any confidential document, material, or information subject to subsection 1.
3. To assist in the performance of the commissioner's duties:
- a. If the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information, and has verified in writing the legal authority to maintain confidentiality, the commissioner may share any document, material, or other information, including the confidential and privileged document, material, or information subject to subsection 1, including proprietary and trade secret documents and materials, with any other state, federal, and international regulatory agency, the national association of insurance commissioners ~~and its affiliates and subsidiaries~~, any third-party consultant designated by the commissioner, and any state, federal, or international law enforcement authority, including members of any supervisory college described in section 26.1-10-06.1;
- b. Notwithstanding subdivision a, the commissioner may share a confidential and privileged document, material, or information reported under subsection 12 of section 26.1-10-04 only with a commissioner of a state having statutes or regulations substantially similar to subsection 1 and who has agreed in writing not to disclose the information;
- c. The commissioner may receive any document, material, or information, including any otherwise confidential and privileged document, material, or information, including propriety and trade secret information, from the national association of insurance commissioners and its affiliates and subsidiaries and from any regulatory and law enforcement official of other foreign or domestic jurisdiction, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding the document, material, or information is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information; and
- d. The commissioner shall enter a written agreement with the national association of insurance commissioners and any third-party consultant designated by the commissioner governing sharing and use of information provided under this chapter consistent with this subsection and which must:
- (1) Specify procedures and protocols regarding the confidentiality and security of information shared with the national association of insurance commissioners ~~and its affiliates and subsidiaries~~ or any third-

party consultant designated by the commissioner under this chapter, including procedures and protocols for sharing by the national association of insurance commissioners with any other state, federal, or international regulator; The written agreement must provide the recipient agrees to maintain the confidentiality and privileged status of the documents, materials, or other information and has verified in writing the legal authority to maintain such confidentiality;

- (2) Specify ownership of information shared with the national association of insurance commissioners ~~and its affiliates and subsidiaries~~ or a third-party consultant under this chapter remains with the commissioner, and the national association of insurance commissioner's ~~or a third-party consultant's~~, as designated by the commissioner, use of the information is subject to the direction of the commissioner;
 - (3) Excluding documents, materials, or information reported under subsections 13 and 14 of section 26.1-10-04, prohibit the national association of insurance commissioners or a third-party consultant designated by the commissioner from storing the information shared under this chapter in a permanent database after the underlying analysis is complete;
 - ~~(3)~~(4) Require prompt notice to be given to an insurer if the insurer's confidential information in the possession of the national association of insurance commissioners ~~or a third-party consultant designated by the commissioner~~ under this chapter is subject to a request or subpoena to the national association of insurance commissioners ~~or a third-party consultant designated by the commissioner~~ for disclosure or production; ~~and~~
 - ~~(4)~~(5) Require the national association of insurance commissioners ~~and its affiliates and subsidiaries~~ or third-party consultants designated by the commissioner to consent to intervention by an insurer in any judicial or administrative action in which the national association of insurance commissioners ~~and its affiliates and subsidiaries~~ or a third-party consultant designated by the commissioner may be required to disclose confidential information about the insurer shared with the national association of insurance commissioners ~~and its affiliates and subsidiaries~~ or a third-party consultant designated by the commissioner under this chapter; ~~and~~
 - (6) Documents, materials, or information reported under subsection 13 and 14 of section 26.1-10-04, in the case of an agreement involving a third-party consultant, provide for notification of the identity of the consultant to the applicable insurer.
4. The sharing of information by the commissioner under this chapter does not constitute a delegation of regulatory authority or rulemaking, and the commissioner is solely responsible for the administration, execution, and enforcement of this chapter.
 5. Waiver of any applicable privilege or claim of confidentiality in any document, material, or information may not occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection 3.

6. Any document, material, or other information in the possession or control of the national association of insurance commissioners or a third-party consultant designated by the commissioner under this chapter is confidential and privileged, not subject to section 44-04-18, not subject to subpoena, and not subject to discovery or admissible in evidence in any private civil action.
7. The group capital calculation and resulting group capital ratio required under subsections 13 and 14 of section 26.1-10-04 and the liquidity stress test along with its results and supporting disclosures required under subsection 15 of section 26.1-10-04, are regulatory tools for assessing group risks and capital adequacy and group liquidity risks, respectively, and are not intended as a means to rank insurers or insurance holding company systems generally.
8. Except as otherwise required under this chapter, the making, publishing, disseminating, circulating or placing before the public, or causing directly or indirectly to be made, published, disseminated, circulated or placed before the public in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station or any electronic means of communication available to the public, or in any other way as an advertisement, announcement or statement containing a representation or statement that would be misleading is prohibited when made regarding:
 - a. A group capital calculation;
 - b. A group capital ratio;
 - c. Liquidity stress test results;
 - d. Supporting disclosures for the liquidity stress test of any insurer or any insurer group; or
 - e. Any component derived in the calculation by any insurer, broker, or other person engaged in any manner in the insurance business.
9. Notwithstanding subsection 8, if any written publication contains a materially false statement and the insurer demonstrates to the commissioner with substantial proof the falsity or inappropriateness of the statement, the insurer may publish announcements in a written publication, provided the sole purpose of the announcement is to rebut the materially false statement. For this subsection to apply, the existence of any materially false statement in a written publication must relate to at least one of the following subject areas:
 - a. A group capital calculation;
 - b. A resulting group capital ratio;
 - c. An inappropriate comparison of any amount to an insurer's or insurance group's group capital calculation or resulting group capital ratio;
 - d. A liquidity stress test result;
 - e. Supporting disclosures for the liquidity stress test; or

- f. An inappropriate comparison of any amount to an insurer's or insurance group's liquidity stress test result or supporting disclosures.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 285

SENATE BILL NO. 2125

(Industry and Business Committee)
(At the request of the Insurance Commissioner)

AN ACT to create and enact section 26.1-26-33.1 of the North Dakota Century Code, relating to obligations of insurance producers to maintain an electronic mailing address for regulatory use; to amend and reenact sections 26.1-26-11, 26.1-26-22, 26.1-26-42.1, 26.1-26.8-09, 26.1-26.8-11, and 26.1-26.8-12 of the North Dakota Century Code, relating to producer's lines of insurance, service of process for producer proceedings, revocation of nonresident producer licenses, requirements for renewal of business entity public adjuster licenses, public adjuster proof of insurance requirements, and public adjuster continuing education requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-26-11 of the North Dakota Century Code is amended and reenacted as follows:

26.1-26-11. License of insurance producer - Lines of insurance.

An insurance producer or surplus lines insurance producer may receive a license to market products under one or more of the following lines:

1. Life and annuity means insurance coverage on human lives, including benefits of endowment, fixed and indexed annuities, and credit life.
2. Accident and health or sickness means insurance coverage for sickness, disease, injury, accidental death, and disability.
3. Property means insurance coverage for direct and consequential loss of or damage to property of every kind.
4. Casualty means insurance coverage against legal liability, including that for death, injury, or disability or damage to real or personal property.
5. Variable life and variable annuity means insurance coverage provided under variable life insurance contracts and variable annuities.

~~The product types found under each of the above lines of insurance are those adopted pursuant to section 26.1-05-02.1.~~

SECTION 2. AMENDMENT. Section 26.1-26-22 of the North Dakota Century Code is amended and reenacted as follows:

26.1-26-22. ~~Nonresident proceeding~~Proceedings by commissioner - Service of process - Procedure.

The commissioner shall serve process upon any ~~nonresident~~ licensee in any action or proceeding instituted by the commissioner under this chapter by ~~mailing the process by registered mail return receipt requested~~electronic mail to the electronic

mail address maintained as required under section 26.1-26-33.1 or United States mail to the licensee at the licensee's last-known address of record or principal place of business. Service of process under this section is complete upon electronic mailing or United States mailing.

SECTION 3. Section 26.1-26-33.1 of the North Dakota Century Code is created and enacted as follows:

26.1-26-33.1. Notification of electronic mailing address used by regulator.

An insurance producer shall maintain an electronic mailing address for regulatory use. It is an insurance producer's sole responsibility to continually monitor the electronic mailing address for regulatory communications from the commissioner.

SECTION 4. AMENDMENT. Section 26.1-26-42.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-26-42.1. Revocation of nonresident license.

Notwithstanding the provisions of subsection 13 of section 26.1-26-42, any nonresident license issued pursuant to this chapter may be suspended or revoked without notice and hearing to the licensee and without proceeding in conformity with chapter 28-32, upon evidence ~~that~~ the resident license of the North Dakota nonresident licensee has been revoked or suspended or sixty days after the commissioner receives notification that the producer's license is past the renewal deadline in the producer's resident home state. This evidence may be in the form of a certified copy or by electronic mail, or through the insurance producer database maintained by the national association of insurance producers, its affiliates, or subsidiaries.

¹¹² **SECTION 5. AMENDMENT.** Section 26.1-26.8-09 of the North Dakota Century Code is amended and reenacted as follows:

26.1-26.8-09. License - Renewal - Reinstatement.

1. The commissioner shall issue a resident public adjuster license or nonresident public adjuster license to an individual who meets the necessary requirements of this chapter.
 - a. A resident public adjuster license and a nonresident public adjuster license expire on the last day of the month of the licensed public adjuster's birthday following the two-year anniversary of issuance of a license by the commissioner.
 - b. To renew a license, a licensed resident public adjuster and a licensed nonresident public adjuster shall file a biennial license continuation in the form and manner prescribed by the commissioner and pay a fee of twenty-five dollars. The commissioner shall give a licensee at least ~~sixty~~ ninety days' notice of the biennial license continuation filing deadline. A resident public adjuster or a nonresident public adjuster who allows the license to lapse may, within the twelve-month period immediately following the expiration date, reinstate the same license without the necessity of passing a written examination, upon payment of a reinstatement fee, not to exceed one hundred twenty-five dollars, prescribed by the commissioner in addition to the renewal fee.

¹¹² Section 26.1-26.8-09 was also amended by section 6 of House Bill No. 1123, chapter 277, and section 7 of House Bill No. 1123, chapter 277.

- c. The commissioner may grant an individual licensee who is unable to comply with license renewal procedures due to military service or some other extenuating circumstance, including a long-term medical disability, a waiver of an examination requirement or a fine, fee, or sanction imposed for failure to comply with renewal procedures.
2. The commissioner shall issue a business entity public adjuster license to a business entity that meets the necessary requirements of this chapter.
 - a. A business entity public adjuster license expires on the last day of the month following the two-year anniversary of issuance of a license by the commissioner.
 - b. To renew a license, a licensed business entity public adjuster shall file a biennial license continuation in the form and manner prescribed by the commissioner.
 - c. A business entity public adjuster license may be renewed within the ninety-day period immediately preceding the expiration date upon payment of the renewal fee, ~~not to exceed one hundred fifty dollars, prescribed by the commissioner. A business entity public adjuster that allows the license to lapse may, within the thirty day period immediately following the expiration date, renew the same license upon payment of a late renewal fee, not to exceed one hundred twenty five dollars, prescribed by the commissioner in addition to the renewal fee.~~
 - d. ~~A business entity public adjuster license renewed within the thirty day period immediately following the expiration date pursuant to this section is deemed to have been renewed before the expiration date.~~
3. A license issued pursuant to this chapter must contain the licensee's name, mailing address, and license number; the date of issuance; the lines of authority; the expiration date; and any information the commissioner deems necessary.
4. Within thirty days after the change, a licensee shall inform the commissioner, by any means acceptable to the commissioner, of a change of legal name, mailing address, or other information submitted on the application.
 - a. A licensee who fails to provide this notification of change is subject to a fine by the commissioner of not more than five hundred dollars per violation, suspension of the license until the change is reported to the commissioner, or both.
 - b. A licensee doing business under a name other than the licensee's legal name shall notify the commissioner before using the assumed name.
5. A licensee is subject to the provisions of chapter 26.1-04.
6. A licensee shall report to the commissioner any administrative action taken against the licensee in another jurisdiction or by another governmental agency in this state within thirty days of the final disposition of the matter. The report must include a copy of the order, consent to order, or other relevant legal documents.

7. Within thirty days after a criminal conviction, a licensee shall report to the commissioner any criminal conviction of the licensee taken in any jurisdiction. The report must include a copy of the initial complaint, the order issued by the court, and any other relevant legal documents.
8. The commissioner may contract with nongovernmental entities, including the national association of insurance commissioners, or affiliates or subsidiaries the national association oversees, to perform ministerial functions, including the collection of fees, related to the administration of this chapter.
9. The commissioner may adopt rules establishing license renewal procedures.

SECTION 6. AMENDMENT. Section 26.1-26.8-11 of the North Dakota Century Code is amended and reenacted as follows:

26.1-26.8-11. Proof of bond ~~or insurance~~.

1. At the time of issuance of a resident public adjuster license or a nonresident public adjuster license and for the duration of the license, an applicant shall maintain a surety bond ~~or proof of insurance~~ satisfactory to the commissioner for the use and benefit of the commissioner for insureds that have remitted fees, retainers, compensation, deposits, or other things of value to the public adjuster in the course of the public adjuster's business. The bond:
 - a. Must be a minimum of twenty thousand dollars; and
 - b. May not be terminated by the surety company or public adjuster unless written notice has been filed with the commissioner and submitted to the public adjuster at least ~~sixty~~thirty days before the termination.
2. The commissioner may request the evidence of financial responsibility at any time the commissioner deems relevant.
3. A public adjuster immediately shall notify the commissioner if evidence of financial responsibility terminates or becomes impaired. The authority to act as a public adjuster automatically terminates if the evidence of financial responsibility terminates or becomes impaired.

SECTION 7. AMENDMENT. Section 26.1-26.8-12 of the North Dakota Century Code is amended and reenacted as follows:

26.1-26.8-12. Continuing education.

1. Except as otherwise provided in this section, an individual who holds a resident public adjuster license or a nonresident public adjuster license shall satisfactorily complete a minimum of twenty-four credits of continuing education, including three credits of ethics, reported on a biennial basis in conjunction with the license renewal cycle. Credits for continuing education courses attended in any one year over the minimum number of hours of education required, not to exceed twelve hours, may be credited to the year next preceding the year in which the credits were earned or to the year next following the year in which the credits were earned. Report of continuing education must be made at the end of a two-year period. The commissioner may provide a one-time extension of the two-year reporting requirement, not to exceed thirty-six months, if additional time is necessary to implement the transition to reporting continuing education by the last day of the birth month.

2. The requirements of subsection 1 do not apply to a nonresident public adjuster who has met the continuing education requirements of the adjuster's home state and whose home state gives credit to residents of this state on the same basis.
3. The commissioner shall provide by rule for reporting by the last day of the birth month of compliance with the continuing education requirements of this section.
4. ~~The commissioner shall adopt by rule criteria for the accreditation of courses for continuing education. Applications for accreditation of a continuing education course offered in this state must be submitted to the commissioner within the time provided by rule and on forms established by rule and with a fee of fifty dollars. The commissioner shall make a final determination as to accreditation and assignment of credit hours for continuing education courses.~~

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 286

HOUSE BILL NO. 1087

(Industry, Business and Labor Committee)
(At the request of the Insurance Commissioner)

AN ACT to amend and reenact sections 26.1-27-03 and 26.1-27.1-02 of the North Dakota Century Code, relating to licensing for administrators of life and health insurance and pharmacy benefit managers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹¹³ **SECTION 1. AMENDMENT.** Section 26.1-27-03 of the North Dakota Century Code is amended and reenacted as follows:

26.1-27-03. ~~Certificate of authority~~ License required - Penalty.

1. A person, including a person who directly or indirectly underwrites, collects charges or premiums from, or adjusts or settles claims on residents of this state in connection with life, annuity, or health coverage provided by a self-funded plan, may not act as or hold oneself out to be an administrator in this state, for the kinds of business for which the person is acting as an administrator, without a ~~certificate of authority~~license issued by the commissioner. Any person violating this subsection is guilty of a class C felony.
2. All applications must be accompanied by a filing fee of one hundred dollars.
3. The commissioner shall issue a ~~certificate~~license unless the commissioner after due notice and hearing determines that the administrator is not competent, trustworthy, financially responsible, or of good personal and business reputation, or has had a previous application for an insurance license denied for cause within five years.
4. The administrator shall pay an annual renewal fee of fifty dollars to maintain the ~~certificate~~license.
5. After notice and hearing, the commissioner may revoke a ~~certificate~~license or fine the administrator not more than ten thousand dollars, or both, or the commissioner may suspend a ~~certificate~~license, or fine the administrator not more than five thousand dollars, or both, upon finding that either the administrator violated section 26.1-27-05 and subsection 4 of section 26.1-27-06 and also violated subsection 1, 2, or 3 of section 26.1-27-06 or section 26.1-27-07, 26.1-27-08, 26.1-27-10, 26.1-27-11, or 26.1-27-12, or the administrator is not competent, trustworthy, financially responsible, or of good personal and business reputation.

¹¹³ Section 26.1-27-03 was also amended by section 8 of House Bill No. 1123, chapter 277.

¹¹⁴ **SECTION 2. AMENDMENT.** Section 26.1-27.1-02 of the North Dakota Century Code is amended and reenacted as follows:

26.1-27.1-02. Licensing.

A person may not perform or act as a pharmacy benefits manager in this state unless that person holds a ~~certificate of registration~~license as an administrator under chapter 26.1-27.

Approved March 14, 2025

Filed March 14, 2025

¹¹⁴ Section 26.1-27.1-02 was also amended by section 3 of House Bill No. 1584, chapter 278.

CHAPTER 287

SENATE BILL NO. 2092

(Industry and Business Committee)
(At the request of the Insurance Commissioner)

AN ACT to amend and reenact subsections 7 and 8 of section 26.1-33.4-02 of the North Dakota Century Code, relating to life settlement producer licenses and reporting requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 7 and 8 of section 26.1-33.4-02 of the North Dakota Century Code are amended and reenacted as follows:

7. Licenses may be renewed annually on or before April thirtieth upon payment of the periodic renewal fee. As specified in subsection 2, the renewal fee for a provider may not exceed a reasonable fee. Failure to pay the fee within the terms prescribed results in the automatic revocation of the license requiring periodic renewal. A license issued after January first is not required to renew until April thirtieth of the following calendar year. ~~A license issued between May 1, 2023, and July 31, 2023, is not required to be renewed until April 30, 2025.~~
8. The term of provider license must be equal to that of a domestic stock life insurance company and the term of a broker license must be equal to that of an insurance producer license. Licenses requiring periodic renewal may be renewed on or before April thirtieth upon payment of the periodic renewal fee as specified in subsection 2. Failure to pay the fees before the expiration of the renewal date results in expiration of the license. A license issued after January first is not required to be renewed until April thirtieth of the following calendar year. ~~A license issued between May 1, 2023, and July 31, 2023, is not required to be renewed until April 30, 2025.~~

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 288

HOUSE BILL NO. 1114

(Government and Veterans Affairs Committee)
(North Dakota Public Employees Retirement System)

AN ACT to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to individual and group health insurance coverage of insulin drugs and supplies; and to amend and reenact section 54-52.1-04.18 of the North Dakota Century Code, relating to health insurance benefits coverage of insulin drugs and supplies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Health insurance benefits coverage - Insulin drug and supply out-of-pocket limitations.

1. As used in this section:

- a. "Health benefit plan" has the same meaning as in section 26.1-36.3-01.
- b. "Insulin drug" means a prescription drug that contains insulin and is used to treat a form of diabetes mellitus. The term does not include an insulin pump, an electronic insulin-administering smart pen, or a continuous glucose monitor, or supplies needed specifically for the use of such electronic devices. The term includes insulin in the following categories:
 - (1) Rapid-acting insulin;
 - (2) Short-acting insulin;
 - (3) Intermediate-acting insulin;
 - (4) Long-acting insulin;
 - (5) Premixed insulin product;
 - (6) Premixed insulin/GLP-1 RA product; and
 - (7) Concentrated human regular insulin.
- c. "Medical supplies for insulin dosing and administration" means supplies needed for proper insulin dosing, as well as supplies needed to detect or address medical emergencies in an individual using insulin to manage diabetes mellitus. The term does not include an insulin pump, an electronic insulin-administering smart pen, or a continuous glucose monitor, or supplies needed specifically for the use of such electronic devices. The term includes:

- (1) Blood glucose meters;
 - (2) Blood glucose test strips;
 - (3) Lancing devices and lancets;
 - (4) Ketone testing supplies, such as urine strips, blood ketone meters, and blood ketone strips;
 - (5) Glucagon, in injectable and nasal forms;
 - (6) Insulin pen needles; and
 - (7) Insulin syringes.
- d. "Pharmacy or distributor" means a pharmacy or medical supply company, or other medication or medical supply distributor filling a prescription.
- 2. An insurance company, nonprofit health service corporation, or health maintenance organization may not deliver, issue, execute, or renew any health benefit plan unless the health benefit plan provides benefits for insulin drug and medical supplies for insulin dosing and administration which complies with this section.
- 3. The health benefit plan must limit out-of-pocket costs for a thirty-day supply of:
 - a. Covered insulin drugs, which may not exceed twenty-five dollars per pharmacy or distributor, regardless of the quantity or type of insulin drug used to fill the covered individual's prescription needs.
 - b. Covered medical supplies for insulin dosing and administration, the total of which may not exceed twenty-five dollars per pharmacy or distributor, regardless of the quantity or manufacturer of supplies used to fill the covered individual's prescription needs.
- 4. The health benefit plan may not allow a pharmacy benefits manager or the pharmacy or distributor to charge a covered individual, require the pharmacy or distributor to collect from a covered individual, or require a covered individual to make a payment for a covered insulin drug or medical supplies for insulin dosing and administration in an amount exceeding the out-of-pocket limits under subsection 3.
- 5. The health benefit plan may not impose a deductible, copayment, coinsurance, or other cost-sharing requirement that causes out-of-pocket costs for prescribed insulin or medical supplies for insulin dosing and administration to exceed the amount under subsection 3.
- 6. Subsection 3 does not require the health benefit plan to implement a particular cost-sharing structure and does not prevent the limitation of out-of-pocket costs to less than the amount specified under subsection 3. This section does not limit whether the health benefit plan classifies an insulin pump, an electronic insulin-administering smart pen, or a continuous glucose monitor as a drug or as a medical device or supply.

7. If application of subsection 3 would result in the ineligibility of a health benefit plan that is a qualified high-deductible health plan to qualify as a health savings account under section 223 of the Internal Revenue Code [26 U.S.C. 223], the requirements of subsection 3 do not apply with respect to the deductible of the health benefit plan until after the enrollee has met the minimum deductible under section 26 U.S.C. 223.
8. This section does not apply to the Medicare part D prescription drug coverage plan.

SECTION 2. AMENDMENT. Section 54-52.1-04.18 of the North Dakota Century Code is amended and reenacted as follows:

54-52.1-04.18. Health insurance benefits coverage - Insulin drug and supply out-of-pocket limitations. (~~Expired effective July 31, 2025~~)

1. As used in this section:
- a. ~~"Insulin drug" means a prescription drug that contains insulin and is used to treat a form of diabetes mellitus. The term does not include an insulin pump, an electronic insulin administering smart pen, or a continuous glucose monitor, or supplies needed specifically for the use of such electronic devices. The term includes insulin in the following categories:~~
- ~~(1) Rapid-acting insulin;~~
 - ~~(2) Short-acting insulin;~~
 - ~~(3) Intermediate-acting insulin;~~
 - ~~(4) Long-acting insulin;~~
 - ~~(5) Premixed insulin product;~~
 - ~~(6) Premixed insulin/GLP-1 RA product; and~~
 - ~~(7) Concentrated human regular insulin.~~
- b. ~~"Medical supplies for insulin dosing and administration" means supplies needed for proper insulin dosing, as well as supplies needed to detect or address medical emergencies in an individual using insulin to manage diabetes mellitus. The term does not include an insulin pump, an electronic insulin administering smart pen, or a continuous glucose monitor, or supplies needed specifically for the use of such electronic devices. The term includes:~~
- ~~(1) Blood glucose meters;~~
 - ~~(2) Blood glucose test strips;~~
 - ~~(3) Lancing devices and lancets;~~
 - ~~(4) Ketone testing supplies, such as urine strips, blood ketone meters, and blood ketone strips;~~
 - ~~(5) Glucagon, in injectable and nasal forms;~~

(6) Insulin-pen needles; and

(7) Insulin-syringes.

- e. "Pharmacy or distributor" means a pharmacy or medical supply company, or other medication or medical supply distributor filling a covered individual's prescriptions.
2. The board shall provide health insurance benefits coverage that provides for insulin drug and medical supplies for insulin dosing and administration ~~which complies with this section as provided under section 1 of this Act.~~
3. The coverage must limit out-of-pocket costs for a thirty-day supply of:
- a. ~~Covered insulin drugs which may not exceed twenty five dollars per pharmacy or distributor, regardless of the quantity or type of insulin drug used to fill the covered individual's prescription needs.~~
 - b. ~~Covered medical supplies for insulin dosing and administration, the total of which may not exceed twenty five dollars per pharmacy or distributor, regardless of the quantity or manufacturer of supplies used to fill the covered individual's prescription needs.~~
4. The coverage may not allow a pharmacy benefits manager or the pharmacy or distributor to charge, require the pharmacy or distributor to collect, or require a covered individual to make a payment for a covered insulin drug or medical supplies for insulin dosing and administration in an amount that exceeds the out-of-pocket limits set forth under subsection 3.
5. The coverage may not impose a deductible, copayment, coinsurance, or other cost sharing requirement that causes out of pocket costs for prescribed insulin or medical supplies for insulin dosing and administration to exceed the amount set forth under subsection 3.
6. ~~Subsection 3 does not require the coverage to implement a particular cost-sharing structure and does not prevent the limitation of out of pocket costs to less than the amount specified under subsection 3. Subsection 3 does not limit out of pocket costs on an insulin pump, an electronic insulin-administering smart pen, or a continuous glucose monitor. This section does not limit whether coverage classifies an insulin pump, an electronic insulin-administering smart pen, or a continuous glucose monitor as a drug or as a medical device or supply.~~
7. ~~If application of subsection 3 would result in the ineligibility of a health benefit plan that is a qualified high deductible health plan to qualify as a health savings account under section 223 of the Internal Revenue Code [26 U.S.C. 223], the requirements of subsection 3 do not apply with respect to the deductible of the health benefit plan until after the enrollee has satisfied the minimum deductible under section 26 U.S.C. 223.~~
8. This section does not apply to the Medicare part D-prescription drug coverage plan.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 289

HOUSE BILL NO. 1216

(Representatives Karls, Hagert, Kiefert, Wagner)
(Senators Boschee, Dever, Sorvaag)

AN ACT to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to out-of-pocket expenses for prescription drugs; to amend and reenact section 26.1-36.6-03 of the North Dakota Century Code, relating to self-insurance health care plans; to provide for application; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Out-of-pocket expenses - Prescription drugs.

1. As used in this section:

- a. "Cost-sharing" means any coinsurance, copayment, or deductible under a health benefit plan.
- b. "Enrollee" means an individual entitled to prescription drug coverage under a health benefit plan.
- c. "Health benefit plan" has the same meaning as provided under section 26.1-36.3-01.
- d. "Prescription drug" means a drug for which a prescription is required:
 - (1) Without a generic equivalent; or
 - (2) With a generic equivalent, if the enrollee has obtained access to the drug through prior authorization, a step therapy protocol, or the health care insurer's expectations and appeals process.

2. To the extent permitted by federal law and regulation, an insurer may not deliver, issue, execute, or renew a health benefit plan providing prescription drug coverage unless when calculating an enrollee's overall contribution to any out-of-pocket maximum or any cost-sharing requirement for a prescription drug under the health benefit plan, the health benefit plan provides for the inclusion of any amount paid by the enrollee or paid on behalf of the enrollee by another person. The health benefit plan may not vary the out-of-pocket maximum or cost-sharing requirement, or otherwise design benefits accounting for the availability of a cost-sharing assistance program for a prescription drug.

3. If application of this section would result in ineligibility of a health benefit plan that is a qualified high-deductible health plan to qualify as a health savings account under section 223 of the Internal Revenue Code [26 U.S.C. 223], the

requirements of this section do not apply with respect to the deductible of the health benefit plan until after the enrollee has satisfied the minimum deductible under section 26 U.S.C. 223.

SECTION 2. AMENDMENT. Section 26.1-36.6-03 of the North Dakota Century Code is amended and reenacted as follows:

26.1-36.6-03. Self-insurance health plans - Requirements. (Effective through July 31, 2025)

1. The following policy provisions apply to a self-insurance health plan or to the administrative services only or third-party administrator, and are subject to the jurisdiction of the commissioner: sections 26.1-36-03, 26.1-36-03.1, 26.1-36-05, 26.1-36-10, 26.1-36-12, 26.1-36-12.4, 26.1-36-12.6, 26.1-36-13, 26.1-36-14, 26.1-36-17, 26.1-36-18, 26.1-36-19, 26.1-36-23, 26.1-36-29, 26.1-36-37.1, 26.1-36-38, 26.1-36-39, 26.1-36-41, 26.1-36-44, and 26.1-36-46.
2. The following health benefit provisions applicable to a group accident and health insurance policy under chapter 26.1-36 apply to a self-insurance health plan and are subject to the jurisdiction of the commissioner: sections 26.1-36-06, 26.1-36-06.1, 26.1-36-07, 26.1-36-08, 26.1-36-08.1, 26.1-36-09, 26.1-36-09.1, 26.1-36-09.2, 26.1-36-09.3, 26.1-36-09.5, 26.1-36-09.6, 26.1-36-09.7, 26.1-36-09.8, 26.1-36-09.9, 26.1-36-09.10, 26.1-36-09.11, 26.1-36-09.12, 26.1-36-09.13, 26.1-36-09.14, 26.1-36-09.15, 26.1-36-11, 26.1-36-12.2, 26.1-36-20, 26.1-36-21, 26.1-36-22, 26.1-36-23.1, and 26.1-36-43. Section 54-52.1-04.18 applies to a self-insurance health plan and is subject to the jurisdiction of the commissioner.

Self-insurance health plans - Requirements. (Effective after July 31, 2025)

1. The following policy provisions apply to a self-insurance health plan or to the administrative services only or third-party administrator, and are subject to the jurisdiction of the commissioner: sections 26.1-36-03, 26.1-36-03.1, 26.1-36-05, 26.1-36-10, 26.1-36-12, 26.1-36-12.4, 26.1-36-12.6, 26.1-36-13, 26.1-36-14, 26.1-36-17, 26.1-36-18, 26.1-36-19, 26.1-36-23, 26.1-36-29, 26.1-36-37.1, 26.1-36-38, 26.1-36-39, 26.1-36-41, 26.1-36-44, and 26.1-36-46.
2. The following health benefit provisions applicable to a group accident and health insurance policy under chapter 26.1-36 apply to a self-insurance health plan and are subject to the jurisdiction of the commissioner: sections 26.1-36-06, 26.1-36-06.1, 26.1-36-07, 26.1-36-08, 26.1-36-08.1, 26.1-36-09, 26.1-36-09.1, 26.1-36-09.2, 26.1-36-09.3, 26.1-36-09.5, 26.1-36-09.6, 26.1-36-09.7, 26.1-36-09.8, 26.1-36-09.9, 26.1-36-09.10, 26.1-36-09.11, 26.1-36-09.12, 26.1-36-09.13, 26.1-36-09.14, 26.1-36-09.15, 26.1-36-11, 26.1-36-12.2, 26.1-36-20, 26.1-36-21, 26.1-36-22, 26.1-36-23.1, and 26.1-36-43. Section 1 of this Act applies to a self-insurance health plan and is subject to the jurisdiction of the commissioner.

SECTION 3. APPLICATION. This Act applies effective January 1, 2026, to the public employees retirement system uniform group insurance program health insurance benefits coverage, regardless of the health insurance benefits coverage contract issuance or renewal date. This Act applies effective January 1, 2026, or upon the next renewal after January 1, 2026, to health benefit plans.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on January 1, 2026.

Approved April 29, 2025

Filed April 29, 2025

CHAPTER 290

SENATE BILL NO. 2091

(Industry and Business Committee)
(At the request of the Insurance Commissioner)

AN ACT to amend and reenact section 26.1-36.7-08 of the North Dakota Century Code, relating to requirements for reinsurance association of North Dakota claims; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-36.7-08 of the North Dakota Century Code is amended and reenacted as follows:

26.1-36.7-08. Reinsurance.

For claims of an insured which total at least one hundred thousand dollars ~~to and not more than~~ one million dollars incurred per plan year, a member insurer must be reinsured by the association at an amount not exceeding seventy-five percent of the member insurer's responsibility for claims incurred by the insured pursuant to the terms of an individual's ~~nongrandfathered~~ individual health benefit plan. The board shall annually determine the attachment points and coinsurance percentage for association claims for each plan year on or before April first of the preceding year.

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

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 291

HOUSE BILL NO. 1481

(Representatives Kasper, Dockter, Koppelman, Louser, Ostlie, D. Ruby)
(Senators Bekkedahl, Cleary, Clemens, Hogan, Lee, Paulson)

AN ACT to create and enact two new sections to chapter 26.1-36.9 of the North Dakota Century Code, relating to dental insurer rate requirements and reporting; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 26.1-36.9 of the North Dakota Century Code is created and enacted as follows:

Dental insurer rates - Approval.

1. The commissioner may deem a proposed plan rate of a dental insurer to be excessive and disapprove the proposed plan rate if the dental insurer files a rate change and the:
 - a. Administrative expense component, not including taxes and assessments, increases from the previous year's rate filing by more than four percent;
 - b. Reported contribution to surplus exceeds two percent of total revenue; or
 - c. Dental loss ratio for the plan is less than seventy-five percent.
2.
 - a. If the annual dental loss ratio for a dental benefit plan is less than seventy-five percent, the dental insurer offering the plan shall refund the excess premium to covered individuals and groups. As used in this section, "dental loss ratio" means the ratio used to determine the minimum percentage of all premium funds collected by a dental insurer each year which must be spent on actual patient care rather than overhead costs. This minimum required percentage that dental benefit plans must meet for the portion of patient premiums must be dedicated to patient care rather than administrative and overhead costs or the difference must be refunded as provided in this section.
 - b. A dental insurer shall provide notice to all individuals and groups that were covered under the plan during the applicable twelve-month period that such individuals and groups are entitled to a refund on the premium, or if the individual or group remains covered by the dental insurer, that the individual or group is eligible for a credit on the premium for the following twelve-month period.
 - c. The total of all refunds issued under this subsection must equal the amount of the dental insurer's earned premium which exceeds the amount necessary to achieve a dental loss ratio of seventy-five percent, calculated using data reported by the dental insurer.

- d. The dental loss ratio is calculated by dividing the numerator by the denominator as follows:

- (1) The numerator is the amount spent on care, which must include:

(a) The amount expended for clinical dental services that are services within the code on dental procedures and nomenclature, provided to enrollees which includes payments under capitation contracts with dental providers, whose services are covered by the contract for dental clinical services or supplies covered by the contract;

(b) Unpaid claim reserves; and

(c) Any claim payment recovered by insurers from providers or enrollees using utilization management efforts, which are deducted from incurred claims amounts.

- (2) Any overpayment received from a provider may not be reported as a paid claim. Overpayment recoveries received from a provider must be deducted from incurred claims amounts.

- (3) The calculation of the numerator does not include:

(a) All administrative costs, including infrastructure, personnel costs, or broker payments;

(b) Amounts paid to third-party vendors for secondary network savings;

(c) Amounts paid to third-party vendors for network development, administrative fees, claims processing, and utilization management; or

(d) Amounts paid to providers for professional or administrative services that do not represent compensation or reimbursement for covered services provided to an enrollee, including dental record copying costs, attorney fees, subrogation vendor fees, and compensation to paraprofessionals, janitors, quality assurance analysts, administrative supervisors, secretaries to dental personnel, and dental record clerks.

- (4) (a) The denominator is calculated using insurer revenue.

(b) The earned premium is all monies paid by a policyholder or subscriber as a condition of receiving coverage from the issuer, including any fees or other contributions associated with the dental benefit plan.

(c) The denominator is the total amount of the earned premium revenues, excluding federal and state taxes and licensing and regulatory fees paid after accounting for any payments pursuant to federal law.

3. The commissioner may:

- a. Authorize a waiver or adjustment of the refund requirements in this section only if it is determined by the commissioner that issuing refunds would result in financial impairment for the dental insurer.
 - b. Adopt rules to implement and administer this section.
4. This section does not apply to a dental insurer with one thousand enrollees or less cumulative of all plans based on a three-year average.

SECTION 2. A new section to chapter 26.1-36.9 of the North Dakota Century Code is created and enacted as follows:

Dental loss ratio transparency - Annual report to the commissioner.

1. A dental insurer that issues, sells, renews, or offers a specialized dental health care service plan contract shall file a dental loss ratio report with the commissioner by April thirtieth of each year, in a manner prescribed by the commissioner.
2. The dental loss ratio report must include dental loss ratio information for the last calendar year for a dental benefit plan provided by a dental insurer and be organized by market and product type.
3. The commissioner may request the dental insurer provide data verification of any information provided by the dental insurer in the dental loss ratio report. The dental insurer shall provide data verification to the commissioner within thirty days of the request.
4. The commissioner shall make the information provided in the dental loss ratio annual reports filed under this section available on the department's website, including the aggregate dental loss ratio, in a manner that allows the public to compare dental loss ratios among dental insurers by market type.
5. For purposes of this section, "dental loss ratio" has the same meaning as in section 1 of this Act.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on July 1, 2027.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 292

SENATE BILL NO. 2280

(Senators Meyer, Barta, Bekkedahl, Cleary)
(Representatives Nelson, Warrey)

AN ACT to create and enact chapter 26.1-36.12 of the North Dakota Century Code, relating to prior authorization for health insurance; to provide for a legislative management study; to provide for a legislative management report; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 26.1-36.12 of the North Dakota Century Code is created and enacted as follows:

26.1-36.12-01. Definitions.

As used in this chapter:

1. "Adverse determination" means a decision by a prior authorization review organization relating to an admission, extension of stay, or health care service that is partially or wholly adverse to the enrollee, including a decision to deny an admission, extension of stay, or health care service on the basis it is not medically necessary.
2. "Appeal" means a formal request, either orally or in writing, to reconsider an adverse determination regarding an admission, extension of stay, or health care service.
3. "Authorization" means a determination by a prior authorization review organization that a health care service has been reviewed and, based on the information provided, satisfies the prior authorization review organization's requirements for medical necessity and appropriateness, and payment will be made for that health care service.
4. "Clinical criteria" means the written policies, written screening procedures, drug formularies or lists of covered drugs, determination rules, determination abstracts, clinical protocols, practice guidelines, medical protocols, and any other criteria or rationale used by the prior authorization review organization to determine the necessity and appropriateness of health care services.
5. "Emergency health care services" means health care services, supplies, or treatments furnished or required to screen, evaluate, and treat an emergency medical condition.
6. "Emergency medical condition" means a medical condition that manifests itself by symptoms of sufficient severity which may include pain and that a prudent layperson who possesses an average knowledge of health and medicine could reasonably expect the absence of medical attention to result in placing the individual's health in jeopardy, impairment of a bodily function, or dysfunction of any body part.

7. "Enrollee" means an individual who has contracted for or who participates in coverage under a policy for that individual or that individual's eligible dependents.
8. "Health care services" means health care procedures, treatments, or services provided by a licensed facility or provided by a licensed physician or within the scope of practice for which a health care professional is licensed. The term includes the provision of pharmaceutical products or services or durable medical equipment.
9. "Medically necessary" as the term applies to health care services means health care services a prudent physician would provide to a patient for the purpose of preventing, diagnosing, or treating an illness, injury, disease, or its symptoms in a manner that is:
 - a. In accordance with generally accepted standards of medical practice;
 - b. Clinically appropriate in terms of type, frequency, extent, site, and duration; and
 - c. Not primarily for the economic benefit of the health plans and purchasers or for the convenience of the patient, treating physician, or other health care provider.
10. "Medication-assisted treatment" means the use of medications, commonly in combination with counseling and behavioral therapies, to provide a comprehensive approach to the treatment of substance use disorders. United States food and drug administration-approved medications used to treat opioid addiction include methadone and buprenorphine, alone or in combination with naloxone and extended-release injectable naltrexone. Types of behavioral therapies include individual therapy, group counseling, family behavior therapy, motivational incentives, and other modalities.
11. "Policy" means a health benefit plan as defined in section 26.1-36.3-01. The term does not include medical assistance or the public employees retirement system uniform group insurance program plans under chapter 54-52.1.
12. "Prior authorization" means the review conducted before the delivery of a health care service, including an outpatient health care service, to evaluate the necessity, appropriateness, and efficacy of the use of health care services, procedures, and facilities, by a person other than the attending health care professional, for the purpose of determining the medical necessity of the health care services or admission. The term includes a review conducted after the admission of the enrollee and in situations in which the enrollee is unconscious or otherwise unable to provide advance notification. The term does not include a referral or participation in a referral process by a participating provider unless the provider is acting as a prior authorization review organization.
13. "Prior authorization review organization" means a person that performs prior authorization for:
 - a. An employer with employees in the state who are covered under a policy;
 - b. An insurer that writes policies;

- c. A preferred provider organization or health maintenance organization; or
 - d. Any other person that provides, offers to provide, or administers hospital, outpatient, medical, prescription drug, or other health benefits to an individual treated by a health care professional in the state under a policy.
14. "Urgent health care service" means a health care service for which, in the opinion of a health care professional with knowledge of the enrollee's medical condition, the application of the time periods for making a nonexpedited prior authorization might:
- a. Jeopardize the life or health of the enrollee or the ability of the enrollee to regain maximum function; or
 - b. Subject the enrollee to pain that cannot be managed adequately without the care or treatment that is the subject of the prior authorization review.

26.1-36.12-02. Disclosure and review of prior authorization requirements.

- 1. A prior authorization review organization shall make any prior authorization requirements and restrictions readily accessible on the organization's website to enrollees, health care professionals, and the general public. Requirements include the written clinical criteria and be described in detail using plain and ordinary language comprehensible by a layperson.
- 2. If a prior authorization review organization intends to implement a new prior authorization requirement or restriction, or amend an existing requirement or restriction, the prior authorization review organization shall:
 - a. Ensure the new or amended requirement is not implemented unless the prior authorization review organization's website has been updated to reflect the new or amended requirement or restriction; and
 - b. Provide contracted health care providers of enrollees written notice of the new or amended requirement or amendment no fewer than sixty days before the requirement or restriction is implemented.

26.1-36.12-03. Personnel qualified to make adverse determinations.

A prior authorization review organization shall ensure all adverse determinations are made by a licensed physician or licensed pharmacist. The reviewing individual:

- 1. Must have experience treating patients with the condition or illness for which the health care service is being requested; and
- 2. Shall make the adverse determination under the clinical direction of one of the prior authorization review organization's medical directors who is responsible for the health care services provided to enrollees.

26.1-36.12-04. Personnel qualified to review appeals.

- 1. A prior authorization review organization shall ensure all appeals are reviewed by a physician. The reviewing individual:
 - a. Shall possess a valid nonrestricted license to practice medicine.

- b. Must be in active practice in the same or similar specialty as the physician who typically manages the medical condition or disease for at least five consecutive years.
 - c. Must be knowledgeable of, and have experience providing, the health care services under appeal.
 - d. May not receive any financial incentive based on the number of adverse determinations made. This subdivision does not apply to financial incentives established between health plan companies and health care providers.
 - e. May not have been directly involved in making the adverse determination.
 - f. Shall consider all known clinical aspects of the health care service under review, including a review of all pertinent medical records provided to the prior authorization review organization by the enrollee's health care provider, any relevant records provided to the prior authorization review organization by a health care facility, and any medical literature provided to the prior authorization review organization by the health care provider.
- 2. A review of an adverse determination involving a prescription drug must be conducted by a licensed pharmacist or physician who is competent to evaluate the specific clinical issues presented in the review.
 - 3. This section does not apply to reviews conducted under sections 26.1-36-44 and 26.1-36-46.

26.1-36.12-05. Prior authorization - Nonurgent circumstances.

- 1. If a prior authorization review organization requires prior authorization of a health care service, the prior authorization review organization shall make a prior authorization or adverse determination and notify the enrollee and the enrollee's health care provider of the decision within seven calendar days of obtaining all necessary information to make the decision. For purposes of this section, "necessary information" includes the results of any face-to-face clinical evaluation or second opinion that may be required.
- 2. A prior authorization review organization shall have written procedures to address the failure of a health care provider or enrollee to provide the necessary information to make a determination on the request. If the health care provider or enrollee fails to provide the necessary information to the prior authorization review organization within fourteen calendar days of a written request for all necessary information, the prior authorization review organization may make an adverse determination.
- 3. A prior authorization review organization shall allow an enrollee and the enrollee's health care provider at least fourteen business days to request an updated prior authorization following an unforeseen change in the circumstances or care needs for the enrollee following a nonurgent circumstance or provision of health care services for the enrollee.

26.1-36.12-06. Prior authorization - Urgent health care services.

A prior authorization review organization shall render a prior authorization or adverse determination concerning urgent health care services and notify the enrollee

and the enrollee's health care provider of that prior authorization or adverse determination within seventy-two hours after receiving all information needed to complete the review of the requested health care services.

26.1-36.12-07. Prior authorization - Emergency medical condition.

1. A prior authorization review organization may not require prior authorization for prehospital transportation or for the provision of emergency health care services for an emergency medical condition.
2. A prior authorization review organization shall allow an enrollee and the enrollee's health care provider a minimum of two business days following an emergency admission or provision of emergency health care services for an emergency medical condition for the enrollee or health care provider to notify the prior authorization review organization of the admission or provision of health care services.
3. The medical necessity or appropriateness of emergency health care services for an emergency medical condition may not be based on whether those services were provided by participating or nonparticipating providers.
4. If an enrollee receives an emergency health care service that requires immediate postevaluation or poststabilization services, a prior authorization review organization shall make an authorization determination within two business days of receiving a request. If the authorization determination is not made within two business days, the services must be deemed approved.

26.1-36.12-08. No prior authorization for medication-assisted treatment.

A prior authorization review organization may not require prior authorization for the provision of medication-assisted treatment for the treatment of opioid use disorder.

26.1-36.12-09. Retrospective denial.

A prior authorization review organization may not revoke, limit, condition, or restrict a prior authorization if care is provided within forty-five business days from the date the health care provider received the prior authorization unless there is evidence the prior authorization was based on fraud.

26.1-36.12-10. Length of prior authorization.

A prior authorization is valid for at least six months after the date the health care provider receives the prior authorization.

26.1-36.12-11. Chronic or long-term care conditions.

If a prior authorization review organization requires a prior authorization for a health care service for the treatment of a chronic or long-term care condition, the prior authorization remains valid for twelve months.

26.1-36.12-12. Continuity of care for enrollees.

1. On receipt of information documenting a prior authorization from the enrollee or from the enrollee's health care provider, a prior authorization review organization shall honor a prior authorization granted to an enrollee from a previous prior authorization review organization for at least the initial sixty

days of an enrollee's coverage under a new policy, provided the health care service for which the enrollee has received prior authorization is covered under the new policy. To obtain coverage, the enrollee or health care provider shall submit documentation of the previous prior authorization in accordance with the procedures in the enrollee's new policy.

2. During the time period described in subsection 1, a prior authorization review organization may perform its review to grant a prior authorization.
3. If there is a change in coverage of, or approval criteria for, a previously authorized health care service, the change in coverage or approval criteria does not affect an enrollee who received prior authorization before the effective date of the change for the remainder of the enrollee's plan year. This subsection does not apply if a prior authorization review organization changes coverage terms for a drug or device that has been:
 - a. Deemed unsafe by the United States food and drug administration; or
 - b. Withdrawn by the United States food and drug administration or product manufacturer.
4. A prior authorization review organization shall continue to honor a prior authorization the organization has granted to an enrollee if the enrollee changes products under the same health insurance company provided the health care service for which the enrollee has received prior authorization is covered under the new policy.

26.1-36.12-13. Failure to comply - Services deemed authorized.

If a prior authorization review organization fails to comply with the deadlines and other requirements in this chapter, any health care services subject to review automatically are deemed authorized by the prior authorization review organization.

26.1-36.12-14. Procedures for appeals of adverse determinations.

1. A prior authorization review organization shall have written procedures for appeals of adverse determinations. The right to appeal must be available to the enrollee and the attending health care professional.
2. The enrollee may review the information relied on in the course of the appeal, present evidence and testimony as part of the appeals process, and receive continued coverage pending the outcome of the appeals process.

26.1-36.12-15. Effect of change in prior authorization clinical criteria.

1. If, during a plan year, a prior authorization review organization changes coverage terms for a health care service or the clinical criteria used to conduct prior authorizations for a health care service, the change in coverage terms or in clinical criteria does not apply until the next plan year for any enrollee who received prior authorization for a health care service using the coverage terms or clinical criteria in effect before the effective date of the change.
2. This section does not apply if a prior authorization review organization changes coverage terms for a drug or device that has been:
 - a. Deemed unsafe by the United States food and drug administration; or

- b. Withdrawn by the United States food and drug administration or product manufacturer.

26.1-36.12-16. Notification to claims administrator.

If the prior authorization review organization and the claims administrator are separate entities, the prior authorization review organization shall notify, either electronically or in writing, the appropriate claims administrator for the health benefit plan of any adverse determination that is reversed on appeal.

26.1-36.12-17. Annual report to insurance commissioner.

1. A prior authorization review organization shall report to the insurance commissioner by September first of each year information regarding prior authorization requests for the previous calendar year.
2. The report must be available online and in a form specified by the commissioner.
3. The report must include the:
 - a. Total number of prior authorization requests received;
 - b. Number of prior authorization requests for which an authorization was issued;
 - c. Number of prior authorization requests for which an adverse determination was issued;
 - d. Number of adverse determinations reversed on appeal;
 - e. Reasons an adverse determination was issued, expressed as a percentage of all adverse determinations, which must include:
 - (1) The patient did not meet prior authorization criteria;
 - (2) Incomplete information was submitted by the provider to the prior authorization review organization;
 - (3) The treatment program changed; or
 - (4) The patient is no longer covered by the health benefit plan;
 - f. Number of prior authorization requests submitted but not necessary;
 - g. Number of prior authorization requests submitted by electronic means; and
 - h. Number of prior authorization requests submitted by nonelectronic means, including mail and facsimile.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - PRIOR AUTHORIZATION REQUIREMENTS IMPOSED BY THE PUBLIC EMPLOYEES RETIREMENT SYSTEM UNIFORM GROUP INSURANCE PROGRAM PLANS - INSURANCE COMMISSIONER DATA COLLECTION AND REPORT TO LEGISLATIVE MANAGEMENT.

1. During the 2025-26 interim, the legislative management shall consider studying prior authorization requirements imposed by the public employees retirement system uniform group insurance plans under chapter 54-52.1 and the impact on patient care and health care costs.
2. The study must include input from stakeholders, including patients, providers, and commercial insurance plans.
3. The study must require insurance plans to submit to the insurance commissioner by July 1, 2025, for the immediately preceding calendar year for each commercial product:
 - a. The number of prior authorization requests for which an authorization was issued;
 - b. The number of prior authorization requests for which an adverse determination was issued, sorted by health care service, whether the adverse determination was appealed, or whether the adverse determination was upheld or reversed on appeal;
 - c. The reasons for prior authorization denial, including the patient did not meet prior authorization criteria, incomplete information was submitted by the provider to the utilization review organization, a change in treatment program, or the patient is no longer covered by the plan; and
 - d. The number of denials reversed by internal appeals or external reviews.
4. The insurance commissioner shall aggregate this data into a report and submit it to the legislative management by November 1, 2025.
5. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - PRIOR AUTHORIZATION ELECTRONIC HEALTH RECORDS FOR NONURGENT AND EMERGENCY HEALTH CARE SERVICES. During the 2025-26 interim, the legislative management shall consider studying the ability for health care systems and providers to submit prior authorization reviews for nonurgent and emergency health care services by secure electronic means. The study must analyze alternatives to facsimile or mail for transmitting prior authorization requests and the supporting medical records. The study must include input from stakeholders, including patients, providers, and commercial insurance plans. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on January 1, 2026.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 293

SENATE BILL NO. 2172

(Senators Patten, Cleary, Hogan, Roers)
(Representatives Dobervich, Frelich)

AN ACT to create and enact a new section to chapter 26.1-45 of the North Dakota Century Code, relating to long-term care insurance policy terms and claim payments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 26.1-45 of the North Dakota Century Code is created and enacted as follows:

Defined term requirements - Claim payments.

1. A long-term care insurance policy delivered or issued for delivery in this state may not include the following terms, unless the terms are defined in the policy and consistent with the following requirements:
 - a. "Activities of daily living" means bathing, continence, dressing, eating, toileting, and transferring.
 - b. "Bathing" includes washing oneself by sponge bath, or in a tub or shower, and the process of getting into and out of the tub or shower.
 - c. "Cognitive impairment" includes a deficiency in an individual's:
 - (1) Short-term or long-term memory;
 - (2) Orientation as to an individual, place, or time;
 - (3) Deductive or abstract reasoning; or
 - (4) Judgment as it relates to safety awareness.
 - d. "Continence" includes the ability to maintain control of bowel and bladder function, or when unable to maintain control of bowel or bladder function, the ability to perform associated personal hygiene, including caring for a catheter or colostomy bag.
 - e. "Dressing" includes putting on and taking off any item of clothing and any necessary brace, fastener, or artificial limb.
 - f. "Eating" includes feeding oneself from a receptacle, including a plate, cup, or table, or being fed through a feeding tube or intravenously.
 - g. "Toileting" includes getting to and from the toilet and on and off the toilet, and performing associated personal hygiene.
 - h. "Transferring" includes moving into or out of a bed, chair, or wheelchair.

2. A policy defined under this chapter may not prohibit or delay payment of policy benefits to a basic care facility as defined under section 23-09.3-01 if the insured:
 - a. Meets the criteria for eligibility for benefits under the policy for care or services that are medically necessary;
 - b. Is unable to perform two or more activities of daily living without supervision or direct assistance; or
 - c. Has cognitive impairment requiring continual supervision.
3. An insurer shall provide a copy of the long-term care insurance policy to the insured or a representative of the insured within thirty days of a request for a copy of the policy.

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 294

SENATE BILL NO. 2377

(Senators Boschee, Bekkedahl, Dwyer)
(Representatives Dockter, Koppelman, Louser)

AN ACT to amend and reenact section 26.1-47-02.1 of the North Dakota Century Code, relating to preferred provider arrangements and restrictions on dental care services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-47-02.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-47-02.1. Fees for dental services - Prohibition.

1. As used in this section, "covered services" means dental care services for which a reimbursement is available under an enrollee's plan or for which a reimbursement would be available but for the application of a deductible, copayment, coinsurance, waiting period, annual or lifetime maximum, or frequency limitation.
2. Except for fees for covered services, a preferred provider arrangement for a dental plan may not directly or indirectly set or otherwise regulate the fees charged by the preferred provider for dental care services.
3. A preferred provider arrangement may not restrict a covered person from receiving or paying for additional dental care services that were denied by the covered person's dental plan.
4. Unless disclosed to the covered person before receiving dental care, a covered person receiving or paying for additional dental care services described in subsection 3 may not be charged a rate in excess of the preferred provider arrangement's contracted rate for covered services.

Approved March 28, 2025

Filed March 31, 2025

CHAPTER 295

HOUSE BILL NO. 1471

(Representatives Christianson, Dockter, Kasper, Koppelman, Ostlie, Finley-DeVile,
Louser)
(Senators Bekkedahl, Paulson, Cleary, Meyer, Lee)

AN ACT to create and enact a new section to chapter 26.1-47 of the North Dakota Century Code, relating to method of dental payment options in preferred provider arrangements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 26.1-47 of the North Dakota Century Code is created and enacted as follows:

Method of dental payment option.

1. A preferred provider arrangement may not include restrictions on methods of payment from the dental insurer or third-party payor vendor to the dental provider in which the only acceptable payment method is a credit card payment.
2. If initiating or changing payments to a dental provider using electronic funds transfer payments, including virtual credit card payments, a dental insurer or the contracted vendor shall:
 - a. Notify the dental provider if any fees are associated with a particular payment method;
 - b. Advise the dental provider of the available methods of payment and provide clear instructions to the dental provider as to how to select an alternative payment method that does not impose fees or similar charges on the provider; and
 - c. Notify the dental provider if the dental insurer is sharing a part of the profit of the fee charged by the credit card company to pay the claim.
3. A dental provider or a contracted vendor, which initiates or changes payments to a dental provider through the automated clearinghouse network, under title 45, Code of Federal Regulations, sections 162.1601 and 162.1602, may not charge a fee solely to transmit the payment to a dental provider unless the dental provider has consented to the fee. A dental provider's agent may charge reasonable fees if transmitting an automated clearinghouse network payment related to transaction management, data management, portal services, and other value-added services in addition to the bank transmittal.
4. As used in this section, "dental insurer" and "dental provider" have the same meaning as in section 26.1-36.9-01.

Approved March 17, 2025

Filed March 18, 2025

JUDICIAL BRANCH OF GOVERNMENT

CHAPTER 296

SENATE BILL NO. 2211

(Senators Bekkedahl, Larson, Hogue)
(Representatives Ista, Schneider, Klemm)

AN ACT to amend and reenact sections 27-02.2-01, 27-02.2-02, 27-02.2-03, 27-02.2-04, 27-02.2-05, 27-02.2-06, 27-02.2-09, 27-02.2-10, and 27-02.2-11 of the North Dakota Century Code, relating to the attorney recruitment and retention program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 27-02.2-01 of the North Dakota Century Code is amended and reenacted as follows:

27-02.2-01. Attorney recruitment and retention program - Participation - Assessment.

1. The supreme court may establish a program to assist rural counties and municipalities in recruiting and retaining attorneys.
2. A county or municipality interested in participating in the program shall apply to the supreme court. After determining eligibility, the supreme court shall conduct an assessment of the applicant to evaluate the applicant's need for an attorney and the ability of the applicant to sustain and support an attorney.
3. In making the selection of an eligible applicant, the supreme court shall consider the assessment and:
 - a. The demographic of the county or municipality;
 - b. The age and number of the members of the county or local bar association;
 - c. The recommendation of the presiding district court judge;
 - d. The economic development programs within the county or municipality;
 - e. The geographical location of the county or municipality in comparison to other counties or municipalities participating in the program; and
 - f. Any prior participation in the program by the county or municipality.
4. The supreme court shall maintain a list of counties and municipalities that have been assessed and are selected for participation in the recruitment and retention assistance program.

5. The supreme court may revise the assessment of any county or municipality or conduct a new assessment as necessary to reflect a change in conditions.

SECTION 2. AMENDMENT. Section 27-02.2-02 of the North Dakota Century Code is amended and reenacted as follows:

27-02.2-02. County eligibility.

A county is eligible to participate in the recruitment and retention assistance program if the county:

1. Has ~~a population of sixteen thousand five~~ or fewer licensed attorneys residing in the county;
2. Agrees to provide the county's portion of the incentive payment as required under section 27-02.2-06; and
3. Is determined to be eligible by the supreme court.

SECTION 3. AMENDMENT. Section 27-02.2-03 of the North Dakota Century Code is amended and reenacted as follows:

27-02.2-03. Municipality eligibility.

A municipality is eligible to participate in the recruitment and retention assistance program if the municipality:

1. Has a population of five thousand or fewer;
2. Agrees to provide the municipality's portion of the incentive payment as required under section 27-02.2-06; and
3. Is determined to be eligible by the supreme court.

SECTION 4. AMENDMENT. Section 27-02.2-04 of the North Dakota Century Code is amended and reenacted as follows:

27-02.2-04. Attorney eligibility.

An attorney licensed to practice in the state who meets all requirements set by the supreme court may participate in the recruitment and retention assistance program. An attorney participating in the program shall practice in a supreme court-selected county or municipality for at least five consecutive years. No more than eight attorneys may participate in the program at any given time.

SECTION 5. AMENDMENT. Section 27-02.2-05 of the North Dakota Century Code is amended and reenacted as follows:

27-02.2-05. Incentive payment to participating attorneys.

An attorney selected by the supreme court to participate in the recruitment and retention assistance program is entitled to receive an incentive payment of forty-five thousand dollars to be paid in five equal annual installments.

SECTION 6. AMENDMENT. Section 27-02.2-06 of the North Dakota Century Code is amended and reenacted as follows:

27-02.2-06. Agreement for payment of recruitment and retention assistance - Repayment.

1. An agreement for the payment of recruitment and retention assistance under this chapter must require the county or municipality served by the attorney to provide thirty-five percent of the total amount of the incentive payment in five equal installments.
2. The state bar association of North Dakota, the North Dakota bar foundation, or any other legal association in North Dakota shall pay fifteen percent of the annual installment to the supreme court.
3. After the county or municipality certifies to the supreme court that the county or municipality has paid the attorney the annual amount and the state bar association of North Dakota, the North Dakota bar foundation, or any other legal association in North Dakota has paid its installment to the supreme court, the supreme court shall pay the attorney the remaining balance of the annual installment.
4. Subject to appropriation by the legislative assembly, the supreme court shall pay the required amount of funds pursuant to this chapter and the funds received from the state bar association of North Dakota, the North Dakota bar foundation, or any other legal association in North Dakota, as required under this chapter, to an attorney participating in the program.
5. If an attorney breaches the agreement, the attorney shall repay all funds received under this chapter and under the terms and conditions set by the supreme court. Failure to repay the funds is grounds for discipline by the supreme court.

SECTION 7. AMENDMENT. Section 27-02.2-09 of the North Dakota Century Code is amended and reenacted as follows:

27-02.2-09. Attorney recruitment and retention assistance program fund - Continuing appropriation.

The attorney recruitment and retention assistance program fund is established in the state treasury. Payments collected under section 27-02.2-08 must be deposited in the attorney recruitment and retention assistance program fund. The funds deposited in the attorney recruitment and retention assistance program fund are appropriated to the judicial branch on a continuing basis for the purpose of making attorney payments under the recruitment and retention assistance program.

SECTION 8. AMENDMENT. Section 27-02.2-10 of the North Dakota Century Code is amended and reenacted as follows:

27-02.2-10. Filing and approval of recruitment and retention assistance agreement.

A recruitment and retention assistance agreement entered under this chapter becomes effective when the agreement is filed with and approved by the supreme court. The agreement must require the attorney to practice law full-time in the eligible county or municipality for at least five consecutive years.

SECTION 9. AMENDMENT. Section 27-02.2-11 of the North Dakota Century Code is amended and reenacted as follows:

27-02.2-11. Ineligibility for participation in other program.

If an individual has previously participated in an attorney recruitment and retention program under this chapter, or any other state or federal scholarship, loan repayment, or tuition reimbursement program requiring the individual to provide attorney services within an underserved area, the individual may not participate in another attorney recruitment and retention program under this chapter.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 297

SENATE BILL NO. 2057

(Judiciary Committee)
(At the request of the Supreme Court)

AN ACT to amend and reenact subsection 6 of section 12.1-32-08 and sections 27-03-05, 27-05.2-03, and 29-26-22 of the North Dakota Century Code, relating to court fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹¹⁵ **SECTION 1. AMENDMENT.** Subsection 6 of section 12.1-32-08 of the North Dakota Century Code is amended and reenacted as follows:

6. When the restitution ordered by the court under subsection 1 is the result of a finding that the defendant issued a check or draft without sufficient funds or without an account, the court shall impose as costs the greater of the sum of ~~ten~~^{twenty} dollars or an amount equal to twenty-five percent of the amount of restitution ordered. The costs imposed under this subsection, however, may not exceed one thousand dollars. The state-employed clerks of district court shall remit the funds collected as costs under this subsection to the state treasurer for deposit in the restitution collection assistance fund. The funds deposited into the restitution collection assistance fund are appropriated to the judicial branch on a continuing basis for the purpose of defraying expenses incident to the collection of restitution, including operating expenses and the compensation of additional necessary personnel. The state's attorneys and county-employed clerks of district court shall remit the funds collected as costs under this subsection to the county treasurer to be deposited in the county general fund.

SECTION 2. AMENDMENT. Section 27-03-05 of the North Dakota Century Code is amended and reenacted as follows:

27-03-05. Fees to be charged and collected by clerk of supreme court.

The clerk of the supreme court shall charge and collect in advance a fee of ~~one hundred twenty-five~~^{two hundred fifty} dollars upon the filing in the supreme court of the record in any cause upon appeal or upon the filing in the court of a petition in any cause seeking the exercise of the original court's jurisdiction. In addition to the fee required by this section, the clerk of the supreme court shall charge and collect any electronic filing processing fee established by court rule for any matter filed in an electronic format.

SECTION 3. AMENDMENT. Section 27-05.2-03 of the North Dakota Century Code is amended and reenacted as follows:

¹¹⁵ Section 12.1-32-08 was also amended by section 5 of House Bill No. 1417, chapter 120.

27-05.2-03. Fees to be charged by the clerk of the district court.

1. A clerk of the district court shall charge and collect the following fees in civil cases:
 - a. For filing a case for decision that is not a ~~small claims action~~ under subdivision b or e, eightyone hundred sixty dollars.
 - (1) ~~Fifteen~~Thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund. Any fees collected under this paragraph which exceed ~~seven hundred fifty thousand~~nine hundred thousand dollars in any biennium must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - (2) ~~For the filing of a petition for dissolution of marriage, annulment, or separation from bed and board, fifty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by section 14-06.1-14 and fifteen dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.~~
 - (3) ~~For all other filings, sixty five~~One hundred thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - b. For filing a petition for dissolution of marriage, annulment, or separation, one hundred sixty dollars.
 - (1) Thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund. Any fees collected under this paragraph which exceed nine hundred thousand dollars in any biennium must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - (2) One hundred dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account under section 14-06.1-14.
 - (3) Thirty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - c. For filing an answer to a case ~~that is not a small claims action~~other than under subdivision d or e, fiftyone hundred dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund in the state treasury.
 - d. For filing a motion to modify an order for spousal support, property division, child support, parental rights and responsibilities, residential responsibility, parenting time, one hundred sixty dollars. For filing an answer to a motion to modify an order for spousal support, property division, child support, parental rights and responsibilities, residential responsibility, or parenting time, one hundred dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund of the state treasury.

- ~~e-e.~~ For filing a small claims action in district court, ~~ten~~twenty dollars.
 - ~~d-f.~~ For filing any matter authorized to be filed in the office of the clerk of court other than under subdivision a, b, or c, ~~ten~~twenty dollars.
 - ~~e-g.~~ For preparing, certifying, issuing, or transmitting any document, ~~ten~~twenty dollars, or a lesser fee as may be set by the state court administrator.
 - ~~f.~~ ~~For filing a motion or an answer to a motion to modify an order for alimony, property division, child support, or child custody, thirty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund of the state treasury.~~
2. Section 27-01-07 applies to fees charged under this section. The clerk of court may not charge or collect any fee, prescribed by this or any other section, from the state or an agency thereof or from a political subdivision or agency thereof.

¹¹⁶ **SECTION 4. AMENDMENT.** Section 29-26-22 of the North Dakota Century Code is amended and reenacted as follows:

29-26-22. Judgment for fines - Court administration fee - Community service supervision fee - Special funds - Docketing and enforcement. (Retroactive application - See note)

1. In all criminal cases except infractions, upon a plea or finding of guilt, the court shall impose a court administration fee in lieu of the assessment of court costs. The court administration fee must include a fee of one hundred twenty-five dollars for a class B misdemeanor, two hundred dollars for a class A misdemeanor, four hundred dollars for a class C felony, six hundred fifty dollars for a class B felony, and nine hundred dollars for a class A or AA felony.
2. In addition, in all criminal cases except infractions, ~~the court administration fee must include the court shall impose an indigent defense and court facilities fee~~ of one hundred dollars. Of the additional one hundred dollar court administration fee, the first seven hundred fifty thousand dollars collected per biennium must be deposited in the indigent defense administration fund, which must be used for indigent defense services in this state, and the next four hundred sixty thousand dollars collected per biennium must be deposited in the court facilities improvement and maintenance fund. After the minimum thresholds have been collected, one-half of the additional court administration fee must be deposited in each fund.
3. In addition to any ~~court administration~~ fees that may be imposed under subsections 1 and 2, the court shall impose upon each defendant who receives a sentence that includes community service a community service supervision fee of twenty-five dollars. The community service supervision fee must be deposited in the community service supervision fund. The fees deposited in this fund must be used to provide community service supervision grants subject to legislative appropriations.

¹¹⁶ Section 29-26-22 was also amended by section 9 of House Bill No. 1030, chapter 301.

4. A court may waive the court administration fee, indigent defense and court facilities fee, or community service supervision fee upon a showing of indigency as provided in section 25-03.1-13. District court administration fees, exclusive of amounts deposited in the indigent defense administration fund and the court facilities and improvement fund, and forfeitures must be deposited in the state general fund. A judgment that the defendant pay a fine or fees, or both, may be docketed and if docketed constitutes a lien upon the real estate of the defendant in like manner as a judgment for money rendered in a civil action. The court may allow the defendant to pay any assessed administration fee or community service supervision fee in installments. When a defendant is assessed administration fees or a community service supervision fee, the court may not impose at the same time an alternative sentence to be served if the fees are not paid.
5. Upon successful completion of an approved adult drug court program, a court may waive all unpaid fines, fees, and costs imposed in the criminal judgment sentencing the defendant to the drug court program, except for restitution. For purposes of this subsection, "approved drug court program" means a district court-supervised treatment program approved by the supreme court.

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 298

HOUSE BILL NO. 1347

(Representatives Satrom, Ostlie)
(Senators Conley, Dwyer)

AN ACT to create and enact a new section to chapter 27-05 of the North Dakota Century Code, relating to district court supervised treatment programs approved by the supreme court.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 27-05 of the North Dakota Century Code is created and enacted as follows:

District court supervised treatment programs - Roles and responsibilities.

Under a district court supervised treatment program:

1. The department of corrections and rehabilitation shall supervise offenders sentenced to supervised probation according to the policies and procedures of the department of corrections and rehabilitation.
2. The department of health and human services shall oversee treatment services according to the policies, procedures, and best practices of the department of health and human services.
3. The district court shall provide judicial direction, guidance, and coordination within all approved treatment and compliance related specialized dockets.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 299

SENATE BILL NO. 2053

(Judiciary Committee)
(At the request of the Supreme Court)

AN ACT to amend and reenact section 27-11-17 of the North Dakota Century Code, relating to the state bar admission fee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 27-11-17 of the North Dakota Century Code is amended and reenacted as follows:

27-11-17. Fee payable by all applicants for admission to bar - Disposition of fees.

The state board of law examiners is entitled to receive a fee to be determined by the board with the approval of the supreme court of an amount not to exceed ~~one hundred fifty~~ two hundred dollars from each applicant for admission to the bar of this state who submits to examination by the board and a fee to be determined by the board with the approval of the supreme court of an amount not to exceed four hundred dollars from each applicant for admission to the bar of this state who seeks admission upon motion in accordance with state law or supreme court rule. All fees received must be deposited and disbursed in accordance with section 54-44-12.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 300

HOUSE BILL NO. 1564

(Representatives Davis, Beltz, Brown, Finley-DeVile, Holle)
(Senators Cleary, Cory, Hogan, Lee, Weston)

AN ACT to amend and reenact sections 27-19.1-01 and 27-19.1-02, subsection 1 of section 27-19.1-03, subsection 1 of section 27-19.1-04, and sections 27-19.1-05 and 27-19.1-06 of the North Dakota Century Code, relating to Indian child welfare.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 27-19.1-01 of the North Dakota Century Code is amended and reenacted as follows:

27-19.1-01. Active efforts and procedures - Definitions.

1. As used in this chapter, ~~unless context requires otherwise:~~

- a. "Active efforts" means affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with the Indian child's family. If an agency is involved in the child custody proceeding, active efforts must involve assisting the parent or a parent or Indian custodian with the steps of a case plan and including accessing or developing the resources necessary to satisfy the case plan. To the maximum extent possible, active efforts should be provided in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe and should be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians, and tribe. Active efforts are to be tailored to the facts and circumstances of the case. The term includes:
 - (1) Conducting a comprehensive assessment of the circumstances of the Indian child's family, with a focus on safe reunification as the most desirable goal, with ongoing timely assessment to determine when the threat is resolved and placement of the Indian child can be returned to the custodian.
 - (2) Identifying appropriate services and helping a parent or Indian custodian to overcome barriers, including actively assisting a parent or Indian custodian in obtaining such services.
 - (3) Identifying, notifying, and inviting representatives of the Indian child's tribe to participate in providing support and services to the Indian child's family and in family team meetings, permanency planning, and resolution of placement issues.
 - (4) Conducting or causing to be conducted a diligent search for the Indian child's extended family members, and contacting and consulting with extended family members to provide family structure and support for the Indian child and the Indian child's parent or Indian custodian.

- (5) Offering and employing available and culturally appropriate family preservation strategies and facilitating the use of remedial and rehabilitative services provided by the Indian child's tribe.
 - (6) Taking steps to keep siblings together, if possible.
 - (7) Supporting regular visits with a parent or Indian custodian in the most natural setting possible as well as trial home visits of the Indian child during any period of removal, consistent with the need to ensure the health, safety, and welfare of the Indian child.
 - (8) Identifying community resources, including housing, financial, transportation, mental health, substance abuse, and peer support services and actively assisting the Indian child's parent or Indian custodian or, as appropriate, the Indian child's family, in utilizing and accessing those resources.
 - (9) Monitoring progress and participation in services.
 - (10) Considering alternative ways to address the needs of the Indian child's parent or Indian custodian and where appropriate, the family, if the optimum services do not exist or are not available.
 - (11) Providing post-reunification services and monitoring.
- b. "Adoptive placement" means the permanent placement of an Indian child for adoption.
 - c. "Extended family member" means a relationship defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, means an individual who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent.
 - d. "Foster care or ~~non-foster care~~ placement" means the removal of an Indian child from the home of his or her parent or Indian custodian for temporary placement in a foster home, qualified residential treatment program, residential care center for Indian children and youth, or certified shelter care facility, in the home of a relative other than a parent or Indian custodian, or in the home of a guardian, from which placement the parent or Indian custodian cannot have the Indian child returned upon demand. The term does not include an adoptive placement, a preadoptive placement, ~~and an~~ emergency change in placement under section 27-20.3-06, or holding an Indian child in custody a placement pursuant to a criminal or delinquency proceeding.
 - e. "Indian" means an individual who is a member of an Indian tribe, or who is a native and a member of a regional corporation as defined under 43 U.S.C. 1606.
 - f. "Indian child" means any unmarried individual who is under the age of eighteen and is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

- g. "Indian child custody proceeding" means a proceeding brought by the state involving:
 - (1) Foster care ~~or nonfoster care~~ placement;
 - (2) A preadoptive placement;
 - (3) An adoptive placement; or
 - (4) A termination of parental rights under section 27-20.3-20 for an Indian child.
 - h. "Indian child's tribe" means the Indian tribe in which an Indian child is a member or eligible for membership or, in the case of an Indian child who is a member of or eligible for membership in more than one tribe, the Indian tribe with which the Indian child has the more significant contacts.
 - i. "Indian custodian" means any Indian individual who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of the Indian child.
 - j. "Indian tribe" means an Indian tribe, band, nation, or other organized Indian group or community of Indians recognized as eligible for services provided to Indians by the United States secretary of the interior because of their status as Indians, including any Alaska native village as defined in 43 U.S.C. 1602(c).
 - k. "Parent" means a biological parent or parents of an Indian child or an Indian individual who has lawfully adopted an Indian child, including adoptions under tribal law or custom. The term does not include the unwed father if paternity has not been acknowledged or established.
 - l. "Preadoptive placement" means the temporary placement of an Indian child in a foster home, home of a relative other than a parent or Indian custodian, or home of a guardian after a termination of parental rights but before or in lieu of an adoptive placement, but does not include an emergency change in placement under section 27-20.3-06.
 - m. "Termination of parental rights" means any action resulting in the termination of the parent-child relationship. It does not include a placement based upon an act by an Indian child which, if committed by an adult, would be deemed a crime or a placement upon award of custody to one of the Indian child's parents in a divorce proceeding.
2. Before removal of an Indian child from the custody of a parent or Indian custodian for purposes of involuntary foster care placement or the termination of parental rights over an Indian child, the court shall find that active efforts have been made to provide remedial services and rehabilitative services designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful. The court may not order the removal unless evidence of active efforts shows there has been a vigorous and concerted level of casework beyond the level that would constitute reasonable efforts under section 27-20.3-26. Reasonable efforts may not be construed to be active efforts. Active efforts must be made in a manner that takes into account

the prevailing social and cultural values, conditions, and way of life of the Indian child's tribe. Active efforts must utilize the available resources of the Indian child's extended family, tribe, tribal and other relevant social service agencies, and individual Indian caregivers.

3. The court may order the removal of the Indian child for involuntary foster care placement only if the court determines, by clear and convincing evidence, that continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the Indian child. Evidence must show a causal relationship between the particular conditions in the home and the likelihood that continued custody of the Indian child will result in serious emotional or physical damage to the particular Indian child who is the subject of the proceeding. Poverty, isolation, custodian age, crowded or inadequate housing, substance use, or nonconforming social behavior does not by itself constitute clear and convincing evidence of imminent serious emotional or physical damage to the Indian child. ~~As soon as the threat has been removed and the Indian child is no longer at risk, the state should terminate the removal, by returning the Indian child to the parent or Indian custodian while offering a solution to mitigate the situation that gave rise to the need for emergency removal and placement.~~
4. The court may order the termination of parental rights over the Indian child only if the court determines, by evidence beyond a reasonable doubt that continued custody of the Indian child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the Indian child.
5. In considering whether to involuntarily place an Indian child in foster care or to terminate the parental rights of the parent of an Indian child, the court shall require that a qualified expert witness must be qualified to testify regarding whether the Indian child's continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the Indian child and should be qualified to testify as to the prevailing social and cultural standards of the Indian child's tribe. An individual may be designated by the Indian child's tribe as being qualified to testify to the prevailing social and cultural standards of the Indian child's tribe. If the parties stipulate in writing and the court is satisfied the stipulation is made knowingly, intelligently, and voluntarily, the court may accept a declaration or affidavit from a qualified expert witness in lieu of testimony. If one or more parties have been found to be in default under the North Dakota Rules of Juvenile Procedure, the court may accept a declaration or affidavit from a qualified expert witness without a stipulation in writing from the defaulted parties. The court or any party may request the assistance of the Indian child's tribe or the bureau of Indian affairs office serving the Indian child's tribe in locating individuals qualified to serve as expert witnesses. The social worker regularly assigned to the Indian child may not serve as a qualified expert witness in child custody proceedings concerning the Indian child. The qualified expert witness should be someone familiar with the particular Indian child and have contact with the parent or Indian custodian to observe interaction between the parent or Indian custodian, Indian child, and extended family members. The child welfare agency and courts should facilitate access to the family and records to facilitate accurate testimony.
6. If a court order authorizes the emergency removal of the Indian child from the parent or Indian custodian of the child under state law, the order must be accompanied by a declaration from the child welfare agency that includes:

- a. The name, tribal affiliation, and address of the Indian child, each parent of the Indian child, and the Indian custodian of the child, as applicable; and
 - b. A detailed account of the circumstances that led the agency responsible for emergency removal of the child to take action.
7. An emergency removal or placement of an Indian child under state law must terminate immediately when the removal or placement is no longer necessary to prevent imminent physical damage or harm to the Indian child. If removal or placement is determined to be no longer necessary, the child welfare agency shall terminate the removal by returning the Indian child to the parent or Indian custodian and offer a solution to mitigate the situation that gave rise to the need for emergency removal and placement.
- 7-8. If an Indian child is the subject of a shelter care hearing, the party initiating the hearing shall provide the court with a declaration that includes the specific actions that have been taken to assist the parent or Indian custodian since the emergency removal so the child may be safely returned to the custody of the parent or Indian custodian, and the specific actions the initiating party intends to take so the Indian child may be returned safely without initiating an Indian child custody proceeding.
9. To facilitate the intent of this chapter, the agency, in cooperation with the Indian child's tribe of affiliation, unless a parent objects, shall take steps to enroll the Indian child in the tribe with the goal of finalizing enrollment before termination.

SECTION 2. AMENDMENT. Section 27-19.1-02 of the North Dakota Century Code is amended and reenacted as follows:

27-19.1-02. Jurisdiction over custody proceedings.

1. This chapter includes requirements that apply if an Indian child is the subject of:
 - a. A child custody proceeding, including:
 - (1) An involuntary proceeding; ~~and~~
 - (2) A voluntary proceeding that could prohibit the parent or Indian custodian from regaining custody of the Indian child upon demand; and
 - (3) A proceeding involving status offenses if any part of the proceeding results in the need for out-of-home placement of the child, including a foster care, preadoptive or adoptive placement, or termination of parental rights.
 - b. An emergency proceeding ~~other than:~~
 - (1) ~~A tribal~~
2. This chapter does not apply to:
 - a. A tribal court proceeding; or
 - (2)~~b.~~ A proceeding regarding a delinquent act;

- c. An award of custody of the Indian child to one of the parents, including an award in a divorce proceeding; or
- d. A voluntary placement that either parent, both parents, or the Indian custodian has, of his or her or their free will, without a threat of removal by a state agency, chosen for the Indian child and that does not operate to prohibit the Indian child's parent or Indian custodian from regaining custody of the Indian child upon demand.

2-3. If a proceeding under subsection 1 concerns an Indian child, this chapter applies to that proceeding. In determining whether this chapter applies to a proceeding, the state court may not consider factors such as the participation of a parent or the Indian child in tribal cultural, social, religious, or political activities; the relationship between the Indian child and the Indian child's parent; whether the parent ever had custody of the Indian child; or the Indian child's blood quantum.

3-4. If this chapter applies at the commencement of a proceeding, this chapter does not cease to apply solely because the Indian child reaches age eighteen during the pendency of the proceeding.

~~4-5. In an Indian child custody proceeding under this chapter involving an Indian child who is not residing or domiciled within the reservation of the Indian child's tribe, the court assigned to exercise jurisdiction under this chapter, upon the petition of the Indian child's parent, Indian custodian, or tribe, shall transfer the proceeding to the jurisdiction of the tribe unless either of the following applies:~~

~~a. A parent of the Indian child objects to the transfer.~~

~~b. An Indian tribe has exclusive jurisdiction over an Indian child custody proceeding involving an Indian child who resides or is domiciled within the reservation of the tribe, except if that jurisdiction is otherwise vested in the state by federal law. If an Indian child is a ward of a tribal court, the Indian tribe retains exclusive jurisdiction regardless of the residence or domicile of the Indian child.~~

5-6. In an Indian child custody proceeding under this chapter involving an Indian child who is not residing or domiciled within the reservation of the Indian child's tribe, the court assigned to exercise jurisdiction under this chapter, upon the petition of the Indian child's parent, Indian custodian, or tribe, shall transfer the proceeding to the jurisdiction of the tribe unless any of the following apply:

a. A parent of the Indian child objects to the transfer.

b. The Indian child's tribe does not have a tribal court, or the tribal court of the Indian child's tribe declines jurisdiction.

c. The court determines good cause exists to deny the transfer. In determining whether good cause exists to deny the transfer, the court may not consider any perceived inadequacy of the tribal social services department or the tribal court of the Indian child's tribe. The court may determine good cause exists to deny the transfer only if the person opposing the transfer shows by clear and convincing evidence the

evidence or testimony necessary to decide the case cannot be presented in tribal court without undue hardship to the parties or the witnesses and that the tribal court is unable to mitigate the hardship by making arrangements to receive the evidence or testimony by use of telephone or live audiovisual means, by hearing the evidence or testimony at a location that is convenient to the parties and witnesses, or by use of other means permissible under the tribal court's rules of evidence.

~~6-7.~~ An Indian child's tribe may intervene at any point in an Indian child custody proceeding.

~~7-8.~~ The state shall give full faith and credit to the public acts, records, and judicial proceedings of an Indian tribe which are applicable to an Indian child custody proceeding to the same extent that the state gives full faith and credit to the public acts, records, and judicial proceedings of any other governmental entity.

SECTION 3. AMENDMENT. Subsection 1 of section 27-19.1-03 of the North Dakota Century Code is amended and reenacted as follows:

1. In a proceeding involving the foster care ~~or nonfoster care~~ placement of or termination of parental rights to an Indian child whom the court knows or has reason to know may be an Indian child, the party seeking the foster care ~~or nonfoster care~~ placement or termination of parental rights, for the first hearing of the proceeding, shall notify the Indian child's parent, Indian custodian, and tribe, by registered mail, return receipt requested, of the pending proceeding and of the parties' right to intervene in the proceeding and shall file the return receipt with the court. Notice of subsequent hearings in a proceeding must be in writing and may be given by mail, personal delivery, facsimile transmission, or electronic mail. If the identity or location of the Indian child's parent, Indian custodian, or tribe cannot be determined, that notice shall be given to the United States secretary of the interior in like manner. The first hearing in the proceeding may not be held until at least ten days after receipt of the notice by the parent, Indian custodian, and tribe or until at least fifteen days after receipt of the notice by the United States secretary of the interior. On request of the parent, Indian custodian, or tribe, the court shall grant a continuance of up to twenty additional days to enable the requester to prepare for that hearing.

SECTION 4. AMENDMENT. Subsection 1 of section 27-19.1-04 of the North Dakota Century Code is amended and reenacted as follows:

1. A voluntary consent by a parent or Indian custodian to a foster care ~~or nonfoster care~~ placement of an Indian child is not valid unless the consent or delegation is executed in writing, recorded before a judge, and accompanied by a written certification by the judge that the terms and consequences of the consent or delegation were fully explained in detail to and were fully understood by the parent or Indian custodian. The judge also shall certify the parent or Indian custodian fully understood the explanation in English or that the explanation was interpreted into a language the parent or Indian custodian understood. Any consent or delegation of powers given under this subsection before or within ten days after the birth of the Indian child is not valid. A parent or Indian custodian who has executed a consent or delegation of powers under this subsection may withdraw the consent or delegation for any reason at any time, and the Indian child must be returned to the parent or Indian custodian. A parent or Indian custodian who has executed a consent or delegation of powers under this subsection also may move to invalidate the out-of-home care placement.

SECTION 5. AMENDMENT. Section 27-19.1-05 of the North Dakota Century Code is amended and reenacted as follows:

27-19.1-05. ~~Placements~~Placement preferences.

1. Subject to subsections 3 and 4, in placing an Indian child for adoption or in delegating powers, as described in a lawful executed power of attorney regarding an Indian child, preference must be given, in the absence of good cause, as described in subsection 6, to the contrary, to a placement with or delegation to one of the following, in the order of preference listed:
 - a. The tribe's statutory adopted placement preference, if applicable;
 - b. An extended family member of the Indian child;
 - ~~b-c.~~ Another member of the Indian child's tribe;
 - ~~c-d.~~ Another Indian family with whom the Indian child has a relationship or an Indian family from a tribe that is culturally similar to or linguistically connected to the Indian child's tribe; or
 - ~~d-e.~~ The tribe's statutory adopted placement preferencesAnother Indian family.
2. An Indian child who is accepted for a foster care ~~or nonfoster care~~ placement or a preadoptive placement must be placed in the least restrictive setting that most approximates a family that meets the Indian child's special needs, if any, and which is within reasonable proximity to the Indian child's home, taking into account those special needs. Subject to subsections 4 and 6, in placing an Indian child in a foster care ~~or nonfoster care~~ placement or a preadoptive placement, preference must be given, in the absence of good cause, as described in subsection 6, to the contrary, to a placement in one of the following, in the order of preference listed:
 - a. The tribe's statutory adopted placement preference, if applicable;
 - b. The home of an extended family member of the Indian child;
 - ~~b-c.~~ A foster home licensed, approved, or specified by the Indian child's tribe;
 - ~~c-d.~~ An Indian foster home licensed or approved by the department; or
 - ~~d-e.~~ A qualified residential treatment facility or residential care center for children and youth approved by an Indian tribe or operated by an Indian organization that has a program suitable to meet the needs of the Indian child.
3. An Indian child who is the subject of an emergency removal or placement under a child custody determination under section 27-20.3-06 must be placed in compliance with foster care ~~or nonfoster care~~ placement or preadoptive placement preferences, unless the person responsible for determining the placement finds good cause, as described in subsection 6, for departing from the order of placement preference under subsection 2 or finds that emergency conditions necessitate departing from that order. When the reason for departing from that order is resolved, the Indian child must be placed in compliance with the order of placement preference under subsection 2.

4. In placing an Indian child under subsections 1 and 2 regarding an Indian child under subsection 1, if the Indian child's tribe has established, by resolution, an order of preference that is different from the order specified in subsection 1 or 2, the order of preference established by that tribe must be followed, in the absence of good cause, as described in subsection 6, to the contrary, so long as the placement under subsection 1 is appropriate for the Indian child's special needs, if any, and the placement under subsection 2 is the least restrictive setting appropriate for the Indian child's needs as specified in subsection 2.
5. The standards to be applied in meeting the placement preference requirements of this subsection must be the prevailing social and cultural standards of the Indian community in which the Indian child's parent, Indian custodian, or extended family members reside or with which the Indian child's parent, Indian custodian, or extended family members maintain social and cultural ties.
6.
 - a. If a party asserts that good cause not to follow the placement preferences exists, the reasons for that belief or assertion must be stated orally on the record or provided in writing to the parties to the child custody proceeding and the court.
 - b. The party seeking departure from the placement preferences bears the burden of proving by clear and convincing evidence that there is good cause to depart from the placement preferences.
 - c. A court's determination of good cause to depart from the placement preferences must be made on the record or in writing and must be based on one or more of the following considerations:
 - (1) The request of the Indian child's parent, if they attest that they have reviewed the placement options, if any, that comply with the order of preference.
 - (2) The request of the Indian child, if the Indian child is of sufficient age and capacity to understand the decision being made.
 - (3) The presence of a sibling attachment that can be maintained only through a particular placement.
 - (4) The extraordinary physical, mental, or emotional needs of the Indian child, such as specialized treatment services that may be unavailable in the community where families who meet the placement preferences live.
 - (5) The unavailability of a suitable placement after a determination by the court that a diligent search was conducted to find suitable placements meeting the preference criteria, but none has been located. For purposes of this analysis, the standards for determining whether a placement is unavailable must conform to the prevailing social and cultural standards of the Indian community in which the Indian child's parent, Indian custodian, or extended family resides or with which the Indian child's parent, Indian custodian, or extended family members maintain social and cultural ties.

- d. A placement may not depart from the preferences based on the socioeconomic status of any placement relative to another placement.
 - e. A placement may not depart from the preferences based solely on ordinary bonding or attachment that flowed from time spent in a nonpreferred placement that was made in violation of this chapter.
 - f. The burden of establishing good cause to depart from the order of placement preference is on the party requesting that departure.
7. The department or a child welfare agency shall maintain a record of each adoptive placement, foster care ~~or nonfoster care~~ placement, preadoptive placement, and delegation of powers, made of an Indian child, evidencing the efforts made to comply with the placement preference requirements specified in this section, and shall make that record available at any time on the request of the United States secretary of the interior or the Indian child's tribe.

SECTION 6. AMENDMENT. Section 27-19.1-06 of the North Dakota Century Code is amended and reenacted as follows:

27-19.1-06. Adoptee information.

1. The state court entering a final adoption decree or order in any voluntary or involuntary Indian child adoptive placement must furnish a copy of the decree or order within thirty days to the Bureau of Indian Affairs, ~~Chief, Division of Human Services, 1849 C Street NW, Mail Stop 3645 MIB, Washington, DC 20240~~ as prescribed by the Bureau of Indian Affairs, along with the following information, in an envelope marked "Confidential":
 - a. The birth name and birth date of the Indian child, and tribal affiliation and name of the Indian child after adoption;
 - b. The names and addresses of the biological parents;
 - c. The names and addresses of the adoptive parents;
 - d. The name and contact information for any agency having files or information relating to the adoption;
 - e. Any affidavit signed by the biological parent or parents requesting the parent's identity remain confidential; and
 - f. Any information relating to tribal membership or eligibility for tribal membership of the adopted Indian child.
2. The court shall give the birth parent of an Indian child the opportunity to file an affidavit indicating that the birth parent wishes the United States secretary of the interior to maintain the confidentiality of the birth parent's identity. If the birth parent files that affidavit, the court shall include the affidavit with the information provided to the United States secretary of the interior under subsection 1, and that secretary shall maintain the confidentiality of the birth parent's identity.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 301

HOUSE BILL NO. 1030

(Legislative Management)
(Judiciary Committee)

AN ACT to amend and reenact subdivision i of subsection 1 of section 12.1-32-02, sections 15.1-19-13 and 19-03.1-23, subsection 6 of section 19-03.4-03, subsection 17 of section 27-20.2-01, subsection 26 of section 27-20.4-01, subdivision c of subsection 4 of section 27-20.4-17, subsection 4 of section 27-20.4-26, subsection 5 of section 29-26-22, section 39-06-36.1, subsection 9 of section 39-06.1-11, subdivision f of subsection 5 of section 39-08-01, and sections 39-08-01.5 and 54-12-27.1 of the North Dakota Century Code relating to changing drug court to treatment court.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹¹⁷ **SECTION 1. AMENDMENT.** Subdivision i of subsection 1 of section 12.1-32-02 of the North Dakota Century Code is amended and reenacted as follows:

- i. DrugTreatment court program. A drugtreatment court is a district court supervised treatment program approved by the supreme court which combines judicial supervision with alcohol and drug testing and substance use disorder treatment in a licensed treatment program. The supreme court may adopt rules, including rules of procedure, for drugtreatment court programs.

SECTION 2. AMENDMENT. Section 15.1-19-13 of the North Dakota Century Code is amended and reenacted as follows:

15.1-19-13. Alcohol or controlled substance - Use or possession by student - Notification of principal - Exception.

If a teacher knows or has reason to believe that a student is using, is in possession of, or is delivering alcohol or a controlled substance while the student is on school property, involved in a school-related activity, or in attendance at a school-sponsored event, the teacher shall notify the student's principal. The notification requirement in this section does not apply to a teacher or administrator who participates in a juvenile drugtreatment court program and receives confidential information regarding a student as a result of participation in the program. This section does not prevent a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school property, at a school-related activity, or at a school-sponsored event.

¹¹⁸ **SECTION 3. AMENDMENT.** Section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

¹¹⁷ Section 12.1-32-02 was also amended by section 1 of House Bill No. 1313, chapter 134, and section 2 of House Bill No. 1336, chapter 135.

¹¹⁸ Section 19-03.1-23 was also amended by section 1 of House Bill No. 1367, chapter 212.

19-03.1-23. Prohibited acts - Penalties.

1. Except as authorized by this chapter, it is unlawful for a person to willfully, as defined in section 12.1-02-02, manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance, or to deliver, distribute, or dispense a controlled substance by means of the internet, but a person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. A person who violates this subsection with respect to:
 - a. A controlled substance classified in schedule I or II which is a narcotic drug, or methamphetamine, is guilty of a class B felony.
 - b. Any other controlled substance classified in schedule I, II, or III, or a controlled substance analog, except marijuana or tetrahydrocannabinol is guilty of a class B felony.
 - c. Marijuana, tetrahydrocannabinol, or a substance classified in schedule IV, is guilty of a class C felony.
 - d. A substance classified in schedule V, is guilty of a class A misdemeanor.
2. A prior misdemeanor conviction under subsection 7 or a prior conviction under subsection 3 or 4 of section 19-03.4-03 may not be considered a prior offense under subsection 1.
3. Except as authorized by this chapter, it is unlawful for any person to willfully, as defined in section 12.1-02-02, create, deliver, distribute, or dispense a counterfeit substance by means of the internet or any other means, or possess with intent to deliver, a counterfeit substance by means of the internet or any other means, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. Any person who violates this subsection with respect to:
 - a. A counterfeit substance classified in schedule I, II, or III, is guilty of a class B felony.
 - b. A counterfeit substance classified in schedule IV, is guilty of a class C felony.
 - c. A counterfeit substance classified in schedule V, is guilty of a class A misdemeanor.
4. A person at least eighteen years of age who solicits, induces, intimidates, employs, hires, or uses a person under eighteen years of age to aid or assist in the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance for the purpose of receiving consideration or payment for the manufacture or delivery of any controlled substance is guilty of a class B felony. It is not a defense to a violation of this subsection that the defendant did not know the age of a person protected under this subsection.
5. Except for a prior conviction equivalent to a misdemeanor violation of subsection 7 or a prior conviction under subsection 3 or 4 of section 19-03.4-03, a violation of this title or a law of another state or the federal government which is equivalent to an offense with respect to the manufacture, delivery, or intent to deliver a controlled substance under this title committed while the offender was an adult and which resulted in a plea or finding of guilt

must be considered a prior offense under subsection 1. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.

6. It is unlawful for a person to willfully, as defined in section 12.1-02-02:
 - a. Serve as an agent, intermediary, or other entity that causes the internet to be used to bring together a buyer and seller to engage in the delivery, distribution, or dispensing of a controlled substance in a manner not authorized by this chapter; or
 - b. Offer to fill or refill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire.

A person who violates this subsection is guilty of a class C felony.

7.
 - a. It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess a controlled substance or a controlled substance analog unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.
 - b. Except as otherwise provided in this subsection, any person who violates this subsection is guilty of a class A misdemeanor for the first offense under this subsection and a class C felony for a second or subsequent offense under this subsection.
 - c. If, at the time of the offense the person is in or on the real property comprising a public or private elementary or secondary school or a public career and technical education school, the person is guilty of a class B felony, unless the offense involves marijuana or tetrahydrocannabinol.
 - d. A person who violates this subsection by possessing:

(1) Marijuana:

- (a) In an amount of less than one-half ounce [14.175 grams] is guilty of an infraction.
- (b) At least one-half ounce [14.175 grams] but not more than 500 grams of marijuana is guilty of a class B misdemeanor.
- (c) More than 500 grams of marijuana is guilty of a class A misdemeanor.

(2) Tetrahydrocannabinol:

- (a) In an amount less than two grams is guilty of an infraction.
- (b) At least two grams but not more than six grams of tetrahydrocannabinol is guilty of a class B misdemeanor.

- (c) More than six grams of tetrahydrocannabinol is guilty of a class A misdemeanor.
- e. If an individual is sentenced to the legal and physical custody of the department of corrections and rehabilitation under this subsection, the department may place the individual in a drug and alcohol treatment program designated by the department. Upon the successful completion of the drug and alcohol treatment program, the department shall release the individual from imprisonment to begin any court-ordered period of probation.
 - f. If the individual is not subject to any court-ordered probation, the court shall order the individual to serve the remainder of the sentence of imprisonment on supervised probation subject to the terms and conditions imposed by the court.
 - g. Probation under this subsection may include placement in another facility, treatment program, ~~drugtreatment~~ court, mental health court, or veterans treatment docket. If an individual is placed in another facility or treatment program upon release from imprisonment, the remainder of the sentence must be considered as time spent in custody.
 - h. An individual incarcerated under this subsection as a result of a second probation revocation is not eligible for release from imprisonment upon the successful completion of treatment.
 - i. A person who violates this subsection regarding possession of five or fewer capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or controlled substance analog is guilty of a class A misdemeanor.
8. Except as provided by section 19-03.1-45, a court may order a person who violates this chapter or chapter 19-03.4 to undergo a drug addiction evaluation by a licensed addiction counselor. The evaluation must indicate the prospects for rehabilitation and whether addiction treatment is required. If ordered, the evaluation must be submitted to the court before imposing punishment for a felony violation or a misdemeanor violation.
 9. If a person pleads guilty or is found guilty of a first offense regarding possession of one ounce [28.35 grams] or less of marijuana or two grams or less of tetrahydrocannabinol and a judgment of guilt is entered, a court, upon motion, shall seal the court record of that conviction if the person is not subsequently convicted within two years of a further violation of this chapter. Once sealed, the court record may not be opened even by order of the court.
 10. Upon successful completion of a ~~drugtreatment~~ court program, mental health court program, or veterans treatment docket, a person who has been convicted of a felony under this section and sentenced to ~~drugtreatment~~ court, mental health court, or veterans treatment docket is deemed to have been convicted of a misdemeanor.
 11. If a person convicted of a misdemeanor under this section is sentenced to ~~drugtreatment~~ court, mental health court, or veterans treatment docket and successfully completes a ~~drugtreatment~~ court program, mental health court, or veterans treatment docket, the court shall dismiss the case and seal the file in accordance with section 12.1-32-07.2.

12. If an individual under the age of twenty-one pleads guilty or is found guilty of a first offense regarding possession of one-half ounce [14.175 grams] or less of marijuana, the court also may sentence the individual to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44. For a second or subsequent offense regarding possession of one-half ounce [14.175 grams] or less of marijuana, the court also shall sentence the individual to an evidence-based alcohol and drug education program operated under rules adopted by the department of health and human services under section 50-06-44.

¹¹⁹ **SECTION 4. AMENDMENT.** Subsection 6 of section 19-03.4-03 of the North Dakota Century Code is amended and reenacted as follows:

6. Probation under this section may include placement in another facility, treatment program, or drugtreatment court. If the person is placed in another facility or treatment program upon release from imprisonment, the remainder of the sentence must be considered as time spent in custody.

¹²⁰ **SECTION 5. AMENDMENT.** Subsection 17 of section 27-20.2-01 of the North Dakota Century Code is amended and reenacted as follows:

17. "Juvenile drugtreatment court" means a program established by the supreme court which is a post-petition or post-adjudication program aimed at intervening in substance use disorders through intense supervision and participation in recovery services.

SECTION 6. AMENDMENT. Subsection 26 of section 27-20.4-01 of the North Dakota Century Code is amended and reenacted as follows:

26. "Juvenile drugtreatment court" means a program established by the supreme court which is a post-petition or post-adjudication program aimed at intervening in substance use disorders through intense supervision and participation in recovery services.

SECTION 7. AMENDMENT. Subdivision c of subsection 4 of section 27-20.4-17 of the North Dakota Century Code is amended and reenacted as follows:

- c. Order the child's participation in a juvenile drugtreatment court program.

SECTION 8. AMENDMENT. Subsection 4 of section 27-20.4-26 of the North Dakota Century Code is amended and reenacted as follows:

4. If the juvenile court requires the child to participate in a juvenile drugtreatment court program, the juvenile court may waive the participation in the twenty-four seven sobriety program requirements of this section.

¹¹⁹ Section 19-03.4-03 was also amended by section 2 of House Bill No. 1367, chapter 212.

¹²⁰ Section 27-20.2-01 was also amended by section 10 of Senate Bill No. 2037, chapter 302.

¹²¹ **SECTION 9. AMENDMENT.** Subsection 5 of section 29-26-22 of the North Dakota Century Code is amended and reenacted as follows:

5. Upon successful completion of an approved adult ~~drugtreatment~~ court program, a court may waive all unpaid fines, fees, and costs imposed in the criminal judgment sentencing the defendant to the ~~drugtreatment~~ court program, except for restitution. For purposes of this subsection, "approved ~~drugtreatment~~ court program" means a district court-supervised treatment program approved by the supreme court.

SECTION 10. AMENDMENT. Section 39-06-36.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06-36.1. Restoration of revoked or suspended licenses - Successful completion of ~~drugtreatment~~ court.

Upon an individual's successful completion of an approved adult ~~drugtreatment~~ court program, if ordered by the district court, the director shall reinstate the driving privileges of the individual for any noncommercial license suspension or revocation imposed under law. A reinstatement fee is not required for reinstatement of driving privileges under this section.

¹²² **SECTION 11. AMENDMENT.** Subsection 9 of section 39-06.1-11 of the North Dakota Century Code is amended and reenacted as follows:

9. If an offender is participating in an approved ~~drugtreatment~~ court program, the court may order issuance of a temporary restricted license. Upon application by the offender, the director shall issue a temporary restricted license to the participant subject to conditions specified by the court.
 - a. The application must be accompanied by proof of financial responsibility, the court's order, and the designated reinstatement fee.
 - b. For purposes of this subsection, "approved ~~drugtreatment~~ court program" means a district court-supervised treatment program approved by the supreme court.

¹²³ **SECTION 12. AMENDMENT.** Subdivision f of subsection 5 of section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

- f. If the offense is subject to subdivision a or b, a municipal court or district court may not suspend a sentence, but may convert each day of a term of imprisonment to ten hours of community service for an offense subject to paragraph 2 of subdivision a. If the offense is subject to subdivision c, the district court may suspend a sentence, except for sixty days' imprisonment, under subsection 3 of section 12.1-32-02 on the condition that the defendant first undergo and complete an evaluation for alcohol and substance abuse treatment and rehabilitation. If the offense is subject

¹²¹ Section 29-26-22 was also amended by section 4 of Senate Bill No. 2057, chapter 297.

¹²² Section 39-06.1-11 was also amended by section 1 of House Bill No. 1316, chapter 363.

¹²³ Section 39-08-01 was also amended by section 2 of House Bill No. 1313, chapter 134, and section 3 of House Bill No. 1336, chapter 135.

to subdivision d, the district court may suspend a sentence, except for one year's imprisonment, under subsection 3 of section 12.1-32-02 on the condition that the defendant first undergo and complete an evaluation for alcohol and substance abuse treatment and rehabilitation. If the defendant is found to be in need of alcohol and substance abuse treatment and rehabilitation, the district court may order the defendant placed under the supervision and management of the department of corrections and rehabilitation and is subject to the conditions of probation under section 12.1-32-07. The district court may require the defendant to complete alcohol and substance abuse treatment and rehabilitation under the direction of the ~~drugtreatment~~ court program as a condition of probation in accordance with rules adopted by the supreme court. The district court may terminate probation under this section when the defendant completes the drug treatment program. If the district court finds that a defendant has failed to undergo an evaluation or complete treatment or has violated any condition of probation, the district court shall revoke the defendant's probation and shall sentence the defendant in accordance with this subsection.

¹²⁴ **SECTION 13. AMENDMENT.** Section 39-08-01.5 of the North Dakota Century Code is amended and reenacted as follows:

39-08-01.5. Partial suspension of sentence for ~~drugtreatment~~ court program, mental health court program, or veterans treatment docket completion.

1. Notwithstanding section 39-08-01:
 - a. All but ten days of the minimum mandatory sentence required for a defendant charged with a third or subsequent violation of section 39-08-01 may be suspended on the condition the defendant successfully completes a ~~drugtreatment~~ court program, mental health court program, or veterans treatment docket approved by the supreme court.
 - b. If the ~~drugtreatment~~ court determines a defendant participating in a ~~drugtreatment~~ court program has substantially complied with the requirements of the ~~drugtreatment~~ court program, the ~~drugtreatment~~ court may suspend the defendant's electronic alcohol monitoring and sobriety breath testing requirement under the twenty-four seven sobriety program for the six months preceding completion of the ~~drugtreatment~~ court program.
2. Upon successful completion of a ~~drugtreatment~~ court program, mental health court program, or veterans treatment docket, a defendant convicted of a felony under section 39-08-01 and sentenced to ~~drugtreatment~~ court, mental health court, or veterans treatment docket is deemed to have been convicted of a misdemeanor.
3. If a defendant convicted of a misdemeanor under section 39-08-01 is sentenced to ~~drugtreatment~~ court, mental health court, or veterans treatment docket and successfully completes a ~~drugtreatment~~ court program, mental health court, or veterans treatment docket, the court shall dismiss the case and seal the file in accordance with section 12.1-32-07.2.

¹²⁴ Section 39-08-01.5 was also amended by section 1 of House Bill No. 1364, chapter 367.

SECTION 14. AMENDMENT. Section 54-12-27.1 of the North Dakota Century Code is amended and reenacted as follows:

54-12-27.1. Twenty-four seven sobriety program - Partial suspension for ~~drug~~treatment court program participants.

1. For purposes of this section, "approved ~~drug~~treatment court program" means a district court-supervised treatment program approved by the supreme court.
2. A district court may suspend any ordered period of participation in the twenty-four seven sobriety program, including mandatory participation required by law, for an offender participating in an approved ~~drug~~treatment court program while under supervised probation with the department of corrections and rehabilitation.
3. A district court suspending participation in the twenty-four seven sobriety program shall issue a certificate of waiver of twenty-four seven sobriety program participation.
4. For purposes of issuance of a temporary restricted operator's license under section 39-06.1-11, the director of the department of transportation shall treat a court certificate of waiver of twenty-four seven sobriety program participation as if the offender was participating in the twenty-four seven sobriety program.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 302

SENATE BILL NO. 2037

(Legislative Management)
(Juvenile Justice Committee)

AN ACT to create and enact three new sections to chapter 27-20.4 of the North Dakota Century Code, relating to juvenile court petitions, fitness to proceed in juvenile court proceedings, and collateral consequences the juvenile court may order; to amend and reenact sections 12.1-04.1-01, 12.1-04.1-20, and 12.1-17-01.2, subsection 2 of section 12.1-17-07.2, section 12.1-20-01, subsections 2 and 6 of section 12.1-31-03, sections 12.1-32-15 and 15.1-09-33.4, subsection 6 of section 27-20.2-01, subsection 3 of section 27-20.2-09, subsection 5 of section 27-20.4-11, subsection 1 of section 27-20.4-18, subsection 1 of section 27-20.4-20, and section 62.1-02-01 of the North Dakota Century Code, relating to lack of criminal responsibility, court jurisdiction, distribution of intimate images without consent, domestic violence, criminality of a child regarding sex offenses, sale and use of tobacco by an individual under the age of twenty-one, child registration requirements, restitution, probation of a delinquent child, extracurricular activities for students, and persons not allowed to possess a firearm; to repeal sections 27-20.4-12, 27-20.4-13, and 27-20.4-19 of the North Dakota Century Code, relating to delinquency; to provide an appropriation; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-04.1-01 of the North Dakota Century Code is amended and reenacted as follows:

12.1-04.1-01. Standard for lack of criminal responsibility.

1. An individual is not criminally responsible for criminal conduct if, as a result of mental disease or defect existing at the time the conduct occurs:
 - a. The individual lacks substantial capacity to comprehend the harmful nature or consequences of the conduct, or the conduct is the result of a loss or serious distortion of the individual's capacity to recognize reality; and
 - b. It is an essential element of the crime charged that the individual act willfully.
2. For purposes of this chapter, repeated criminal or similar antisocial conduct, or impairment of mental condition caused primarily by voluntary use of alcoholic beverages or controlled substances immediately before or contemporaneously with the alleged offense, does not constitute in itself mental illness or defect at the time of the alleged offense. Evidence of the conduct or impairment may be probative in conjunction with other evidence to establish mental illness or defect.
3. An individual ten years of age or older may be assessed for criminal responsibility under this chapter.

SECTION 2. AMENDMENT. Section 12.1-04.1-20 of the North Dakota Century Code is amended and reenacted as follows:

12.1-04.1-20. Jurisdiction of court.

1. Unless earlier discharged by order of the court pursuant to section 12.1-04.1-22, 12.1-04.1-24, or 12.1-04.1-25, an individual found not guilty by reason of lack of criminal responsibility is subject to the jurisdiction of the court for a period equal to the maximum term of imprisonment that could have been imposed for the most serious crime of which the individual was charged but found not guilty by reason of lack of criminal responsibility. In a juvenile proceeding, a child not adjudicated by reason of lack of criminal responsibility is subject to the jurisdiction of the court for one year.
2. Upon expiration of its jurisdiction under this chapter or earlier discharge by its order, the court may order that a proceeding for involuntary commitment be initiated pursuant to chapter 25-03.1. In a juvenile proceeding, the court may order an investigation into whether a child in need of protection proceedings should be initiated under chapter 27-20.3.

SECTION 3. AMENDMENT. Section 12.1-17-01.2 of the North Dakota Century Code is amended and reenacted as follows:

12.1-17-01.2. Domestic violence.

1. For purposes of this section "family or household member" means family or household member as defined in section 14-07.1-01.
2. A person is guilty of an offense if that person willfully causes:
 - a. Bodily injury to the actor's family or household member;
 - b. Substantial bodily injury to the actor's family or household member; or
 - c. Serious bodily injury to the actor's family or household member.
3. The offense is:
 - a. A class B misdemeanor for the first offense under subdivision a of subsection 2 and a class A misdemeanor for a second or subsequent offense under this section or sections 12.1-17-01, 12.1-17-01.1, or 12.1-17-02 involving the commission of domestic violence, as defined in section 14-07.1-01. For purposes of this subdivision, a prior conviction includes a conviction of any assault offense in which a finding of domestic violence was made under a law or ordinance of another state which is equivalent to this section.
 - b. A class A misdemeanor for an offense under subdivision b of subsection 2 and a class C felony for an offense under subdivision c of subsection 2.
 - c. A class B felony for an offense under subdivision b or c of subsection 2 if the victim is under twelve years of age.
4. A person charged with an offense under this section must be prosecuted in district court.

5. This section applies to an individual under the age of eighteen if the:
- a. Victim is or was in a dating relationship with the individual; or
 - b. Individual has a child in common with the victim.

SECTION 4. AMENDMENT. Subsection 2 of section 12.1-17-07.2 of the North Dakota Century Code is amended and reenacted as follows:

- 2. A person commits the offense of distribution of intimate images if the person knowingly or intentionally distributes to any third party any intimate image of an individual ~~eighteen years of age or older~~, if:
 - a. The person knows that the depicted individual has not given consent to the person to distribute the intimate image;
 - b. The intimate image was created by or provided to the person under circumstances in which the individual has a reasonable expectation of privacy; and
 - c. Actual emotional distress or harm is caused to the individual as a result of the distribution under this section.

SECTION 5. AMENDMENT. Section 12.1-20-01 of the North Dakota Century Code is amended and reenacted as follows:

12.1-20-01. General provisions.

In sections 12.1-20-03 through 12.1-20-08:

- 1. When ~~the criminality of conduct~~ depends on a child's child being below the age of fifteen, it is no defense that the actor did not know the child's age, or reasonably believed the child to be older than fourteen.
- 2. When criminality depends on the victim being a minor, it is an affirmative defense that the actor reasonably believed the victim to be an adult.
- 3. When criminality depends on the victim being a minor fifteen years of age or older, the actor is guilty of an offense only if the actor is at least three years older than the minor.
- 4. When criminality depends on the victim being below the age of fifteen, and the actor is a minor, the actor is guilty of an offense only if the actor is at least three years older than the victim.

¹²⁵ **SECTION 6. AMENDMENT.** Subsection 2 of section 12.1-31-03 of the North Dakota Century Code is amended and reenacted as follows:

- 2. It is a noncriminal offense for an individual ~~under twenty-one~~eighteen years of age or older but under twenty-one years of age, and an infraction for an individual ~~fourteen years of age or older but under eighteen years of age~~, to purchase, possess, smoke, or use cigarettes, cigars, cigarette papers, snuff, tobacco in any other form in which it may be utilized for smoking or chewing,

¹²⁵ Section 12.1-31-03 was also amended by section 7 of Senate Bill No. 2037, chapter 302.

electronic smoking devices, or alternative nicotine products. However, an individual under twenty-one years of age may purchase and possess tobacco, electronic smoking devices, or alternative nicotine products as part of a compliance survey program when acting with the permission of the individual's parent or guardian and while acting under the supervision of any law enforcement authority. A state agency, city, county, board of health, tobacco, electronic smoking devices, or alternative nicotine products retailer, or association of tobacco, electronic smoking devices, or alternative nicotine products retailers may also conduct compliance surveys, after coordination with the appropriate local law enforcement authority.

¹²⁶ **SECTION 7. AMENDMENT.** Subsection 6 of section 12.1-31-03 of the North Dakota Century Code is amended and reenacted as follows:

6. An individual fourteen years of age or older but under eighteen years of age found to have violated subsection 2 or 4 ~~must pay a fee of twenty-five dollars~~ has committed an infraction and must be sent to juvenile court. An individual eighteen years of age or older but under twenty-one years of age found to have violated subsection 2 or 4 must pay a fee of twenty-five dollars.
- a. Any individual who has been cited for a violation of subsection 2 or 4 may appear before a court of competent jurisdiction and pay the fee by the time scheduled for a hearing, or if bond has been posted, may forfeit the bond by not appearing at the scheduled time. An individual appearing at the time scheduled in the citation may make a statement in explanation of that individual's action and the judge may waive, reduce, or suspend the fee or bond, or both. If the individual cited follows the procedures of this subdivision, that individual has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the court must be identical to the fee. This subdivision does not allow a citing officer to receive the fee or bond.
- b. If an individual cited for a violation of subsection 2 or 4 does not choose to follow the procedures provided under subdivision a, that individual may request a hearing on the issue of the commission of the violation cited. The hearing must be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance. At the time of a request for a hearing on the issue on commission of the violation, the individual cited shall deposit with the court an appearance bond equal to the fee for the violation cited.
- c. The failure to post bond or to pay an assessed fee is punishable as a contempt of court, except an individual may not be imprisoned for the contempt.

¹²⁷ **SECTION 8. AMENDMENT.** Section 12.1-32-15 of the North Dakota Century Code is amended and reenacted as follows:

¹²⁶ Section 12.1-31-03 was also amended by section 6 of Senate Bill No. 2037, chapter 302.

¹²⁷ Section 12.1-32-15 was also amended by section 2 of House Bill No. 1031, chapter 64.

12.1-32-15. Offenders against children and sexual offenders - Sexually violent predators - Registration requirement - Penalty.**1. As used in this section:**

- a. "A crime against a child" means a violation of chapter 12.1-16, section 12.1-17-01.1 if the victim is under the age of twelve, 12.1-17-02, 12.1-17-04, subdivision a of subsection 6 of section 12.1-17-07.1, section 12.1-18-01, 12.1-18-02, 12.1-18-05, chapter 12.1-29, or section 14-09-22, subsection 3 of section 12.1-41-02, subsection 3 of section 12.1-41-03, or an equivalent offense from another court in the United States, a tribal court, or court of another country, in which the victim is a minor or is otherwise of the age required for the act to be a crime or an attempt or conspiracy to commit these offenses.
- b. "Department" means the department of corrections and rehabilitation.
- c. "Homeless" means an individual who is physically present in this state, but is living in a park, under a bridge, on the streets, in a vehicle or camper, or is otherwise without a traditional dwelling, and also one who resides in this state but does not maintain a permanent address. The term does not include individuals who are temporarily domiciled or individuals residing in public or private shelters that provide temporary living accommodations.
- d. "Mental abnormality" means a congenital or acquired condition of an individual that affects the emotional or volitional capacity of the individual in a manner that predisposes that individual to the commission of criminal sexual acts to a degree that makes the individual a menace to the health and safety of other individuals.
- e. "Predatory" means an act directed at a stranger or at an individual with whom a relationship has been established or promoted for the primary purpose of victimization.
- f. "Reside" means to live permanently or be situated for a considerable time in a home or a particular place.
- g. "Sexual offender" means a person who has pled guilty to or been found guilty, including juvenile delinquent adjudications, of a violation of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-06.1, 12.1-20-07 except for subdivision a of subsection 1, 12.1-20-11, 12.1-20-12.1, 12.1-20-12.2, 12.1-20-12.3 except for subdivision a of subsection 1 and subdivision b of subsection 1 if the offense involves only a demand for money, chapter 12.1-27.2, ~~subsection 2 of section 12.1-22-03.1~~, subdivision b of subsection 1 of section 12.1-41-02, section 12.1-41-04, 12.1-41-05, or 12.1-41-06, or an equivalent offense from another court in the United States, a tribal court, or court of another country, or an attempt or conspiracy to commit these offenses.
- h. "Sexually dangerous individual" means an individual who meets the definition specified in section 25-03.3-01.
- i. "Temporarily domiciled" means staying or being physically present in this state for more than thirty days in a calendar year or at a location for longer than ten consecutive days, attending school for longer than ten days, or maintaining employment in the jurisdiction for longer than ten days, regardless of the state of the residence.

2. The court shall impose, in addition to any penalty provided by law, a requirement that the individual register, within three days of coming into a county in which the individual resides, is homeless, or within the period identified in this section that the individual becomes temporarily domiciled. The individual must register with the chief of police of the city of the individual's place of residence, or the sheriff of the county if the individual resides in an area other than a city. A homeless individual shall register every three days with the sheriff or chief of police of the jurisdiction in which the individual is physically present. The court shall require an individual to register by stating this requirement on the court records, if that individual:
- a. Has pled guilty or nolo contendere to, or been found guilty as a felonious sexual offender or an attempted felonious sexual offender, ~~including juvenile delinquent adjudications of equivalent offenses unless the offense is listed in subdivision e.~~
 - b. Has pled guilty or nolo contendere to, or been found guilty as a sexual offender for, a misdemeanor or attempted misdemeanor. The court may deviate from requiring an individual to register if the court first finds the individual is no more than three years older than the victim if the victim is a minor, the individual has not previously been convicted as a sexual offender or of a crime against a child, and the individual did not exhibit mental abnormality or predatory conduct in the commission of the offense.
 - c. ~~Is a juvenile found delinquent under subdivision d of subsection 1 of section 12.1-20-03, subdivision a of subsection 2 of section 12.1-20-03, or as a sexual offender for a misdemeanor. The court may deviate from requiring the juvenile to register if the court first finds the juvenile has not previously been convicted as a sexual offender or for a crime against a child, and the juvenile did not exhibit mental abnormality or predatory conduct in the commission of the offense.~~
 - d. Has pled guilty or nolo contendere to, or been found guilty of, a crime against a child or an attempted crime against a child, ~~including juvenile delinquent adjudications of equivalent offenses.~~ Except if the offense is described in section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 and the person is not the parent of the victim, the court may deviate from requiring an individual to register if the court first finds the individual has not previously been convicted as a sexual offender or for a crime against a child, and the individual did not exhibit mental abnormality or predatory conduct in the commission of the offense.
 - e.d. Has pled guilty or nolo contendere, ~~or been found guilty, or been adjudicated delinquent~~ of any crime against another individual which is not otherwise specified in this section if the court determines that registration is warranted by the nature of the crime and therefore orders registration for the individual. If the court orders an individual to register as an offender under this section, the individual shall comply with all of the registration requirements in this chapter.
 - e. Is a child who has been adjudicated delinquent of an offense which would classify the child as a sexual offender, the prosecutor requested the court to consider sexual offender registration, and the court determines the child:

- (1) Exhibited a mental abnormality or predatory conduct in the commission of the offense; or
 - (2) Previously has been adjudicated as a sexual offender.
3. If a court has not ordered an individual to register in this state, an individual who resides, is homeless, or is temporarily domiciled in this state shall register if the individual:
 - a. Is incarcerated or is on probation or parole after July 31, 1995, for a crime against a child described in section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 if the individual was not the parent of the victim, or as a sexual offender;
 - b. Has pled guilty or nolo contendere to, or ~~has been adjudicated for or~~ found guilty of, an offense in a court of this state for which registration is mandatory under this section or an offense from another court in the United States, a tribal court, or court of another country equivalent to those offenses set forth in this section; or
 - c. Has pled guilty or nolo contendere to, or has been found guilty of, a crime against a child or as a sexual offender for which registration is mandatory under this section if the conviction occurred after July 31, 1985.
4. In its consideration of mental abnormality or predatory conduct, the court shall consider the age of the offender, the age of the victim, the difference in ages of the victim and offender, the circumstances and motive of the crime, the relationship of the victim and offender, and the mental state of the offender. The court may order an offender to be evaluated by a qualified counselor, psychologist, or physician before sentencing. Except as provided under subdivision ~~ed~~ of subsection 2, the court ~~shall~~may state on the record in open court its affirmative finding for not requiring an offender to register.
5. When an individual is required to register under this section, the official in charge of a facility or institution where the individual required to register is confined, or the department, shall, before the discharge, parole, or release of that individual, inform the individual of the duty to register pursuant to this section. The official or the department shall require the individual to read and sign a form as required by the attorney general, stating that the duty of the individual to register has been explained to that individual. The official in charge of the place of confinement, or the department, shall obtain the address where the individual expects to reside, attend school, or work upon discharge, parole, or release and shall report the address to the attorney general. The official in charge of the place of confinement, or the department, shall give three copies of the form to the individual and shall send three copies to the attorney general no later than forty-five days before the scheduled release of that individual. The attorney general shall forward one copy to the law enforcement agency having jurisdiction where the individual expects to reside, attend school, or work upon discharge, parole, or release, one copy to the prosecutor who prosecuted the individual, and one copy to the court in which the individual was prosecuted. All forms must be transmitted and received by the law enforcement agency, prosecutor, and court thirty days before the discharge, parole, or release of the individual.

6. An individual who is required to register pursuant to this section who is released on probation or discharged upon payment of a fine must, before the release or discharge, be informed of the duty to register under this section by the court in which that individual is convicted. The court shall require the individual to read and sign a form as required by the attorney general, stating that the duty of the individual to register under this section has been explained to that individual. The court shall obtain the address where the individual expects to reside, attend school, or work upon release or discharge and shall report the address to the attorney general within three days. The court shall give one copy of the form to the individual and shall send two copies to the attorney general. The attorney general shall forward one copy to the appropriate law enforcement agency having jurisdiction where the individual expects to reside, attend school, or work upon discharge, parole, or release.
7. Registration consists of a written or electronic statement signed by the individual, giving the information required by the attorney general, and the biometric data and photograph of the individual. An individual who is not required to provide a sample of blood and other body fluids under section 31-13-03 or by the individual's state or court of conviction or adjudication shall submit a sample of blood and other body fluids for inclusion in a centralized database of DNA identification records under section 31-13-05. The collection, submission, testing and analysis of, and records produced from, samples of blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile comparison is admissible in accordance with section 31-13-02. A report of the DNA analysis certified by the state crime laboratory is admissible in accordance with section 31-13-05. A district court shall order an individual who refuses to submit a sample of blood or other body fluids for registration purposes to show cause at a specified time and place why the individual should not be required to submit the sample required under this subsection. Within three days after registration, the registering law enforcement agency shall forward the statement, biometric data, and photograph to the attorney general and shall submit the sample of the individual's blood and body fluids to the state crime laboratory. If an individual required to register under this section has a change in vehicle or computer online identity, the individual shall register, within three days after the change, with the law enforcement agency having local jurisdiction of the individual's place of residence of the individual's new vehicle or computer online identity. If an individual required to register pursuant to this section has a change in name, school, or residence or employment address, that individual shall register, at least ten days before the change, with the law enforcement agency having local jurisdiction of the individual's place of residence of the individual's new name, school, residence address, or employment address. A change in school or employment address includes the termination of school or employment for which an individual required to register under this section, the individual shall register within three days of the termination with the law enforcement agency having local jurisdiction of the individual's place of residence. The law enforcement agency, within three days after receipt of the information, shall forward it to the attorney general. The attorney general shall forward the appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence, school, or employment. Upon a change of address, the individual required to register also shall register within three days at the law enforcement agency having local jurisdiction of the new place of residence. If an individual required to register in North Dakota, including in a tribal registry, resides in another state or on tribal lands, that individual shall register employment and school addresses and any changes in required

registration information with the law enforcement agency having local jurisdiction over the school or employment address. The individual registering under this section shall periodically confirm the information required under this subsection in a manner and at an interval determined by the attorney general. A law enforcement agency that has previously registered an offender may omit the biometric data portion of the registration if that agency has a set of biometric data on file for that individual and is personally familiar with and can visually identify the offender. These provisions also apply in any other state that requires registration.

8. An individual required to register under this section shall comply with the registration requirement for the longer of the following periods:
 - a. A period of fifteen years after the date of sentence or order deferring or suspending sentence upon a plea or finding of guilt or after release from incarceration, whichever is later;
 - b. A period of twenty-five years after the date of sentence or order deferring or suspending sentence upon a plea or finding of guilt or after release from incarceration, whichever is later, if the offender is assigned a moderate risk by the attorney general as provided in subsection 12; or
 - c. For the life of the individual, if that individual:
 - (1) On two or more occasions has pled guilty or nolo contendere to, or been found guilty of a crime against a child or as a sexual offender. If all qualifying offenses are misdemeanors, this lifetime provision does not apply unless a qualifying offense was committed after August 1, 1999;
 - (2) Pleads guilty or nolo contendere to, or is found guilty of, an offense committed after August 1, 1999, which is described in subdivision a of subsection 1 of section 12.1-20-03, section 12.1-20-03.1, or subdivision d of subsection 1 of section 12.1-20-03 if the person is an adult and the victim is under age twelve, or section 12.1-18-01 if that individual is an adult other than a parent of the victim, or an equivalent offense from another court in the United States, a tribal court, or court of another country; or
 - (3) Is assigned a high risk by the attorney general as provided in subsection 12.
9. An individual required to register under this section who violates this section is guilty of a class C felony. The failure of a homeless individual to register as required in subsections 2 and 3 is prima facie evidence of a violation of this section. The clerk of court shall forward all warrants issued for a violation of this section to the county sheriff, who shall enter all such warrants into the national crime information center wanted person file. A court may not relieve an individual, other than a juvenile, who violates this section from serving a term of at least ninety days in jail and completing probation of one year.
10. When an individual is released on parole or probation and is required to register pursuant to this section, but fails to do so within the time prescribed, the court shall order the probation, or the parole board shall order the parole, of the individual revoked.

11. If an individual required to register pursuant to this section is temporarily sent outside the facility or institution where that individual is confined under conviction or sentence, the local law enforcement agency having jurisdiction over the place where that individual is being sent must be notified within a reasonable time period before that individual is released from the facility or institution. This subsection does not apply to any individual temporarily released under guard from the facility or institution in which that individual is confined.
12. The attorney general, with the assistance of the department and the juvenile courts, shall develop guidelines for the risk assessment of sexual offenders who are required to register, with a low-risk, moderate-risk, or high-risk level being assigned to each offender as follows:
 - a. The department shall conduct a risk assessment of sexual offenders who are incarcerated in institutions under the control of the department and sexual offenders who are on supervised probation. The department, in a timely manner, shall provide the attorney general any information, including the offender's level of risk and supporting documentation, concerning individuals required to be registered under this section who are about to be released or placed into the community.
 - b. The attorney general shall conduct a risk assessment of sexual offenders who are not under the custody or supervision of the department. The attorney general may adopt a law enforcement agency's previous assignment of risk level for an individual if the assessment was conducted in a manner substantially similar to the guidelines developed under this subsection.
 - c. The juvenile courts or the agency having legal custody of a juvenile shall conduct a risk assessment of juvenile sexual offenders who are required to register under this section. The juvenile courts or the agency having legal custody of a juvenile shall provide the attorney general any information, including the offender's level of risk and supporting documentation, concerning juveniles required to register and who are about to be released or placed into the community.
 - d. The attorney general shall notify the offender of the risk level assigned to that offender. An offender may request a review of that determination with the attorney general's sexual offender risk assessment committee and may present any information that the offender believes may lower the assigned risk level.
13. An individual assessed as a high-risk sexual offender in accordance with subsection 12, may not reside within five hundred feet [152.4 meters] of a public or nonpublic preschool or elementary, middle, or high school.
14. Relevant and necessary conviction and registration information must be disclosed to the public by a law enforcement agency if the individual is a moderate or high risk and the agency determines that disclosure of the conviction and registration information is necessary for public protection. The attorney general shall develop guidelines for public disclosure of offender registration information. Public disclosure may include internet access if the offender:

- a. Is required to register for a lifetime under subsection 8;
- b. Has been determined to be a high risk to the public by the department, the attorney general, or the courts, according to guidelines developed by those agencies; or
- c. Has been determined to be a high risk to the public by an agency of another state or the federal government.

If the offender has been determined to be a moderate risk, public disclosure must include, at a minimum, notification of the offense to the victim registered under chapter 12.1-34 and to any agency, civic organization, or group of persons who have characteristics similar to those of a victim of the offender. Upon request, law enforcement agencies may release conviction and registration information regarding low-risk, moderate-risk, or high-risk offenders.

15. A state officer, law enforcement agency, or public school district or governing body of a nonpublic school or any appointee, officer, or employee of those entities is not subject to civil or criminal liability for making risk determinations, allowing a sexual offender to attend a school function under section 12.1-20-25, or for disclosing or for failing to disclose information as permitted by this section.
16. If a juvenile is adjudicated delinquent and required or ordered to register as a sexual offender or as an offender against a child under this section, the juvenile shall comply with the registration requirements in this section. Notwithstanding any other provision of law, a law enforcement agency shall register a juvenile offender in the same manner as adult offenders and may release any relevant and necessary information on file to other law enforcement agencies, the department of health and human services, or the public if disclosure is necessary to protect public health or safety. The law enforcement agency shall release any relevant and necessary information on file to the superintendent or principal of the school the juvenile attends. The school administration shall notify others in similar positions if the juvenile transfers to another learning institution in or outside the state.
17. If an individual has been required to register as a sexual offender or an offender against a child under section 12.1-32-15 or former section 27-20-52.1 before August 1, 1999, the individual may petition the court to be removed from the offender list if registration is no longer mandatory for that individual. In considering the petition, the court shall comply with the requirements of this section.
18. A sexual offender who is currently assigned a moderate or high-risk level by the attorney general may not use a state park of this state as a residence or residential address to comply with the registration requirements of this section. Before arriving at a state park for overnight lodging or camping, a sexual offender who is assigned a moderate or high-risk level by the attorney general shall notify a parks and recreation department law enforcement officer at the state park where the sexual offender will be staying.
19. When an individual who is required to register pursuant to this section plans to travel outside of the United States, at least twenty-one days before the intended travel, the individual shall inform the agency with which the individual

last registered the individual's residence address the details of the intended travel. Upon receipt of the information from the registering law enforcement agency, the attorney general shall report the travel to the United States marshal service.

¹²⁸ **SECTION 9. AMENDMENT.** Section 15.1-09-33.4 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09-33.4. Student misconduct - Prohibition against participation in extracurricular activities.

1. The board of a school district ~~shall~~may prohibit a student from participating in any extracurricular activity if:
 - a. The student has pled guilty to or been convicted of a criminal offense and sentenced under section 12.1-32-02.1 or pled guilty or been convicted of an offense specified in subsection 1 of section 12.1-32-09.1;
 - b. The student has:
 - (1) An order prohibiting contact issued against the student at the request of another student or employee of the school under section 12.1-31.2-02;
 - (2) A disorderly conduct restraining order issued against the student at the request of another student or employee of the school under section 12.1-31.2-01, except a temporary restraining order under subsection 4 of section 12.1-31.2-01; ~~or~~
 - (3) A protection order issued against the student at the request of another student or employee of the school, except a temporary protection order under section 14-07.1-03; or
 - (4) Any other order issued against the student prohibiting contact with a student or employee of the school which is signed by a district judge or a judicial referee within a delinquency or criminal case;
 - c. The principal of the school receives information pertaining to an offense or order included under this section as provided in section 27-20.2-21; or
 - d. The victim of the offense or the subject of the order notifies the principal of the offense or order.
2. For purposes of this section, a representative of the juvenile court system may notify the principal of a school regarding the existence of files or records of the juvenile court pertaining to a student of the school which are open to inspection by the principal under section 27-20.2-21.

¹²⁹ **SECTION 10. AMENDMENT.** Subsection 6 of section 27-20.2-01 of the North Dakota Century Code is amended and reenacted as follows:

¹²⁸ Section 15.1-09-33.4 was also amended by section 12 of House Bill No. 1489, chapter 145.

¹²⁹ Section 27-20.2-01 was also amended by section 5 of House Bill No. 1030, chapter 301.

6. "Child in need of services" means a child who in any of the foregoing instances is in need of treatment or rehabilitation:
- Is habitually and without justification truant from school subject to compulsory school attendance and is absent from school without an authorized excuse more than three days during a school year;
 - Is habitually disobedient of the reasonable and lawful commands of the child's parent, guardian, or other custodian, including running away, and is ungovernable or who is willfully in a situation dangerous or injurious to the health, safety, or morals of the child or others;
 - Has committed an offense applicable only to a child, except for an offense committed by a minor fourteen years of age or older under subsection 2 of section 12.1-31-03 or an equivalent local ordinance or resolution; or
 - Is under the age of fourteen years and has purchased, possessed, smoked, or used tobacco, a tobacco-related product, an electronic smoking device, or an alternative nicotine product ~~in violation of subsection 2 of section 12.1-31-03~~. As used in this subdivision, "electronic smoking device" and "alternative nicotine product" have the same meaning as in section 12.1-31-03; and
 - In any of the foregoing instances is in need of treatment or rehabilitation.

SECTION 11. AMENDMENT. Subsection 3 of section 27-20.2-09 of the North Dakota Century Code is amended and reenacted as follows:

- The giving of information and advice and any conditions imposed for the conduct and control of the child may not extend beyond six months from the day commenced unless extended by the court for an additional period not to exceed six months and does not authorize the detention of the child if not otherwise permitted by this chapter. For a driving-related offense, the conditions may include a restriction on the child's driving privileges as authorized under section ~~27-20.4-1917~~ of this Act.

SECTION 12. A new section to chapter 27-20.4 of the North Dakota Century Code is created and enacted as follows:

Petition.

- A petition alleging delinquency under this chapter must be reviewed by the director, the court, or other person designated by the director and authorized by the court to determine whether the filing of the petition is in the best interest of the public and the child.
- The state's attorney shall prepare, file, and serve a petition alleging delinquent conduct on the parties. The juvenile court shall conduct an inquiry into and provide the last known address of the parents or legal guardian of the child in the referral to the state's attorney.
- A petition alleging delinquent conduct may not include the adult class level of the offense unless the offense level is a necessary element of the delinquent conduct.

SECTION 13. A new section to chapter 27-20.4 of the North Dakota Century Code is created and enacted as follows:

Fitness to proceed - Lack of criminal responsibility.

In a juvenile court proceeding involving the issue of fitness to proceed or criminal responsibility, the court shall determine whether the child:

1. Is fit to proceed in accordance with title 27; and
2. Lacked criminal responsibility for the commission of an offense in accordance with chapter 12.1-04.1.

SECTION 14. AMENDMENT. Subsection 5 of section 27-20.4-11 of the North Dakota Century Code is amended and reenacted as follows:

5. An informal agreement may not extend beyond six months from the day the agreement was agreed upon. An extension may be granted by the court for an additional period not to exceed six months. An extension may not authorize the detention of the child if not otherwise permitted by this chapter. For a driving-related offense, the agreement may include a restriction on the child's driving privileges as allowed under section ~~27-20.4-19~~17 of this Act.

SECTION 15. AMENDMENT. Subsection 1 of section 27-20.4-18 of the North Dakota Century Code is amended and reenacted as follows:

1. A probation order entered by the court must place the child under the supervision of the director, unless the child is over eighteen years of age and the child's risk and needs require supervision by the department of corrections and rehabilitation under subsection ~~43~~ of section ~~27-20.4-15~~27-20.4-17.

SECTION 16. AMENDMENT. Subsection 1 of section 27-20.4-20 of the North Dakota Century Code is amended and reenacted as follows:

1. In addition to a child being ordered to make restitution under section ~~27-20.4-16~~27-20.4-17, a parent of a child adjudged delinquent may be ordered to make restitution on the child's behalf in an amount not exceeding five thousand dollars.

SECTION 17. A new section to chapter 27-20.4 of the North Dakota Century Code is created and enacted as follows:

Collateral consequences - Registration - Firearms - Driving privileges.

1. A child may be ordered to register as a sexual offender under section 12.1-32-15.
2. A child may be prohibited from possessing a firearm in accordance with section 62.1-02-01.
3. If a child is adjudicated delinquent of an offense that would be a class A misdemeanor or a felony if the offense were committed by an adult, the juvenile court may suspend the child's driving privileges for a period of up to six months for the first offense, and up to one year for a second or subsequent offense. The juvenile court may order the successful completion of an appropriate driver's examination as a condition for reinstating the child's driving privileges.

- a. If the juvenile court suspends a child's driving privileges, the court immediately shall take possession of the child's driver's license or permit and send a copy of the court's order to the director of the department of transportation who shall make notation of the child's suspended driving privileges.
 - b. The record of the child's suspension of driving privileges under this section:
 - (1) Must be kept confidential;
 - (2) May not be released except to law enforcement personnel in connection with law enforcement activities; and
 - (3) May not be disclosed to or shared with the licensing officials of any other state or jurisdiction.
 - c. At the end of the six-month or one-year suspension period, the director shall remove and destroy all records of the child's suspension of driving privileges under this section.
4. A child may be prohibited from participating in extracurricular activities in accordance with section 15.1-09-33.4.

SECTION 18. AMENDMENT. Section 62.1-02-01 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-01. Persons who are not to possess firearms - Penalty.

1. a. A person who has been convicted anywhere of a felony offense involving violence or intimidation in violation of chapters 12.1-16 through 12.1-25 or an equivalent felony offense of another state or the federal government is prohibited from owning a firearm or having one in possession from the date of conviction and continuing for ten years after the date of conviction or the date of release from incarceration, parole, or probation, whichever is latest.
- b. A person who has been convicted anywhere of a felony offense of this or another state or the federal government not provided for in subdivision a or who has been convicted of a class A misdemeanor offense involving violence or intimidation in violation of chapters 12.1-16 through 12.1-25 or an equivalent offense of another state or the federal government and the offense was committed while using or possessing a firearm, a dangerous weapon, or, as defined in section 12.1-01-04, a destructive device or an explosive, is prohibited from owning a firearm or having one in possession from the date of conviction and continuing for five years after the date of conviction or the date of release from incarceration, parole, or probation, whichever is latest.
- c. A person who is or has ever been diagnosed and confined or committed to a hospital or other institution in this state or elsewhere by a court of competent jurisdiction, other than a person who has had the petition that provided the basis for the diagnosis, confinement, or commitment dismissed under section 25-03.1-17, 25-03.1-18, or 25-03.1-19, or equivalent statutes of another jurisdiction, as a person requiring treatment as defined in section 25-03.1-02, or as a mentally deficient individual, is

prohibited from purchasing a firearm or having one in possession. This limitation does not apply to a person who has not suffered from the disability for the previous three years or who has successfully petitioned for relief under section 62.1-02-01.2.

- d. A person under the age of eighteen years may not possess a handgun except that such a person, while under the direct supervision of an adult, may possess a handgun for the purposes of firearm safety training, target shooting, or hunting.
- e. A child who has been adjudicated delinquent of a felony offense involving violence or intimidation in violation of chapters 12.1-16 through 12.1-25 or an equivalent felony offense of another state or the federal government is prohibited from owning a firearm or having one in possession from the date of adjudication and continuing for ten years after the date of adjudication.
- f. A child who has been adjudicated of a class A misdemeanor offense involving violence or intimidation in violation of chapters 12.1-16 through 12.1-25 or an equivalent offense of another state or the federal government, and the offense was committed while using or possessing a firearm, a dangerous weapon, a destructive device, or an explosive is prohibited from owning a firearm or having one in possession from the date of adjudication and continuing for five years after the date of adjudication.

A person who violates subdivision a or b is guilty of a class C felony, and a person who violates subdivision c or d is guilty of a class A misdemeanor.

- 2. For the purposes of this section, "conviction" means a determination that the person committed one of the above-mentioned crimes upon a verdict of guilt, a plea of guilty, or a plea of nolo contendere even though:
 - a. The court suspended execution of sentence in accordance with subsection 3 of section 12.1-32-02;
 - b. The court deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02;
 - c. The court placed the person on probation;
 - d. The person's conviction has been reduced in accordance with subsection 9 of section 12.1-32-02 or section 12.1-32-07.1;
 - e. Sentence dispositions, sentence reductions, or offense determinations equivalent to this section were imposed or granted by a court, board, agency, or law of another state or the federal government; or
 - f. The person committed an offense equivalent to an offense described in subdivision ~~a or b~~ e or f of subsection 1 when that person was subject to juvenile adjudication or proceedings and a determination of a court under chapter 27-20.4 or of a court of another state or the federal government was made that the person committed the delinquent act or offense.

3. A felon who is not sentenced under section 12.1-32-09.1 may possess a rifle that has a barrel sixteen inches [40.72 centimeters] or longer or a shotgun that has a barrel eighteen inches [45.72 centimeters] or longer and which is one of the following:
 - a. A firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899.
 - b. A replica of any firearm described in subdivision a, if the replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.
 - c. A muzzleloading rifle or muzzleloading shotgun designed to use black powder or a black powder substitute and which cannot use fixed ammunition.

SECTION 19. REPEAL. Sections 27-20.4-12, 27-20.4-13, and 27-20.4-19 of the North Dakota Century Code are repealed.

SECTION 20. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - CONTRACT SERVICES - GENERAL FUND - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of contracting for juvenile lack of criminal responsibility evaluation services, for the biennium beginning July 1, 2025, and ending June 30, 2027. The funding in this section is considered a one-time funding item.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 303

SENATE BILL NO. 2055

(Judiciary Committee)
(At the request of the Supreme Court)

AN ACT to amend and reenact subsection 1 of section 27-20.2-23 of the North Dakota Century Code, relating to release of juvenile records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 27-20.2-23 of the North Dakota Century Code is amended and reenacted as follows:

1. Unless a charge of delinquency is transferred for criminal prosecution under section ~~27-20.4~~ ~~2027-20.4-21~~, the interest of national security requires, or the court otherwise orders in the interest of the child, the law enforcement and correctional facility records and files of a child alleged or found to be delinquent or in need of services or protection are not open to public inspection; but inspection of these records and files is permitted by:
 - a. A juvenile court having the child before the court in any proceeding;
 - b. Counsel for a party to the proceeding;
 - c. The officers of public institutions or agencies to whom the child is or may be committed;
 - d. Law enforcement officers of other jurisdictions if necessary for the discharge of official duties of the officers;
 - e. A court in which the child is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of correctional facilities to which the child is detained or committed, or by the parole board, the governor, or the pardon advisory board, if one has been appointed, in considering the child's parole or discharge or in exercising supervision over the child;
 - f. The professional staff of the uniform crime victims compensation program if necessary for the discharge of the duties of the professional staff pursuant to chapter 54-23.4; and
 - g. A superintendent, assistant superintendent, principal, or designee of the school in which the child is currently enrolled or of a school in which the child wishes to enroll.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 304

HOUSE BILL NO. 1556

(Representatives Stemen, Beltz, Hagert, O'Brien, Ostlie, Dockter, Nelson)
(Senators Lee, Roers, Davison)

AN ACT to amend and reenact subsection 5 of section 27-20.3-01, and sections 27-20.3-15 and 27-20.3-21 of the North Dakota Century Code, relating to a child in need of protection and termination of parental rights; to create a workgroup under the children's cabinet to study out-of-home placement or treatment of children with behavioral health issues; to provide for a report; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 27-20.3-01 of the North Dakota Century Code is amended and reenacted as follows:

5. "Child in need of protection" means a child who:
 - a. Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals, and the need for services or protection is not due primarily to the lack of financial means of the child's parents, guardian, or other custodian;
 - b. Has been placed for care or adoption in violation of law;
 - c. Has been abandoned by the child's parents, guardian, or other custodian;
 - d. Is without proper parental care, control, or education as required by law, or other care and control necessary for the child's well-being because of the physical, mental, emotional, or other illness or disability of the child's parent or parents, and that such lack of care is not due to a willful act of commission or act of omission by the child's parents, and care is requested by a parent;
 - e. Is in need of treatment and whose parents, guardian, or other custodian have refused to participate in treatment as ordered by the juvenile court;
 - f. Was subject to prenatal exposure to chronic or severe use of alcohol or any controlled substance as defined in chapter 19-03.1 in a manner not lawfully prescribed by a practitioner;
 - g. Is present in an environment subjecting the child to exposure to a controlled substance, chemical substance, or drug paraphernalia as prohibited by section 19-03.1-22.2; ~~or~~
 - h. Is a victim of human trafficking as defined in title 12.1; or
 - i. Is in need of care and treatment and:

- (1) Has been diagnosed with a severe mental health condition or behavioral health disorder by a licensed child psychologist or psychiatrist;
- (2) Has committed an act of a violent or sexual nature against another family member living in the household, which if committed by an adult would be considered a crime under the laws of this state, and if the criteria under section 27-20.4-11 are met, has at minimum been considered for informal adjustment; and
- (3) Whose parent is unable to provide proper control of the child and is in fear for the safety of a family member living in the same household as the child.

SECTION 2. AMENDMENT. Section 27-20.3-15 of the North Dakota Century Code is amended and reenacted as follows:

27-20.3-15. Disposition of a child in need of protection.

1. If a child is found to be a child in need of protection, the court may make any of the following orders of disposition best suited to the protection of the child or family and the physical, mental, and moral welfare of the child:
 - a. Permit the child to reside with the child's parents, guardian, or other custodian, subject to conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child.
 - b. Subject to conditions and limitations as the court prescribes, transfer temporary legal custody to any of the following:
 - (1) An agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child.
 - (2) The director of the human service zone to receive and provide care for the child.
 - c. Require the child or parents, guardian, or other custodian to participate in treatment.
 - d. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian under section 27-20.1-11.
 - e. In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, establish, by order, some other planned permanent living arrangement.
2. Without a compelling reason to the contrary, a court order that transfers the child from the current protective placement to a parent or other biological family must provide a reasonable period of time to facilitate a beneficial transition for the child and other parties involved.
3. A child in need of protection may not be placed in a residential facility that houses delinquent children.

SECTION 3. AMENDMENT. Section 27-20.3-21 of the North Dakota Century Code is amended and reenacted as follows:

27-20.3-21. Petition for termination of parental rights.

1. As used in this section:

- a. "A finding that the child has been subjected to child abuse or neglect" means:
 - (1) A finding of a child in need of protection made under this chapter, except as provided in subdivision i of subsection 5 of section 27-20.3-01; or
 - (2) A conviction of a person, responsible for a child's welfare, for conduct involving the child, under chapter 12.1-16 or sections 12.1-17-01 through 12.1-17-04 or 12.1-20-01 through 12.1-20-08.
- b. "Compelling reason" means a recorded statement that reflects consideration of:
 - (1) The child's age;
 - (2) The portion of the child's life spent living in the household of a parent of the child;
 - (3) The availability of an adoptive home suitable to the child's needs;
 - (4) Whether the child has special needs; and
 - (5) The expressed wishes of a child age ten or older.
- c. "Department" means the department of health and human services.
- d. "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the department.

2. A petition for termination of parental rights must be prepared, filed, and served upon the parties by the state's attorney. A petition may also be prepared by any other person that is not the court, including a law enforcement officer, who has knowledge of the facts alleged or is informed and believes that they are true. A petition prepared by any person other than a state's attorney may not be filed unless the director or the court has determined the filing of the petition is in the best interest of the public and the child.

3. Except as provided in subsection 4, a petition for termination of parental rights must be filed:

- a. If the child has been in foster care, in the custody of the department, human service zone, or, in cases arising out of an adjudication by the court of a child in a delinquency case, the division of juvenile services, for at least four hundred fifty out of the previous six hundred sixty nights;
- b. Within sixty days after the court has found the child to be an abandoned infant; or

- c. Within sixty days after the court has convicted the child's parent of one of the following crimes, or of an offense under the laws of another jurisdiction which requires proof of substantially similar elements:
 - (1) A violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03, or subsection 1 of section 14-09-22 in which the victim is another child of the parent;
 - (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the parent; or
 - (3) A violation of section 12.1-17-02 in which the victim is a child of the parent and has suffered serious bodily injury.
- 4. A petition for termination of parental rights need not be filed if:
 - a. The child is being cared for by a relative approved by the human service zone;
 - b. The human service zone has documented in the case plan a compelling reason for determining that filing such a petition would not be in the child's best interests and has notified the court that the documentation is available for review by the court; or
 - c. The human service zone has determined:
 - (1) Reasonable efforts to preserve and reunify the family are required under section 27-20.3-26 to be made with respect to the child;
 - (2) The case plan provides such services are necessary for the safe return of the child to the child's home; and
 - (3) Such services have not been provided consistent with time periods described in the case plan.
- 5. For purposes of subsection 3, a child in foster care entered foster care on the earlier of:
 - a. The date of the court's order if the court:
 - (1) Made a finding that the child has been subjected to child abuse or neglect or the child is in need of protection under subdivision i of subsection 5 of section 27-20.3-01;
 - (2) Determined that it is unsafe or contrary to the welfare of the child to remain in the home; and
 - (3) Granted custody of the child to the human service zone or, in cases arising out of an adjudication by the court that a child is in need of services, the division of juvenile services; or
 - b. The date that is sixty days after:
 - (1) The date of a hearing under section 27-20.3-10 which results in maintaining a child in shelter care;

- (2) The date of an order in a dispositional hearing under which a child is placed in foster care; or
 - (3) The date a child is placed in foster care voluntarily and with the consent of the child's parent.
6. For purposes of subsection 3, a child leaves foster care at the time:
- a. The court enters an order:
 - (1) Denying a petition to grant care, custody, and control of the child to the human service zone or the division of juvenile services;
 - (2) Terminating an order that granted custody of the child to the human service zone or the division of juvenile services; or
 - (3) Appointing a legal guardian under chapter 27-20.1;
 - b. The court order under which the child entered foster care ends by operation of law;
 - c. The child is placed in a parental home by the court or a legal custodian other than the division of juvenile services and the legal custodian lacks authority to remove the child without further order of the court; or
 - d. The child is placed in a parental home by the division of juvenile services.
7. For purposes of subsection 3, a child is not in foster care on any night during which the child is:
- a. On a trial home visit;
 - b. Receiving services at the youth correctional center pursuant to an adjudication of delinquency; or
 - c. Absent without leave from the place in which the child was receiving foster care.

SECTION 4. CHILDREN'S CABINET - WORKGROUP - OUT-OF-HOME PLACEMENT OR TREATMENT OF CHILDREN WITH BEHAVIORAL HEALTH ISSUES - REPORT.

- 1. During the 2025-26 interim, the children's cabinet shall establish a workgroup to study the out-of-home placement or treatment of children with serious behavioral health issues. The study must include consideration of children who also are involved in juvenile court proceedings due to criminal activity.
- 2. The workgroup shall develop and implement a system of care for children with serious behavioral health issues, who may be involved in juvenile court proceedings due to criminal activity, and who are in need of out-of-home placement or treatment.
- 3. The workgroup must be led by a consultant with expertise in navigating and managing the intersecting systems involved in the out-of-home placement and treatment processes for children with serious behavioral health issues and children involved in juvenile court proceedings due to criminal activity.

4. The workgroup shall provide bimonthly reports to the children's cabinet on the assessment of needs, resources, challenges, options, and solutions.

SECTION 5. EXPIRATION DATE. Sections 1, 2, and 3 of this Act are effective through July 31, 2027, and after that date are ineffective.

SECTION 6. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 305

HOUSE BILL NO. 1328

(Representatives Heinert, Hauck, Jonas, Meier, Wagner)
(Senators Larson, Schaible)

AN ACT to amend and reenact section 27-20.4-05.1 of the North Dakota Century Code, relating to delinquency referrals to juvenile court.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 27-20.4-05.1 of the North Dakota Century Code is amended and reenacted as follows:

27-20.4-05.1. Method of making a delinquency referral to juvenile court.

1. A referral alleging a child has committed a delinquent act may be made to the juvenile court by an employee of a public or nonpublic school attended by the child or a law enforcement officer who has reasonable grounds and knowledge of the facts alleged and believes such facts are true.
2. If a child is taken into custody on the alleged delinquent act, the law enforcement officer shall send the referral to the juvenile court within twenty-four hours after the time in which the minor is taken into custody under section 27-20.4-05.
3. A child who commits an infraction or misdemeanor offense on school property may not be referred to the juvenile court unless school interventions have been unsuccessful and documentation of internal or external consultations is included with the referral indicating which interventions or educational approaches were attempted. A school shall exhaust all school discipline policies before referring a child to juvenile court.
 - a. A school is not required to engage in interventions before referring a case for the following misdemeanor offenses:
 - (1) Drug-related offenses under title 19;
 - (2) Offenses against a person under chapter 12.1-17, 12.1-31.2, or 14-07.1;
 - (3) Sex offenses under chapters 12.1-20, 12.1-27.1, 12.1-27.2, and 12.1-29; and
 - (4) Any offense involving a firearm, weapon, or dangerous weapon as defined in section 62.1-01-01.
 - b. A law enforcement officer may:
 - (1) Investigate possible delinquent offenses and conduct occurring at a school, including conducting probable cause searches;

- (2) Consult with school staff about the conduct of a child enrolled in a school;
- (3) Refer a child to the juvenile court for a delinquent offense occurring on school grounds or on school property as allowed by this section;
- (4) Transport a child enrolled in a school to a location permitted by law;
- (5) Take temporary custody of a child in accordance with section 27-20.4-05 or protective custody of a child in accordance with section 27-20.3-06; and
- (6) Protect the safety of students and the school community.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 306

SENATE BILL NO. 2036

(Legislative Management)
(Juvenile Justice Committee)

AN ACT to create and enact chapter 27-20.5 of the North Dakota Century Code, relating to fitness to proceed and remediation of juveniles; to amend and reenact section 12.1-04-01, subsections 4 and 5 of section 12.1-04-08, and section 27-20.4-15 of the North Dakota Century Code, relating to the age of an offender, suspension or dismissal of proceedings, and predispositional assessment; to provide an appropriation; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-04-01 of the North Dakota Century Code is amended and reenacted as follows:

12.1-04-01. Juveniles.

1. ~~An individual under the age of ten years is deemed incapable of commission of an offense defined by the constitution or statutes of this state. The prosecution of an individual as an adult is barred if the offense was committed while the individual was less than fourteen years of age.~~

2. ~~An individual ten years of age or older may be assessed for mental fitness or capacity under this chapter.~~

¹³⁰ **SECTION 2. AMENDMENT.** Subsection 4 of section 12.1-04-08 of the North Dakota Century Code is amended and reenacted as follows:

4. If the court determines the defendant currently lacks fitness to proceed and the defendant may attain fitness to proceed under subsection 4~~2~~, the court may enter an order for a course of treatment considering the least restrictive form of treatment therapeutically appropriate.
 - a. Unless excused by the court, in a proceeding to determine therapy in an attempt to attain fitness, the defendant shall be represented by trial counsel.
 - b. If the court finds the individual is not able to retain the services of a tier 1a mental health professional and that those services are not otherwise available, the court shall authorize reasonable expenditures from public funds to examine the individual.
 - c. In a motion hearing to resume prosecution, the state or prosecuting authority must show by a preponderance of the evidence the defendant has attained fitness to proceed.

¹³⁰ Section 12.1-04-08 was also amended by section 3 of Senate Bill No. 2036, chapter 306.

¹³¹ **SECTION 3. AMENDMENT.** Subsection 5 of section 12.1-04-08 of the North Dakota Century Code is amended and reenacted as follows:

5. If the court orders the defendant committed to a treatment facility in an attempt to attain fitness to proceed under subsection 42, the court shall provide the special custody and commitment terms in the order. The special terms of commitment must include an order for the defendant to accept all nonexperimental, generally accepted medical, psychiatric, or psychological treatment recommended by the treatment facility, including the use of involuntary treatment with prescribed medication without the need for a separate commitment under chapter 25-03.1.
 - a. If the order does not indicate the terms of commitment, the director or superintendent of the treatment facility may determine the nature of the constraints necessary within the treatment facility to carry out the order of the court.
 - b. If the court orders an individual committed for therapeutic treatment to attain fitness to proceed, the court shall set a date consistent with the timeline established in this section for a review of the defendant's fitness to proceed. At least sixty days before the date specified for review, the director or director's designee or the superintendent of the treatment facility shall inquire as to whether the individual is represented by counsel and file a written report of the facts ascertained with the court.

SECTION 4. AMENDMENT. Section 27-20.4-15 of the North Dakota Century Code is amended and reenacted as follows:

27-20.4-15. Predispositional assessment.

1. Before the disposition hearing, the court shall direct the director or designee, to conduct a predisposition assessment and to prepare a written report for the court, unless waived by the court.
2. The predisposition assessment must consist of a risk and needs assessment together with any other appropriate screenings.
3. During the pendency of any proceeding the court may order:
 - a. The child to be examined at a suitable place by a physician, psychologist, or certified addiction counselor;
 - b. The child to be tested by appropriate forensic methods to determine whether the child has been exposed to a controlled substance or other substance considered injurious to the child's health;
 - c. Medical or surgical treatment of a child who is suffering from a serious physical condition or illness, or alcohol or drug abuse, which in the opinion of a licensed physician requires prompt treatment, even if the parent, guardian, or other custodian has not been given notice of a hearing, is not available, or without good cause informs the court of that person's refusal to consent to the treatment; or

¹³¹ Section 12.1-04-08 was also amended by section 2 of Senate Bill No. 2036, chapter 306.

- d. An evidence-based risk and needs assessment, mental health screening, or trauma screening; ~~or~~
- e. ~~The child to be examined to determine the child's competence or criminal responsibility. If the child is found to lack competency or criminal responsibility the court may:~~
 - (1) ~~Dismiss the delinquency proceedings against the child and order the release of the child to the child's parent, guardian, or legal custodian upon conditions considered appropriate by the court;~~
 - (2) ~~Suspend the delinquency proceedings against the child for a period of up to one year and order services be provided to the child as an outpatient or inpatient, by commitment to an institution for persons with intellectual disabilities or mental illness; or~~
 - (3) ~~Dismiss the delinquency proceedings and direct that child in need of protection proceedings be initiated.~~

SECTION 5. Chapter 27-20.5 of the North Dakota Century Code is created and enacted as follows:

27-20.5-01. Definitions.

- 1. "Fitness to proceed" means sufficient present ability to consult with counsel and assist in preparing the minor's defense with a reasonable degree of rational understanding or a rational and factual understanding of the nature of the offense and delinquency proceedings against the minor. A lack of fitness to proceed may result from the presence of any condition, including mental illness, mental disorder, developmental disability, or developmental immaturity.
- 2. "Minor" means an individual who is:
 - a. Under the age of eighteen years and is not married; or
 - b. Eighteen years of age or older with respect to a delinquent act committed while under the age of eighteen years, and not married, unless an offense is transferred under section 27-20.4-21.
- 3. "Remediation" means the process of providing learning opportunities, services, and support to achieve fitness to proceed.
- 4. "Remediation provider" means an individual providing remediation services for minors.
- 5. "Tier 1a mental health professional" is a psychiatrist licensed under chapter 43-17 or a psychologist licensed under chapter 43-32.

27-20.5-02. Age.

- 1. An individual under the age of ten years is deemed incapable of commission of an offense defined by the constitution or statutes of this state.
- 2. An individual ten years of age or older may be assessed for mental fitness or capacity under this chapter.

27-20.5-03. Motion for fitness to proceed examination.

1. If there is reason to doubt the minor's fitness to proceed, the court may order on its own motion, or at the request of the minor, the minor's parent, legal guardian, legal custodian, or attorney, or the prosecuting attorney, a fitness to proceed examination to determine whether the minor is fit to proceed if the minor is the subject of a delinquency petition in the court. The minor's fitness to proceed may be raised by the court before which the proceedings are pending or being held, or by motion of a party, at any time during the proceeding.
2. If there is reason to doubt the minor's fitness to proceed, adjudication may not occur until after a determination is made on the fitness of the minor to proceed in accordance with this chapter.

27-20.5-04. Use of previous findings and records - Deflection.

A minor who is found to lack fitness to proceed due to previous judicial findings of lack of fitness to proceed or considerations from school, medical, or other records within the last twelve months may have the delinquency proceedings dismissed before a fitness to proceed examination or remediation services are administered.

27-20.5-05. Due process.

1. If there is reason to doubt the minor's fitness to proceed, adjudication may not occur until after a determination is made except the filing of a delinquency petition, until counsel is appointed and notified in accordance with section 27-20.2-12 and the minor is found to have the mental capacity to proceed.
2. After the case proceeds to adjudication or the minor is found to lack fitness to proceed, the court shall order all of the reports that are submitted under this chapter to be closed to the public. The court may order the reports be opened for inspection only:
 - a. For further fitness to proceed or criminal responsibility examination;
 - b. For statistical analysis;
 - c. If the records are considered to be necessary to assist in mental health treatment ordered;
 - d. For data gathering;
 - e. For scientific study or other legitimate research;
 - f. To the state's attorney or minor's counsel for the purpose of an active court case subject to the prior evaluation; and
 - g. To an employee or agent of the division of juvenile services or the department of health and human services, if necessary in the performance of the employee's or agent's duty.
3. If the court orders a report to be open for the purpose of de-identified statistical analysis, data gathering, or scientific study, the report must remain confidential.

4. Any incriminating statement made by a minor to the tier 1a mental health professional as part of a fitness to proceed examination may not be used against the minor over objection in any proceeding.

27-20.5-06. Fitness to proceed examination.

1. If there is reason to doubt the minor's fitness to proceed, the court shall order the minor to be examined by a tier 1a mental health professional.
2. This section does not prohibit any party from retaining the party's own qualified tier 1a mental health professional to conduct additional evaluations at the party's own expense.
3. The fitness to proceed examination must be conducted in the least restrictive environment and may not be conducted in a treatment facility as defined in section 25-03.1-02.
4. The court shall order the prosecuting attorney, minor's attorney, and juvenile court staff to submit any information considered relevant to the fitness to proceed examination to the tier 1a mental health professional, including:
 - a. The names and addresses of all attorneys involved;
 - b. Information about the alleged offense; and
 - c. Any information about the minor's background which is in the prosecuting attorney's possession.
5. Except as prohibited by federal law, the court shall require the attorneys and juvenile court staff to provide any available records regarding the minor and any other information relevant to the examination to the tier 1a mental health professional, including:
 - a. Psychiatric records;
 - b. School records;
 - c. Medical records; and
 - d. Child protective services records.
6. The requirement to provide records or information under subsections 4 and 5 does not limit, waive, or abrogate the work product doctrine or the attorney-client privilege, and release of records and information under subsections 4 and 5 is subject to the work product doctrine and the attorney-client privilege.
7. The fitness to proceed examination must occur within twenty days from receipt of materials identified in subsections 4 and 5 and notice of entry of the order served on the tier 1a mental health professional.
 - a. The court may grant up to an additional fifteen days to complete the examination if good cause is shown.
 - b. The materials required in subsections 4 and 5 must be disclosed contemporaneously with the order.

- c. The tier 1a mental health professional shall notify the court and request any missing or additional information within seventy-two hours upon discovery of the missing information or receiving this information, and the attorneys and juvenile court staff have seven days to send the information to the tier 1a mental health professional.
8. A tier 1a mental health professional who conducts a fitness to proceed examination shall submit a written report to the court no later than fifteen days from completing the fitness to proceed examination. The report must include:
- a. A description of the nature, content, and extent of the examination, including:
 - (1) A description of the assessment procedure, technique, and test used;
 - (2) Medical, educational, and court records reviewed; and
 - (3) Social, clinical, developmental, and available legal history.
 - b. A clinical assessment that includes:
 - (1) A mental status examination;
 - (2) The diagnosis and functional impact of mental illness, developmental disability, or cognitive impairment. If the minor is taking medication, the impact of the medication on the minor's mental state and behavior;
 - (3) An assessment of the minor's intelligence and maturity level, when relevant;
 - (4) The minor's age, developmental state, and decisionmaking abilities; and
 - (5) Whether the minor has any other factor that affects fitness to proceed.
 - c. A description of abilities and deficits in the following mental competency functions related to the minor's fitness to proceed:
 - (1) The ability to factually and rationally understand and appreciate the nature and object of the proceedings, including the ability to:
 - (a) Understand the role of the participants in the court process, including the roles of the judge, the minor's attorney, the prosecuting attorney, the probation officer, witnesses, and the jury, and to understand the adversarial nature of the process;
 - (b) Appreciate the offense and understand the seriousness of the offense;
 - (c) Understand and realistically appraise the likely outcomes; and
 - (d) Extend thinking into the future.
 - (2) The ability to render meaningful assistance to the minor's attorney in the preparation of the case, including:

- (a) The ability to disclose to an attorney a reasonably coherent description of facts and events pertaining to the charge, as perceived by the minor;
 - (b) The ability to consider the impact of the minor's action on others;
 - (c) Verbal articulation abilities or the ability to express himself or herself in a reasonable and coherent manner;
 - (d) Logical decisionmaking abilities, including multifactorial problem solving or the ability to take several factors into consideration in making a decision;
 - (e) The ability to reason about available options by weighing the consequences, including distinguishing between a not guilty and guilty plea, weighing pleas, dispositions, waivers, and strategies; and
 - (f) The ability to display appropriate courtroom behavior and testify relevantly.
- 9. The tier 1a mental health professional shall provide the court with a written report about the minor's fitness to proceed. If the tier 1a mental health professional determines the minor lacks fitness to proceed, the tier 1a mental health professional shall comment on the nature of any psychiatric or psychological disorder or cognitive impairment, the prognosis, and the available services needed to remediate the minor to fitness, if possible, within a projected time frame.
- 10. The court shall provide copies of the written report to the minor's attorney, the prosecuting attorney, the parents' attorney and any guardian ad litem for the minor as soon as possible.

27-20.5-07. Fitness to proceed hearing.

- 1. The court shall hold a hearing to determine if the minor is fit to proceed no later than ten days after the report is filed under section 27-20.5-06. At the hearing, the prosecution and defense have the right to summon and cross-examine any individual responsible for the report and introduce other evidence regarding the minor's mental condition or may submit the matter by written stipulation based on the filed report.
- 2. If the court finds the minor lacks fitness to proceed and that there is a substantial likelihood the minor will not attain fitness during the period of the remediation order, the court shall proceed to disposition under section 27-20.5-09.
- 3. The tier 1a mental health professional may appear via reliable electronic means unless objected to by the parties.
- 4. If the court finds the minor is fit to proceed, the delinquency proceedings must proceed.

27-20.5-08. Remediation.

1. If the minor lacks fitness to proceed but the court finds the minor may be remediated to fitness to proceed within the period of the remediation order:
 - a. The matter must be dismissed if the offense is an infraction or a class B misdemeanor, except a class B misdemeanor under chapter 12.1-17; or
 - b. The court may dismiss the matter or suspend the proceedings against the minor if the offense is a felony, class A misdemeanor, or class B misdemeanor under chapter 12.1-17.
2. If the proceedings are suspended because the minor lacks fitness to proceed but the court finds the minor may be remediated to fitness within the period of the remediation order, then:
 - a. Before issuing a remediation order, the court shall hold a hearing to determine the least restrictive available environment for completion of the remediation. The least restrictive available environment may not be at the state hospital or the life skills and transition center.
 - b. The court may issue a remediation order that is valid for sixty days from the date of the court order finding the child incompetent or until one of the following occurs, whichever occurs first:
 - (1) The minor has regained fitness or there is no substantial likelihood the minor will regain fitness within the period of the order; or
 - (2) The delinquency proceedings are dismissed.
 - c. Following issuance of the remediation order, the remediation provider shall submit a report to the court regarding the progress a minor made in remediation services. The report must be submitted to the court no later than fourteen days before the expiration of the sixty-day order or sooner if:
 - (1) The remediation provider determines the minor no longer lacks fitness to proceed; or
 - (2) The remediation provider determines there is no substantial probability the minor will be fit to proceed within the period of the order.
3. No later than fourteen days before the expiration of the initial sixty-day order, the remediation provider may recommend to the court that the remediation order be renewed by the court for another sixty days, if there is a substantial probability the minor will be fit to proceed within the period of that renewed remediation order. The remediation provider shall include a report of progress a minor made in remediation services which demonstrates the minor is likely to be found fit to proceed if a renewal is ordered. The remediation order and any renewed remediation order may not exceed a total of one hundred twenty days.

27-20.5-09. Disposition.

1. Except as otherwise provided in this section, upon receipt of a report by the tier 1a mental health professional that the minor lacks fitness to proceed and there is a substantial likelihood the minor is unable to be remediated within the period of the remediation order, the court may:

- a. Dismiss the delinquency proceedings and release the minor to the minor's parent, legal guardian, or legal custodian; or
 - b. Retain jurisdiction and release the minor to the minor's parent, legal guardian, or legal custodian subject to mental health treatment or services under subsection 2.
2. The court may in its discretion order mental health services or other available services from a mental health provider be provided to the minor by a community mental health services program, the department of health and human services, or another appropriate mental health services provider, subject to the availability of inpatient or outpatient care, for a period not to exceed sixty days.
 - a. The court retains jurisdiction over the minor throughout the duration of the order and the juvenile court officer may assist with referrals, the assessment process, and reporting to the court.
 - b. The entity providing services under this subsection shall determine necessary mental health treatment or services.
3. No later than fourteen days before the expiration of the order for mental health treatment or services under this subsection or subsection 2, a report by the juvenile court officer must be provided to the court regarding the minor. The court shall review the report and:
 - a. Renew the order for another period of mental health treatment or services not to exceed sixty days. The order for mental health treatment or services and any renewed order may not exceed a total of one hundred twenty days; or
 - b. Determine custody of the minor and dismiss the delinquency proceedings against the minor.
4. If release to the minor's parent, legal guardian, or legal custodian is determined inappropriate under subsection 1, the court may dismiss the delinquency proceeding and direct proceedings under chapter 27-20.3.

SECTION 6. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - JUVENILE FITNESS TO PROCEED MENTAL HEALTH SERVICES.

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 department of health and human services for the purpose of defraying the costs associated with implementing and administering section 5 of this Act, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 7. EFFECTIVE DATE. Sections 4 and 5 of this Act become effective on January 2, 2027.

Approved April 17, 2025

Filed April 17, 2025

CHAPTER 307

HOUSE BILL NO. 1034

(Legislative Management)
(Juvenile Justice Committee)

AN ACT to create and enact a new chapter to title 27 of the North Dakota Century Code, relating to the re-establishment of parental rights and responsibilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Definitions.

As used in this chapter:

1. "Child" means an individual under the age of eighteen.
2. "Custodian" means a person, other than a genetic parent or legal guardian, which stands in loco parentis to the child and to which legal custody of the child has been given by the court.
3. "Department" means the department of health and human services.
4. "Division of juvenile services" means the division within the department of corrections and rehabilitation established in chapter 27-21.
5. "Genetic parent" means the biological mother or adjudicated mother of the child, or the presumed father or adjudicated father of the child under chapter 14-20.
6. "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the department.
7. "Parental rights and responsibilities" means all rights and responsibilities a genetic parent has concerning the parent's child.
8. "Re-establishment of the legal parent and child relationship" means the physical reunification of a child under the custody of the human service zone or division of juvenile services, and a previously terminated genetic parent, and restoration of all rights, powers, privileges, immunities, duties, and obligations that were severed and terminated by the court under section 27-20.3-20.

Jurisdiction.

The juvenile court has exclusive original jurisdiction over all proceedings for re-establishment of the legal parent and child relationship which are governed by this chapter.

Venue - Inconvenient forum.

1. Except as otherwise provided in this section, a proceeding under this chapter must be commenced in the county in which the child resides.
2. A proceeding for re-establishment of parental rights and responsibilities must be brought in the court in the county in which the child subject of the petition resides or in which the agency having the care, custody, or control of the child is located, at the time of filing or granting the petition.
3. If the court finds in the interest of substantial justice the matter should be heard in another forum, the court may transfer, stay, or dismiss the proceeding in whole or in part on any condition that is just.

Petition - Who may prepare and file.

A petition for re-establishment of the legal parent and child relationship may be filed by any interested party from the original termination of parental rights proceeding if:

1. The state's attorney receives a copy of the petition and the responsible custodian and the state's attorney agree re-establishment of the legal parent and child relationship is in the child's best interests;
2. The genetic parent is willing and has the capability to provide day-to-day care and maintain the health, safety, and welfare of the child;
3. At least twelve months have elapsed following a final order terminating parental rights and the child remains in foster care;
4. There is no pending litigation or appeal pertaining to the original termination of parental rights proceeding;
5. The child has not been adopted; and
6. The child is not the subject of a written adoption placement agreement between the responsible custodian and the prospective adoptive parent.

Contents of petition.

A petitioner for re-establishment of the legal parent and child relationship shall sign the petition under oath and the petition must include:

1. The full name, date of birth, address, and all other legal names and aliases by which the genetic parents have been known at any time;
2. The full name and date of birth of each child for whom reunification is sought;
3. The petitioner's relationship to each child for whom reunification is sought;
4. To which genetic parent or parents the rights are sought to be re-established;
5. The reasons for seeking reunification and why reunification is in the child's best interest;

6. The details of the termination of parental rights for which reunification is sought, including the date and jurisdiction of the order, and the court file number and date of any previous order terminating parental rights;
7. The details of any other active juvenile court case in which the genetic parent is a named party, including the case's court file number;
8. The steps the genetic parent has taken toward personal rehabilitation since the order terminating parental rights, including treatment, work, or other personal history demonstrating rehabilitation;
9. How the genetic parent whose rights are sought to be re-established has corrected the condition leading to the order terminating parental rights for which reunification is sought;
10. The reason the genetic parent is willing and capable to provide day-to-day care and maintain the health, safety, and welfare of the child; and
11. Any previous request by any party, whether for the present order terminating parental rights or for any other order terminating parental rights, whether granted or not.

Petition may not be brought in certain circumstances.

A petition for the re-establishment of the legal parent and child relationship may not be brought if the genetic parent whose rights are the subject of the petition for re-establishment previously has had parental rights terminated based on a:

1. Finding of sexual abuse; or
2. Conviction for intentional conduct that resulted in the substantial bodily injury or death of a minor.

Right to appointed counsel.

1. A child within the jurisdiction of the court in an action arising under this chapter has the right to be represented by counsel in all proceedings in which a petition has been filed. The court shall appoint counsel to represent the child, regardless of income, unless counsel is retained for the child, in any proceeding in which the child is of sufficient age and competency to assist counsel.
2. A child who is fourteen years of age or older may waive the right to counsel. The waiver must be made on the record and the court shall determine if the waiver is knowing, voluntary, and intelligent. If a child waives counsel for a hearing, the court shall inform the child of the right to revoke the waiver and request counsel at all subsequent hearings.
3. A genetic parent is entitled to counsel upon the filing of an application for counsel and a determination of indigency. If a party appears without counsel, the court shall determine whether the party knows the party may be represented by counsel and the party is entitled to counsel at public expense if indigent. The court may continue the proceeding to enable a party to obtain counsel.

Appointment of guardian ad litem for child - Immunity.

In a proceeding under this chapter, the court shall appoint a guardian ad litem for a child who is a party to the proceeding upon motion of the court or by motion or agreement of the parties. The guardian ad litem shall serve as an advocate of the child's best interests. A guardian ad litem appointed under this section is immune from civil liability for damages for any act or omission arising out of the guardian ad litem's duties and responsibilities, unless the act or omission constitutes gross or willful negligence or gross or willful misconduct.

Prima facie review of petition.

1. Upon filing of a petition for the re-establishment of the legal parent and child relationship, the court shall consider the petition without oral argument or evidentiary hearing and shall deny the petition unless the court finds the petitioner has established a prima facie case justifying that re-establishment of parental rights is in the child's best interest. If a prima facie case is not established, the court shall dismiss the petition.
2. If a prima facie case is established, the court shall set a date for an evidentiary hearing. The clerk of district court or juvenile court shall provide a copy of the petition and summons to any interested party.

Trial home placement.

1. After the petition is filed, the court may order the necessary parties to create a transition plan. The plan must provide for the health and safety of the child and outline the transition services to the genetic parent, as well as the conditions and supervisions required by the human service zone for transitioning the child into the home on a trial basis, with the ultimate goal being full reunification before the hearing on the petition.
2. The human service zone shall monitor the genetic parent during the implementation of the plan and shall identify and assist the genetic parent in using appropriate family preservation strategies and accessing community resources to provide for the health and safety of the child.
3. During the time of transition, the human service zone shall remove the child from the genetic parent's home upon any abuse or neglect allegation. If the child is removed, the human service zone shall notify the court of the removal and the court shall deny the petition as provided for in this chapter.

Hearing.

1. The petitioner has the burden of proof at the hearing.
2. At the hearing, the court may grant the petition ordering the re-establishment of the legal parent and child relationship only if the court finds by clear and convincing evidence that:
 - a. Re-establishment of the legal parent and child relationship is in the child's best interests;
 - b. There is no pending litigation or appeal pertaining to the original termination of parental rights proceeding;

- c. The genetic parent whose rights are sought to be re-established is not named in any other active juvenile court case;
 - d. The child has not been adopted;
 - e. The child is not the subject of a written adoption placement agreement between the responsible social services agency and the prospective adoptive parent;
 - f. At least twelve months have elapsed following a final order terminating parental rights and the child remains in foster care;
 - g. The genetic parent has corrected the condition that led to the order terminating parental rights; and
 - h. The genetic parent is willing and has the capability to provide day-to-day care and maintain the health, safety, and welfare of the child.
3. In determining whether to grant a petition under this chapter, the court shall consider the child's age, maturity, and ability to express a preference and may consider the child's preference regarding the re-establishment as one factor, along with any other relevant factor.

Order re-establishing parental rights - Effect.

1. In granting a petition for re-establishment of the legal parent and child relationship, the court shall enter its finding in a written order providing that from the date of the order of re-establishment of parental rights, the child is the child of the genetic parent whose rights were terminated and must be accorded all the same rights as existed before the order terminating parental rights, including inheritance rights. The order must include that all legal rights, powers, privileges, immunities, duties, and obligations to each other as genetic parent and child are re-established.
2. As of the effective date of a court order providing for the re-establishment of the legal parent and child relationship:
- a. The child is the legal child of the genetic parent;
 - b. The genetic parent whose rights were terminated under a previous order of the court is restored to the status of legal parent of the child and all rights, powers, privileges, immunities, duties, and obligations that were severed and terminated by the court under section 27-20.3-20 are restored;
 - c. The order placing the child under the care, custody, and control of the human service zone or division of juvenile services is terminated; and
 - d. Permanent legal and physical custody of the child is awarded to the genetic parent.
3. An order re-establishing the legal parent and child relationship as to one genetic parent of the child has no effect on:
- a. The legal rights of any other genetic parent whose rights to the child have been terminated by the court; or

- b. The legal sibling relationship between the child and any other children of the genetic parent.

Denial - Subsequent petitions.

If the court denies a petition under this chapter after a hearing, the court may issue a written order barring the filing of a subsequent petition by the genetic parent. The court shall provide the length of time the genetic parent is barred from filing a subsequent petition, make written findings in support of the order, and evaluate the best interests of the child.

Approved March 17, 2025

Filed March 18, 2025

JUDICIAL PROCEDURE, CIVIL

CHAPTER 308

HOUSE BILL NO. 1318

(Representatives Hagert, Lefor, Beltz, Headland, Klemin, Koppelman, Weisz)
(Senators Hogue, Kessel, Thomas, Weber)

AN ACT to create and enact a new section to chapter 28-01.3 of the North Dakota Century Code, relating to pesticide labeling.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 28-01.3 of the North Dakota Century Code is created and enacted as follows:

Pesticide labeling - Duty to warn - Defenses.

Notwithstanding any other provision in this title, any pesticide registered with the agriculture commissioner under chapter 4.1-33 or the United States environmental protection agency under the Federal Insecticide, Fungicide, and Rodenticide Act [61 Stat. 163; 7 U.S.C. 136 et seq.] which displays a label approved by the United States environmental protection agency in registering the pesticide, displays a label consistent with the most recent human health assessment performed under the Federal Insecticide, Fungicide, and Rodenticide Act [61 Stat. 163; 7 U.S.C. 136 et seq.], or displays a label consistent with the United States environmental protection agency carcinogenicity classification for the pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act [61 Stat. 163; 7 U.S.C. 136 et seq.] is sufficient to satisfy any requirement for warning or labeling regarding health or safety under this chapter and any other provision or doctrine of state law concerning the duty to warn or label, or any other common law duty to warn.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 309

HOUSE BILL NO. 1355

(Representatives Steiner, Bahl, McLeod, Pyle, Schauer, Toman, Kasper)
(Senators Cleary, Sickler, Weston)

AN ACT to amend and reenact subdivision b of subsection 1 of section 28-32-10 of the North Dakota Century Code, relating to the required abbreviated notice for administrative rulemaking.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision b of subsection 1 of section 28-32-10 of the North Dakota Century Code is amended and reenacted as follows:

- b. The agency or commission shall request publication of an abbreviated newspaper publication notice at least once in each official county newspaper published in this state. ~~The abbreviated newspaper publication of notice, which must be:~~
 - (1) Be in a display-type format with a minimum width of one column of approximately two inches [5.08 centimeters] and a minimum depth of approximately three inches [7.62 centimeters] and with a headline describing the general topic of the proposed rules. ~~The notice must also include~~
 - (2) Include the telephone number or address to use to obtain a copy of the proposed rules, identification of the emergency status and declared effective date of any emergency rules, the address to use and the deadline to submit written comments, ~~and~~ the location, date, and time of the public hearing on the rules, and a short description of the general subject matter of the proposed rules submission. The notice also may include a quick response code providing access to the full notice or additional information related to the proposed rules at the discretion of the agency or commission.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 310

SENATE BILL NO. 2258

(Senators Beard, Klein, Paulson)
(Representative Koppelman)

AN ACT to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to the enforcement of agency rules.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 28-32 of the North Dakota Century Code is created and enacted as follows:

Agency enforcement of rules - Disclosure of authority.

When enforcing a rule adopted under this chapter, including through an official notice, determination, order, or similar action, an agency shall specifically reference the statute or rule providing the authority upon which the agency's action is based within ten days of receiving a request for the information from the person against which the rule is being enforced.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 311

SENATE BILL NO. 2382

(Senators Sickler, Hogue)
(Representative Lefor)

AN ACT to create and enact a new chapter to title 28 of the North Dakota Century Code, relating to vexatious litigation; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 28 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter:

1. "Litigation" means any civil or disciplinary action or proceeding, small claims action, appeal from an administrative agency, review of a referee order by the district court, or appeal to the supreme court. The term does not include criminal actions.
2. "Vexatious conduct" means conduct that:
 - a. Serves primarily to harass or maliciously injure another party in litigation;
 - b. Is not warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law;
 - c. Is imposed solely for delay;
 - d. Hinders the effective administration of justice;
 - e. Imposes an unacceptable burden on judicial personnel and resources; or
 - f. Impedes the normal and essential functioning of the judicial process.
3. "Vexatious litigant" means a litigant, either self-represented or represented by an attorney, who:
 - a. Has commenced, prosecuted, or maintained at least two litigations involving vexatious conduct, which were finally determined adversely to the litigant in the past seven years;
 - b. After litigation has been finally determined, relitigates or attempts to relitigate:
 - (1) The validity of the determination against the same party as to whom the litigation was finally determined; or

- (2) The cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same party as to whom the litigation was finally determined;
- c. Repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in any other tactics frivolous or intended to cause unnecessary burden, expense, or delay; or
- d. Has previously been declared a vexatious litigant by any state or federal court of record in any action or proceeding.

Burden of proof - Entry of order restricting vexatious litigation.

1. If the court finds by a preponderance of the evidence an individual is a vexatious litigant, the court shall enter a prefiling order restricting the vexatious litigant from filing new litigation or filing documents within existing litigation without prior approval of the court.
2. A prefiling order must:
 - a. Impose all costs of the vexatious litigation against the filing party; and
 - b. Award the opposing party reasonable attorney fees and costs associated with responding to the vexatious litigant, including the cost of seeking the prefiling order.

Roster.

The clerk of court shall provide a copy of any prefiling orders issued under this chapter to the state court administrator and each United States district court in the state. The state court administrator shall maintain a list of vexatious litigants subject to prefiling orders. Prefiling orders in effect under supreme court rule before August 1, 2025, remain in effect.

Rules - Authority.

The supreme court shall adopt rules to implement this chapter.

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

Approved March 28, 2025

Filed March 31, 2025

JUDICIAL PROCEDURE, CRIMINAL

CHAPTER 312

HOUSE BILL NO. 1418

(Representatives Klemin, Karls, Lefor, Louser, Schneider)
(Senators Dwyer, Larson, Sickler)

AN ACT to amend and reenact section 29-06-15 of the North Dakota Century Code, relating to arrests without a warrant for harassing a public safety agency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹³² **SECTION 1. AMENDMENT.** Section 29-06-15 of the North Dakota Century Code is amended and reenacted as follows:

29-06-15. Arrest without warrant - Peace officer - Federal agent.

1. A law enforcement officer, without a warrant, may arrest a person:
 - a. For a public offense, committed or attempted in the officer's presence and for the purpose of this subdivision, a crime must be deemed committed or attempted in the officer's presence when what the officer observes through the officer's senses reasonably indicates to the officer that a crime was in fact committed or attempted in the officer's presence by the person arrested.
 - b. When the person arrested has committed a felony, although not in the officer's presence.
 - c. When a felony in fact has been committed, and the officer has reasonable cause to believe the person arrested to have committed it.
 - d. On a charge, made upon reasonable cause, of the commission of a felony by the party arrested.
 - e. For the public offenses, not classified as felonies and not committed in the officer's presence as provided for under section 29-06-15.1.
 - f. On a charge, made upon reasonable cause, of driving or being in actual physical control of a vehicle ~~while under the influence of alcoholic beverages~~ in violation of section 39-08-01.
 - g. For the offense of violating a protection order under section 14-07.1-06, an order prohibiting contact under section 12.1-31.2-02, or for an assault involving domestic violence under section 14-07.1-11.

¹³² Section 29-06-15 was also amended by section 15 of House Bill No. 1489, chapter 145.

- h. On a charge, made upon reasonable cause, of being under the influence of volatile chemical vapors in violation of section 19-03.1-22.1.
 - i. For the offense of harassing a public safety agency or making a false report to a public safety agency under subsection 4 of section 12.1-17-07.
2. A federal agent, without a warrant, may arrest a person if all of the following circumstances exist:
- a. The officer is on duty.
 - b. One or more of the following situations exist:
 - (1) The person commits an assault or other crime, defined and punishable under chapter 12.1-17, against the officer or against any other person in the presence of the officer.
 - (2) The officer has reasonable cause to believe that a crime, as defined in paragraph 1, has been committed and reasonable cause to believe that the person to be arrested has committed it.
 - (3) The officer has reasonable cause to believe that a felony has been committed and reasonable cause to believe that the person to be arrested has committed it.
 - (4) The officer has received positive information from an authoritative source that a peace officer holds a warrant for the person's arrest.
3. If a law enforcement officer has reasonable cause to believe an individual has violated a lawful order of a court of this state which requires the individual to participate in the twenty-four seven sobriety program authorized in sections 54-12-27 through 54-12-31, the law enforcement officer may immediately take the individual into custody without a warrant. An individual taken into custody under this subsection may not be released on bail or on the individual's personal recognizance unless the individual has made a personal appearance before a magistrate.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 313

HOUSE BILL NO. 1299

(Representative Koppelman)

AN ACT to amend and reenact section 29-06-22 of the North Dakota Century Code, relating to when a private person may break into a building to make an arrest.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 29-06-22 of the North Dakota Century Code is amended and reenacted as follows:

29-06-22. When a private person may break into a building.

A private person, in order to make an arrest when a felony was committed in the arresting person's presence, as authorized in section 29-06-20, if the person is refused admittance after the person has announced the person's purpose and the person reasonably believes an individual inside is at imminent risk of serious bodily injury or death, may break open a door or window of any building in which the person to be arrested is, or is reasonably believed to be.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 314

SENATE BILL NO. 2056

(Judiciary Committee)
(At the request of the Supreme Court)

AN ACT to amend and reenact section 29-06.1-02 of the North Dakota Century Code, relating to tribal arrest warrants.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 29-06.1-02 of the North Dakota Century Code is amended and reenacted as follows:

29-06.1-02. Arrest with or without warrant.

1. A peace officer may arrest a person subject to a tribal arrest warrant if presented with the warrant and may arrest a person without a tribal arrest warrant upon probable cause to believe that the person is the subject of such a warrant. An arrest is authorized under this subsection only if the arrest warrant is issued for commission of a crime punishable as a misdemeanor under the applicable tribal ordinance or resolution.
2. The arrested person may waive the right to appear before a judge and consent to transfer of custody to the applicable tribal authority by executing a written waiver in the presence of a peace officer or correctional officer. Before executing a written waiver, the arrested person must be informed of the name of the tribe that issued the arrest warrant, the right to assistance of counsel, and the right to appear before a district judge before transfer of custody to the applicable tribal authority. If a waiver is executed, the court shall issue an order transferring custody of the arrested person to the applicable tribal authority or, with the consent of the applicable tribal authority, authorize the voluntary return of the arrested person to the applicable tribal authority.
3. If the arrested person does not waive appearance before a judge under subsection 2, the arrested person must be brought without unnecessary delay before the nearest available district judge.
- ~~3-4.~~ The district judge shall issue an order continuing custody upon presentation of the tribal arrest warrant or, if the arrest is made without a warrant, upon testimony or affidavit showing probable cause to believe the person is the subject of such a warrant.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 315

HOUSE BILL NO. 1047

(Judiciary Committee)
(At the request of the Supreme Court)

AN ACT to create and enact a new section to chapter 29-22 of the North Dakota Century Code, relating to juror counseling.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 29-22 of the North Dakota Century Code is created and enacted as follows:

Juror counseling following graphic evidence or testimony.

1. The court shall offer, not more than ten hours of post-trial psychological counseling, without charge, to a juror or alternate juror who served on a trial jury in a trial involving extraordinarily graphic, gruesome, or emotional evidence or testimony.
2. The counseling offered under subsection 1 applies only to a juror or alternate juror who served on a trial jury for a trial involving the following offenses:
 - a. Murder under section 12.1-16-01;
 - b. Manslaughter under section 12.1-16-02;
 - c. Negligent homicide under section 12.1-16-03;
 - d. Felony-level assault or domestic violence under chapter 12.1-17;
 - e. A sexual offense under chapter 12.1-20 or 12.1-27.2;
 - f. Abuse or neglect of a child under sections 14-09-22 and 14-09-22.1; and
 - g. Others as determined by the court.
3. The counseling offered under this section:
 - a. Must occur not later than one hundred eighty days after the jury is discharged;
 - b. May be provided by the court system, by a state agency, or by contract; and
 - c. May be individual or group counseling.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 316

SENATE BILL NO. 2167

(Senators Myrdal, Larson, Luick)
(Representatives Christianson, Hatlestad, Steiner)

AN ACT to create and enact a new section to chapter 29-26 and a new section to chapter 54-12 of the North Dakota Century Code, relating to the cost of digital forensic examinations and the establishment of an internet crime investigation fund; to provide a continuing appropriation; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 29-26 of the North Dakota Century Code is created and enacted as follows:

Cost of digital forensic examination.

An individual convicted of a felony or misdemeanor shall, as part of the sentence imposed by the court, pay for the reimbursement of the cost of any digital forensic examination performed on any personal electronic device in the investigation and prosecution of the crime for which the defendant is convicted. The fee assessed may not exceed one hundred dollars for each defendant. All fees collected under this section must be remitted to the state treasurer for deposit in the internet crimes investigation fund established in section 2 of this Act. For purposes of this section, the term "personal electronic device" means any portable electronic device designed for and capable of wireless communication or electronic data retrieval, including a cellular telephone, tablet, laptop, computer, or two-way messaging device.

SECTION 2. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Internet crimes investigation fund - Continuing appropriation.

The internet crimes investigation fund is a special fund established in the state treasury. The fund consists of all fees imposed pursuant to section 1 of this Act, which are appropriated to the attorney general on a continuing basis for information technology hardware, software licensing, digital forensic training, and internet safety presentations to assist law enforcement entities and organizations dedicated to preventing technology-facilitated child sexual exploitation and internet crimes against children. Interest earned on moneys in the fund must be credited to the fund.

Approved March 20, 2025

Filed March 20, 2025

CHAPTER 317

HOUSE BILL NO. 1613

(Representatives Hendrix, Christianson, Koppelman, VanWinkle, Toman)
(Senators Castaneda, Magrum, Paulson)

AN ACT to amend and reenact sections 29-29.4-01, 29-29.4-02, 29-29.4-03, 29-29.4-04, 29-29.4-05, and 29-29.4-06 of the North Dakota Century Code, relating to law enforcement use of a robot.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 29-29.4-01 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-01. Definitions.

As used in this chapter:

1. "Autonomously" means to operate or govern itself without direct human control.
2. "Flight data" means imaging or other observation recording.
- 2-3. "Flight information" means flight duration, flight path, and mission objective.
- 3-4. "Law enforcement agency or agents" has the meaning provided for law enforcement officer in section 12.1-01-04.
- 4-5. "Less than lethal weapon" means a designed and manufactured object, substance, or weapon that does not create a substantial risk of serious bodily injury or death when used by an individual with proper training.
6. "Lethal weapon" means an object, substance, or device designed to cause serious bodily injury or death.
7. "Remotely" means directly controlled by human action and decisions.
8. "Robot" means a powered artificial machine or system that upon activation will operate in whole or in part autonomously to perform physical tasks or decisionmaking without real-time human control. The term includes a system capable of using force, conducting surveillance, or moving independent of direct human input. The term does not include a law enforcement body-worn camera, a law enforcement in-car camera or license plate reader, or any other law enforcement camera that does not require a search warrant.
9. "Unmanned aerial vehicle" means any aerial vehicle that is operated without the possibility of direct human intervention within or on the aerial vehicle. The term does not include satellites.
- 5-10. "Unmanned aerial vehicle system" means an unmanned aerial vehicle and associated elements, including communication links and the components that control the unmanned aerial vehicle, which are required for the pilot in command to operate safely and efficiently in state airspace.

SECTION 2. AMENDMENT. Section 29-29.4-02 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-02. Limitations on use of unmanned aerial vehicle ~~systems~~systems and robots.

1. Information obtained from an unmanned aerial vehicle or robot is not admissible in a prosecution or proceeding within the state unless the information was obtained:
 - a. Pursuant to the authority of a search warrant; or
 - b. In accordance with exceptions to the warrant requirement.
2. Information obtained from the operation of an unmanned aerial vehicle or robot may not be used in an affidavit of probable cause in an effort to obtain a search warrant, unless the information was obtained under the circumstances described in subdivision a or b of subsection 1 or was obtained through the monitoring of public lands or international borders.

SECTION 3. AMENDMENT. Section 29-29.4-03 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-03. Warrant requirements.

A warrant for the use of an unmanned aerial vehicle or robot for the purpose of surveillance must satisfy the requirements of the Constitution of North Dakota. In addition, the warrant must contain a data collection statement that includes:

1. The persons that will have the power to authorize the use of the unmanned aerial vehicle or robot;
2. The locations in which the unmanned aerial vehicle system or robot will operate;
3. The maximum period for which the unmanned aerial vehicle system will operate in each flight or deployment; and
4. Whether the unmanned aerial vehicle system or robot will collect information or data about individuals or groups of individuals, and if so:
 - a. The circumstances under which the unmanned aerial vehicle system or robot will be used; and
 - b. The specific kinds of information or data the unmanned aerial vehicle system or robot will collect about individuals and how that information or data, as well as conclusions drawn from that information or data, will be used, disclosed, and otherwise handled, including:
 - (1) The period for which the information or data will be retained; and
 - (2) Whether the information or data will be destroyed, and if so, when and how the information or data will be destroyed.

SECTION 4. AMENDMENT. Section 29-29.4-04 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-04. Exceptions.

This chapter does not prohibit any use of an unmanned aerial vehicle or robot for surveillance during the course of:

1. Patrol of national borders. The use of an unmanned aerial vehicle or robot to patrol within twenty-five miles [40.23 kilometers] of a national border, for purposes of policing that border to prevent or deter the illegal entry of any individual, illegal substance, or contraband.
2. Exigent circumstances. The use of an unmanned aerial vehicle or robot by a law enforcement agency is permitted when exigent circumstances exist. For the purposes of this subsection, exigent circumstances exist when a law enforcement agency possesses reasonable suspicion that absent swift preventative action, there is an imminent danger to life or bodily harm.
3. An environmental or weather-related catastrophe. The use of an unmanned aerial vehicle or robot by state or local authorities to preserve public safety, protect property, survey environmental damage to determine if a state of emergency should be declared, or conduct surveillance for the assessment and evaluation of environmental or weather-related damage, erosion, flood, or contamination.
4. Research, education, training, testing, or development efforts undertaken by or in conjunction with a school or institution of higher education within the state and its political subdivisions, nor to public and private collaborators engaged in mutually supported efforts involving research, education, training, testing, or development related to unmanned aerial vehicle systems ~~or~~, unmanned aerial vehicle system technologies, or robot and potential applications.

SECTION 5. AMENDMENT. Section 29-29.4-05 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-05. Prohibited use - Exceptions.

1. A law enforcement agency may not authorize the use of, including granting a permit to use, an unmanned aerial vehicle armed with any lethal weapons.
2. This chapter prohibits any use of an unmanned aerial vehicle or robot for:
 - a. Domestic use in private surveillance. A law enforcement agency may not authorize the use of, including granting a permit to use, an unmanned aerial vehicle or robot to permit any private person to conduct surveillance on any other private person without the express, informed consent of that other person or the owner of any real property on which that other private person is present.
 - b. Surveillance of the lawful exercise of constitutional rights, unless the surveillance is otherwise allowed under this chapter.
3. A law enforcement agency may not authorize the use of a robot to deploy a lethal weapon, unless the weapon is controlled remotely, cannot be activated autonomously, and is used to:
 - a. Neutralize an inanimate object at risk of exploding or causing an immediate threat to public safety or property; or

- b. Prevent an imminent and substantial risk of serious bodily injury or death to a law enforcement officer or another individual, in a circumstance where the use of lethal force by an officer would be legally justified.
- 4. A law enforcement agency may not authorize the use of an unmanned aerial vehicle or robot to deploy a less than lethal weapon, unless the weapon is controlled remotely and cannot be activated autonomously.
- 5. A law enforcement agency, before authorizing any use of force, shall adopt a policy on the use of force by an unmanned aerial vehicle or robot, which includes the individuals with authority to authorize the use of force by an unmanned aerial vehicle or robot.

SECTION 6. AMENDMENT. Section 29-29.4-06 of the North Dakota Century Code is amended and reenacted as follows:

29-29.4-06. Documentation of unmanned aerial vehicle or robot use.

- 1. The person authorized to conduct the surveillance under this chapter shall document all use of an unmanned aerial vehicle or robot for surveillance. The person shall document all surveillance flights as to duration, flight path, and mission objectives.
- 2. The flight information must be verified as accurate and complete by the supervising person authorized by a court to conduct the surveillance.
- 3. The flight information required under this section must be retained for five years.
- 4. Any imaging or any other forms of data lawfully obtained under this chapter which are not accompanied by a reasonable and articulable suspicion that the images or data contain evidence of a crime, or are relevant to an ongoing investigation or trial, may not be retained for more than ninety days.
- 5. Except for the operational capabilities of the unmanned aerial vehicle system or robot and other operational information strictly related to the technical conduct and physical security of the surveillance operation, a person accused of a crime that includes evidence gathered through the use of an unmanned aerial vehicle system or robot surveillance may obtain all information relating to the person acquired in the course of the surveillance through subpoena and discovery proceedings available in criminal proceedings.
- 6. A law enforcement agency deploying a robot armed with a lethal weapon shall document the requirements provided in section 29-29.4-05.
- 7. Any other person that has an interest in obtaining the documentation required by this section may obtain that documentation pursuant to chapter 44-04.

Approved April 28, 2025

Filed April 28, 2025

UNIFORM PROBATE CODE

CHAPTER 318

SENATE BILL NO. 2291

(Senators Dwyer, Sickler, Larson, Weston)
(Representatives Hanson, Klemin)

AN ACT to create and enact two new sections to chapter 30.1-28 and two new sections to chapter 30.1-29 of the North Dakota Century Code, relating to removal, resignation and death of a guardian, notices in a guardianship, notices in a conservatorship, and confidentiality of reports; to amend and reenact subsection 1 of section 23-12-13, subsection 1 of section 25-03.1-18.1, subsection 1 of section 27-20.1-17, sections 30.1-01-06 and 30.1-28-03.1, subsection 3 of section 30.1-28-03.2, section 30.1-28-04, subsection 1 of section 30.1-28-05, section 30.1-28-07, subsection 1 of section 30.1-28-09, sections 30.1-28-10.1, 30.1-28-12, 30.1-28-12.1, 30.1-28-12.2, and 30.1-29-05, subsection 6 of section 30.1-29-07, subsection 2 of section 30.1-29-08, sections 30.1-29-13 and 30.1-29-18, subsection 3 of section 30.1-29-19, subsection 1 of section 30.1-29-20.1, subsection 2 of section 30.1-29-22, and subsection 5 of section 30.1-29-25 of the North Dakota Century Code, relating to incapacitated persons, court-authorized involuntary treatment, guardianship of a child, guardianship of an incapacitated person, and protection of property of persons under disability and minors; and to repeal sections 30.1-26-01, 30.1-28-08, and 30.1-28-15 of the North Dakota Century Code, relating to visitors in a guardianship proceeding and appointment of successor guardians.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹³³ **SECTION 1. AMENDMENT.** Subsection 1 of section 23-12-13 of the North Dakota Century Code is amended and reenacted as follows:

1. Informed consent for health care for a minor patient or a patient who is determined by a physician, psychiatrist, or psychologist to be an incapacitated person, as defined in ~~subsection 2 of section 30.1-26-01~~section 30.1-01-06, and unable to consent may be obtained from a person authorized to consent on behalf of the patient. Persons in the following classes and in the following order of priority may provide informed consent to health care on behalf of the patient:
 - a. The individual, if any, to whom the patient has given a durable power of attorney that encompasses the authority to make health care decisions, unless a court of competent jurisdiction specifically authorizes a guardian to make medical decisions for the incapacitated person;
 - b. The appointed guardian or custodian of the patient, if any;

¹³³ Section 23-12-13 was also amended by section 2 of Senate Bill No. 2297, chapter 240.

- c. The patient's spouse who has maintained significant contacts with the incapacitated person;
- d. Children of the patient who are at least eighteen years of age and who have maintained significant contacts with the incapacitated person;
- e. Parents of the patient, including a stepparent who has maintained significant contacts with the incapacitated person;
- f. Adult brothers and sisters of the patient who have maintained significant contacts with the incapacitated person;
- g. Grandparents of the patient who have maintained significant contacts with the incapacitated person;
- h. Grandchildren of the patient who are at least eighteen years of age and who have maintained significant contacts with the incapacitated person; or
- i. A close relative or friend of the patient who is at least eighteen years of age and who has maintained significant contacts with the incapacitated person.

SECTION 2. AMENDMENT. Subsection 1 of section 25-03.1-18.1 of the North Dakota Century Code is amended and reenacted as follows:

1. a. Upon notice and hearing, a tier 1b mental health professional may request authorization from the court to treat an individual under a mental health treatment order, or an individual voluntarily admitted to a public treatment facility under section 25-03.1-04, with prescribed medication. The request may be considered by the court in an involuntary treatment hearing. As a part of the request, a psychiatrist or a final year psychiatric resident physician not involved in the current diagnosis or treatment of the patient shall certify:
 - (1) That the proposed prescribed medication is clinically appropriate and necessary to effectively treat the patient and that the patient is a person requiring treatment;
 - (2) That the patient was offered that treatment and refused it or that the patient lacks the capacity to make or communicate a responsible decision about that treatment;
 - (3) That prescribed medication is the least restrictive form of intervention necessary to meet the treatment needs of the patient; and
 - (4) That the benefits of the treatment outweigh the known risks to the patient.
- b. The court shall inquire whether the patient has had a sufficient opportunity to adequately prepare to meet the issue of involuntary treatment with prescribed medication and, at the request of the patient, the court may continue the involuntary treatment hearing for a period not exceeding seven days or may appoint an independent expert examiner as provided in subsection 4.

SECTION 3. AMENDMENT. Subsection 1 of section 27-20.1-17 of the North Dakota Century Code is amended and reenacted as follows:

1. An order appointing or reappointing a guardian under this chapter is effective for up to one year unless the court, upon a finding of good cause, sets a different time frame. An order may not be effective for more than three years. At least sixty days before the expiration of the initial order of appointment or any following order of reappointment, the court shall request and consider information submitted by the guardian, the child, if fourteen years of age or older, the child's attorney, if any, the child's parents, and any interested persons regarding whether the need for a guardianship continues to exist. The court, at its discretion, may appoint a guardian ad litem in accordance with section 27-20.1-08, before the hearing. The court shall hold a hearing on whether the guardianship should continue. Following the hearing and consideration of submitted information, the court may:
 - a. Terminate the guardianship if shown by clear and convincing evidence that the circumstances that led to the guardianship no longer exist;
 - b. Reappoint the guardian for up to three years; or
 - c. Appoint a new guardian.

The court may extend a guardianship up to ninety days past the expiration of the initial order, for good cause shown, if the hearing cannot be held before the expiration of the order. If the court extends an initial order for guardianship, new letters of guardianship must be issued reflecting the extended expiration date.

SECTION 4. AMENDMENT. Section 30.1-01-06 of the North Dakota Century Code is amended and reenacted as follows:

30.1-01-06. (1-201) General definitions.

Subject to additional definitions contained in the subsequent chapters which are applicable to specific chapters, and unless the context otherwise requires, in this title:

1. "Agent" includes an attorney-in-fact under a durable or nondurable power of attorney, an individual authorized to make decisions concerning another's health care, and an individual authorized to make decisions for another under a natural death act.
2. "Alternative resource plan" means an alternative plan to guardianship which uses available support services and arrangements acceptable to the alleged incapacitated person. The term includes the use of support services such as visiting nurses, homemakers, home health aides, personal care attendants, adult day care, home and community-based care, human service zones, developmental disability services, powers of attorney, durable powers of attorney, health care directives, supported decisionmaking, representative and protective payees, and licensed congregate care facilities.
3. "Application" means a written request to the court for an order of informal probate or appointment under chapter 30.1-14.
- ~~3-4.~~ "Augmented estate" means the estate described in section 30.1-05-02.

- 4-5. "Beneficiary", as it relates to a trust beneficiary, includes a person who has any present or future interest, vested or contingent, and also includes the owner of an interest by assignment or other transfer; as it relates to a charitable trust, includes any person entitled to enforce the trust; as it relates to a beneficiary of a beneficiary designation, refers to a beneficiary of an account with a payable on death designation, of a security registered in beneficiary form transferable on death, or other nonprobate transfer at death; and, as it relates to a "beneficiary designated in a governing instrument", includes a grantee of a deed, a devisee, a trust beneficiary, a beneficiary of a beneficiary designation, a donee, or a person in whose favor a power of attorney or a power held in any individual, fiduciary, or representative capacity is exercised.
- 5-6. "Beneficiary designation" refers to a governing instrument naming a beneficiary of an account with payable on death designation, of a security registered in beneficiary form transferable on death, or other nonprobate transfer at death.
- 6-7. "Child" includes an individual entitled to take as a child under this title by intestate succession from the parent whose relationship is involved and excludes a person who is only a stepchild, a foster child, a grandchild, or any more remote descendant.
- 7-8. "Claims", in respect to estates of decedents and protected persons, includes liabilities of the decedent or protected person whether arising in contract, in tort, or otherwise, and liabilities of the estate which arise at or after the death of the decedent or after the appointment of a conservator, including funeral expenses and expenses of administration. The term does not include estate or inheritance taxes or demands or disputes regarding title of a decedent or protected person to specific assets alleged to be included in the estate.
- 8-9. "Conservator" means a person who is appointed by a court to manage the estate of a protected person, and includes limited conservators as defined in this section.
- 9-10. "Court" means the court having jurisdiction in matters relating to the affairs of decedents.
- 10-11. "Descendant" of an individual means all descendants of all generations, with the relationship of parent and child at each generation being determined by the definition of child and parent contained in this title.
- 11-12. "Devise", when used as a noun, means a testamentary disposition of real or personal property, and when used as a verb, means to dispose of real or personal property by will.
- 12-13. "Devisee" means a person designated in a will to receive a devise. In the case of a devise to an existing trust or trustee, or to a trustee or trust described by will, the trust or trustee is the devisee and the beneficiaries are not devisees.
- 13-14. "Disability" means cause for a protective order as described in section 30.1-29-01.
- 14-15. "Distributee" means any person who has received property of a decedent from the decedent's personal representative other than as a creditor or purchaser.

A testamentary trustee is a distributee only to the extent of distributed assets or increment thereto remaining in the trustee's hands. A beneficiary of a testamentary trust to whom the trustee has distributed property received from a personal representative is a distributee of the personal representative. For the purposes of this provision, "testamentary trustee" includes a trustee to whom assets are transferred by will to the extent of the devised assets.

45-16. "Estate" includes the property of the decedent, trust, or other person whose affairs are subject to this title as originally constituted and as it exists from time to time during administration.

46-17. "Exempt property" means that property of a decedent's estate which is described in section 30.1-07-01.

47-18. "Expert examiner" means:

- a. A licensed physician;
- b. A psychiatrist;
- c. A licensed psychologist trained in a clinical program;
- d. An advanced practice registered nurse who is licensed under chapter 43-12.1 within the role of a certified nurse practitioner or certified clinical nurse specialist, who has completed the requirements for a minimum of a master's degree from an accredited program, and who is functioning within the scope of practice in one of the population foci as approved by the state board of nursing; or
- e. A physician assistant who is licensed under chapter 43-17 and authorized by the state board of medical examiners to practice in this state.

48-19. "Fiduciary" includes a personal representative, guardian, conservator, and trustee.

49-20. "Foreign personal representative" means a personal representative appointed by another jurisdiction.

20-21. "Formal proceedings" means proceedings conducted before a judge with notice to interested persons.

24-22. "Governing instrument" means a deed, will, trust, insurance or annuity policy, account with payable on death designation, security registered in beneficiary form transferable on death, pension, profit-sharing, retirement, or similar benefit plan, instrument creating or exercising a power of appointment or a power of attorney, or a dispositive, appointive, or nominative instrument of any similar type.

22-23. "Guardian" means a person who or nonprofit corporation that has qualified as a guardian of a minor or incapacitated person pursuant to testamentary or court appointment, and includes limited guardians as defined in this section, but excludes one who is merely a guardian ad litem.

~~23-24.~~ "Heirs", except as controlled by section 30.1-09.1-11, means persons, including the surviving spouse and the state, who are entitled under the statutes of intestate succession to the property of a decedent.

~~24-25.~~ "Incapacitated person" means ~~an individual described in section 30.1-26-04~~any adult individual who is impaired by reason of mental illness, mental deficiency, physical illness or disability, or chemical dependency to the extent that the individual lacks capacity to make or communicate responsible decisions concerning the individual's matters of residence, education, medical treatment, legal affairs, vocation, finance, or other matters, or if the incapacity endangers the individual's health or safety.

~~25-26.~~ "Informal proceedings" means those conducted by the court for probate of a will or appointment of a personal representative without notice to interested persons.

~~26-27.~~ "Interested person" includes heirs;

a. Except as provided under section b:

(1) Heirs and devisees, children, spouses, creditors, beneficiaries, and any others;

(2) Children;

(3) Spouses;

(4) Creditors;

(5) Beneficiaries;

(6) Any individual having a property right in or claim against a trust estate or the estate of a decedent, ward, or protected person. ~~The term also includes persons;~~

(7) Person having priority for appointment as personal representative; and ~~other~~

(8) Other fiduciaries representing interested persons.

b. For purposes of guardianships and conservatorships:

(1) The petitioner for appointment of the guardian;

(2) The spouse, parent, adult children, or siblings of the ward, protected person, or an adult relative if a spouse, parent, adult child, sibling, or protected person cannot be found;

(3) An adult individual who has lived with a ward or a protected person for a period of more than six months;

(4) An attorney for the ward or protected person;

(5) A representative payee for the ward or protected person; and

(6) Any other person designated by the court.

The meaning as it relates to particular persons may vary from time to time and must be determined according to the particular purposes of, and matter involved in, any proceeding.

~~27-28.~~ "Issue" of a ~~person~~an individual means descendant as defined in subsection ~~40~~11.

~~28-29.~~ "Joint tenants with the right of survivorship" and "community property with the right of survivorship" includes co-owners of property held under circumstances that entitle one or more to the whole of the property on the death of the other or others, but excludes forms of co-ownership registration in which the underlying ownership of each party is in proportion to that party's contribution.

~~29-30.~~ "Lease" includes an oil, gas, or other mineral lease.

~~30-31.~~ "Least restrictive form of intervention" includes only the limitations necessary to provide the needed care and services for a guardianship, and the ward must enjoy the greatest amount of personal freedom and civil liberties consistent with the ward's mental and physical limitations.

32. "Letters" includes letters testamentary, letters of guardianship, letters of administration, and letters of conservatorship.

~~34-33.~~ "Limited conservator" means a person or nonprofit corporation, appointed by the court, to manage only those financial resources specifically enumerated by the court for the person with limited capacity and includes limited conservators as described by section 30.1-29-20.

~~32-34.~~ "Limited guardian" means a person or nonprofit corporation, appointed by the court, to supervise certain specified aspects of the care of a person with limited capacity and includes limited guardians as described by section 30.1-28-04.

~~33-35.~~ "Minor" means a person who is under eighteen years of age.

~~34-36.~~ "Mortgage" means any conveyance, agreement, or arrangement in which property is encumbered or used as security.

~~35-37.~~ "Nonresident decedent" means a decedent who was domiciled in another jurisdiction at the time of death.

~~36-38.~~ "Organization" means a corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity.

~~37-39.~~ "Parent" includes any ~~person~~individual entitled to take, or who would be entitled to take if the child died without a will, as a parent under this title, by intestate succession from the child whose relationship is in question and excludes any person who is only a stepparent, foster parent, or grandparent.

~~38-40.~~ "Payer" means a trustee, insurer, business entity, employer, government, governmental agency or subdivision, or any other person authorized or obligated by law or a governing instrument to make payments.

- ~~39-41.~~ "Person" means an individual, a corporation, a limited liability company, an organization, or other legal entity.
- ~~40.~~ ~~"Person with limited capacity" is as defined in section 30.1-26-01.~~
- ~~41-42.~~ "Personal representative" includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status. "General personal representative" excludes special administrator.
- ~~42-43.~~ "Petition" means a written request to the court for an order after notice.
- ~~43-44.~~ "Proceeding" includes action at law and suit in equity.
- ~~44-45.~~ "Property" includes both real and personal property or any interest therein and means anything that may be the subject of ownership.
- ~~45-46.~~ "Protected person" is as defined in section 30.1-26-01 means a minor or other individual for whom a conservator or limited conservator has been appointed, or other protective order has been made.
- ~~46-47.~~ "Protective proceeding" means a proceeding described in section 30.1-26-01 under section 30.1-29-01 to determine that an individual cannot effectively manage or apply the individual's estate to necessary ends, either because the individual lacks the ability or is otherwise inconvenienced, or because the individual is a minor, and to secure administration of the individual's estate by a conservator or other appropriate relief.
- ~~47-48.~~ "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- ~~48-49.~~ "Refusal" means declining to accept prescribed mood stabilizer or antipsychotic medication by a clear and unequivocal response.
50. "Security" includes any note, stock, treasury stock, bond, debenture, membership interest in a limited liability company, evidence of indebtedness, certificate of interest or participation in an oil, gas, or mining title or lease or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation, any temporary or interim certificate, receipt, or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing.
- ~~49-51.~~ "Settlement", in reference to a decedent's estate, includes the full process of administration, distribution, and closing.
- ~~50-52.~~ "Sign" means, with present intent to authenticate or adopt a record other than a will, to execute or adopt a tangible symbol or to attach to or logically associate with the record an electronic symbol, sound, or process.
- ~~51-53.~~ "Special administrator" means a personal representative as described by sections 30.1-17-14 through 30.1-17-18.

- 52-54. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States.
- 53-55. "Successor personal representative" means a personal representative, other than a special administrator, who is appointed to succeed a previously appointed personal representative.
- 54-56. "Successors" means persons, other than creditors, who are entitled to property of a decedent under the decedent's will or this title.
- 55-57. "Supervised administration" refers to the proceedings described in chapter 30.1-16.
- 56-58. "Survive" means that an individual has neither predeceased an event, including the death of another individual, nor predeceased an event under sections 30.1-04-04 and 30.1-09.1-02. The term includes its derivatives, such as "survives", "survived", "survivor", and "surviving".
- 57-59. "Testacy proceeding" means a proceeding to establish a will or determine intestacy.
- 58-60. "Trust" includes an express trust, private or charitable, with additions thereto, wherever and however created. The term also includes a trust created or determined by judgment or decree under which the trust is to be administered in the manner of an express trust. The term excludes other constructive trusts and excludes resulting trusts, conservatorships, personal representatives, trust accounts as defined in custodial arrangements pursuant to chapter 11-22, chapter 12-48, sections 25-01.1-19 to 25-01.1-21, chapter 32-10, section 32-16-37, chapter 32-26, former chapter 47-24, chapter 47-24.1, business trusts providing for certificates to be issued to beneficiaries, common trust funds, voting trusts, security arrangements, liquidation trusts, and trusts for the primary purpose of paying debts, dividends, interest, salaries, wages, profits, pensions, or employee benefits of any kind, and any arrangement under which a person is nominee or escrowee for another.
- 59-61. "Trustee" includes an original, additional, or successor trustee, whether or not appointed or confirmed by court.
- 60-62. "Visitor" means an individual, in guardianship proceedings, who is trained in nursing, social work, medical care, mental health care, or rehabilitation and is an employee or special appointee of the court with no personal interest in the proceedings.
- 61-63. "Ward" means an individual ~~described in section 30.1-26-01~~for whom a guardian has been appointed. A "minor ward" is a minor for whom a guardian has been appointed solely because of minority.
- 62-64. "Will" includes codicil and any testamentary instrument that merely appoints an executor, revokes or revises another will, nominates a guardian, or expressly excludes or limits the right of an individual or class to succeed to property of the decedent passing by intestate succession.

SECTION 5. AMENDMENT. Section 30.1-28-03.1 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-03.1. Confidentiality - Reports - Personal information.

1. A written report prepared and submitted ~~under subsection 5 or 6 of section 30.1-28-03~~ is by a guardian ad litem, visitor, or expert examiner and annual and final reports and financial accounting prepared and submitted by a guardian are closed to the public and ~~is~~ are not open to inspection except by the court, parties to the proceeding or their counsel, other persons for those purposes as the court may order for good cause, and others authorized by court rule.
2. Medical, psychological, or other treatment information protected by federal law or regulation and any financial account numbers related to a ward or proposed ward are confidential and may not be disclosed except to parties to the proceeding, their counsel, and others authorized by court rule. The court may permit access by other persons for good cause.

SECTION 6. AMENDMENT. Subsection 3 of section 30.1-28-03.2 of the North Dakota Century Code is amended and reenacted as follows:

3. The motion must be served upon ~~the ward, the ward's spouse, and all interested persons~~ those identified in section 12 of this Act.

SECTION 7. AMENDMENT. Section 30.1-28-04 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-04. (5-304) Findings - Order of appointment.

1. The court shall exercise the authority conferred in this chapter consistent with the maximum self-reliance and independence of the incapacitated person and make appointive and other orders only to the extent necessitated by the incapacitated person's actual mental and adaptive limitations or other conditions warranting the procedure.
2. At a hearing held under this chapter, the court shall:
 - a. Hear evidence that the proposed ward is an incapacitated person. Age, eccentricity, poverty, or medical diagnosis alone is not sufficient to justify a finding of incapacity;
 - b. Hear evidence and determine whether there are any existing general durable powers of attorney and durable powers of attorney for health care. If there are validly executed durable powers of attorney, the court shall consider the appointed attorneys in fact and agents appointed thereunder when assessing alternative resource plans and the need for a guardian; and
 - c. Appoint a guardian and confer specific powers of guardianship only after finding in the record based on clear and convincing evidence that:
 - (1) The proposed ward is an incapacitated person;
 - (2) There is no available alternative resource plan that is suitable to safeguard the proposed ward's health, safety, or habilitation which could be used instead of a guardianship;

- (3) The guardianship is necessary as the best means of providing care, supervision, or habilitation of the ward; and
 - (4) The powers and duties conferred upon the guardian are appropriate as the least restrictive form of intervention consistent with the ability of the ward for self-care.
3. Except upon specific findings of the court, a ward may not be deprived of any of the following legal rights: to vote, to seek to change marital status, or to obtain or retain a motor vehicle operator's license.
4. The court may find that the ward retains other specific rights.
5. The order appointing a guardian confers upon the guardian only those powers and duties specified in the order. In addition to any other powers conferred upon the guardian, the court's order must state whether the guardian has no authority, general authority, or limited authority to make decisions on behalf of the ward in each of the areas of residential, educational, medical, legal, vocational, and financial decisionmaking. A grant of limited authority must specify the limitations upon the authority of the guardian or the authority retained by the ward. The court's order must require the guardian to provide within ninety days from the date of the order a beginning inventory of all assets owned by the ward or in which the ward has an interest. The guardian shall provide a copy of the beginning inventory to ~~the ward and any interested persons designated by the court in its order~~ those identified in section 12 of this Act. Unless terminated earlier by the court, an order appointing or reappointing a guardian under this section is effective for up to five years. At least ninety days before the expiration of the initial order of appointment or any following order of reappointment, the court shall request and consider information submitted by the guardian, ward, ward's attorney, if any, and any interested persons regarding whether the need for a guardian continues to exist. If it is recommended that the guardianship continue, the court may appoint a guardian ad litem ~~or~~ visitor, or both, in accordance with section 30.1-28-03. The court shall hold a hearing on whether the guardianship should continue. Following the hearing and consideration of submitted information, the court may reappoint the guardian for up to another five years, allow the existing order to expire, or appoint a new guardian in accordance with this section. If a review hearing cannot be held before the expiration of an initial order for guardianship, the court may extend the initial order for up to an additional ninety days upon good cause shown. New letters of guardianship must be issued reflecting the extended expiration date. The supreme court, by rule or order, shall provide for the regular review of guardianship in existence on August 1, 2015.
6. Unless a court of competent jurisdiction determines otherwise, a durable power of attorney for health care executed pursuant to chapter 23-06.5 takes precedence over any authority to make medical decisions granted to a guardian pursuant to chapter 30.1-28.
7. The court may require a guardian to furnish a bond in the amount and with sureties as the court specifies.
8. After the hearing, the guardian ad litem, visitor, and expert examiner must be discharged of ~~the person's~~ their duties as ~~guardian ad litem~~.

SECTION 8. AMENDMENT. Subsection 1 of section 30.1-28-05 of the North Dakota Century Code is amended and reenacted as follows:

1. By accepting appointment, a guardian submits personally to the jurisdiction of the court in any proceeding relating to the guardianship that may be instituted by any interested person. ~~Notice of any proceeding so instituted must be served upon the guardian by the petitioner.~~

¹³⁴ **SECTION 9. AMENDMENT.** Section 30.1-28-07 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-07. (5-307) Removal or resignation of guardian - Change in or termination of guardianship.

1. ~~On petition of the ward or any person interested in the ward's welfare, the court may remove a guardian and appoint a successor if in the best interests of the ward. On petition of the guardian, the court may accept the guardian's resignation and make any other order which may be appropriate.~~
2. The ward or any person interested in the ward's welfare may petition for an order that the ward is no longer incapacitated or no longer incapacitated to the same extent as the ward was when the original guardianship order was made or last reviewed by the court, or that the duties and authority of the guardian require modification, ~~and for removal or resignation of the guardian, termination of the guardianship,~~ or change in the duties and authority of the guardian. A request for this order may be made by informal letter to the court or judge. The clerk of district court shall send a copy of the informal request to the parties and those identified in section 12 of this Act. Any person who knowingly interferes with transmission of this kind of request to the court or judge may be adjudged guilty of contempt of court.
- ~~3-2.~~ Before ~~removing a guardian,~~ changing the guardian's duties and authority, accepting the resignation of a guardian, or on finding that the ward is no longer incapacitated, or no longer incapacitated to the same extent and ordering the guardianship terminated or modified, the court, following the same procedures to safeguard the rights of the ward as apply to a petition for appointment of a guardian, may send a visitor to the place where the ward resides or is detained, to observe conditions and report in writing to the court.
- ~~4-3.~~ A hearing must be held no later than sixty days following the filing of the petition or informal request, unless good cause is shown. Following the hearing, the court shall make written findings of fact. Before terminating or modifying the guardianship, the court shall find by a preponderance of the evidence that the ward is no longer incapacitated, no longer incapacitated to the same extent as the ward was when the original guardianship order was made or last reviewed by the court, or that it is in the best interests of the ward that the duties and authority of the guardian be modified. New letters of guardianship must be issued to the guardian in the same manner as provided in section 30.1-28-05.
- ~~5-4.~~ In deciding whether to terminate or modify a guardianship, the court may require a report by and consider the recommendations of an expert examiner.

¹³⁴ Section 30.1-28-07 was also amended by section 1 of Senate Bill No. 2029, chapter 550.

- ~~6. If the guardian dies, or if on the basis of a petition filed under this section or a report or other information, there is probable cause to believe a guardian is not performing the guardian's duties effectively and there is an imminent danger the ward's physical, mental, or emotional health or safety will be seriously impaired, the court shall take whatever action is necessary to protect the ward, including dismissal of the guardian and appointment of an emergency guardian as provided in section 30.1-28-10.1.~~
- ~~7.5. On termination of the guardianship, a guardian shall file a final report and accounting and provide a copy of the report and accounting to those given notice under section 30.1-28-09.12 of this Act. The report and accounting must be filed with the clerk of district court. The filing of the report and accounting does not constitute the court's approval of the report and accounting. The court may approve a report and settle and allow an accounting only upon notice to the ward and other interested persons who have made an appearance or requested notice of the proceedings to those identified in section 12 of this Act.~~

SECTION 10. A new section to chapter 30.1-28 of the North Dakota Century Code is created and enacted as follows:

Removal, resignation, or death of guardian - Appointment of successor guardian.

1. The court may remove a guardian on its own motion or on petition of the ward or any interested person if removal is in the best interests of the ward. A request for this order may be made by informal letter to the court or judge. The clerk of district court shall send a copy of the informal request to the parties and those identified in section 12 of this Act. Any person that knowingly interferes with the transmission of a request under this section may be adjudged guilty of contempt of court.
2. The court may accept the resignation of a guardian upon petition by the guardian.
3. Upon the death of a guardian, the personal representative of the guardian shall submit a final report and accounting to the court. Upon removal or resignation of the guardian, the guardian shall submit a final report and accounting to the court. The report and accounting must be filed with the clerk of district court. The filing of the report and accounting does not constitute the court's approval of the report and accounting. The court may approve a report and settle and allow an accounting only upon notice to those identified in section 12 of this Act.
4. A hearing must be held no later than sixty days following the filing of the petition or informal request, unless good cause is shown. Following the hearing, the court shall make written findings of fact and conclusions of law.
5. Upon the removal, resignation, or death of a guardian, the court, upon the court's own motion or upon a motion filed by any interested person, may appoint a successor guardian or make any other appropriate order.
6. A notice of motion must accompany the motion for appointment of successor guardian and must include a statement that provides an opportunity for hearing if requested in regard to the appointment of a successor guardian. The notice of motion and motion must be served on those identified in section 12 of this Act.

7. If a hearing is not requested by or on behalf of the ward listed in the notice, the court may sign an order appointing a successor guardian for that ward.

SECTION 11. AMENDMENT. Subsection 1 of section 30.1-28-09 of the North Dakota Century Code is amended and reenacted as follows:

1. In a proceeding for the appointment ~~or removal~~ of a guardian ~~or for an alteration or termination of a guardianship other than~~ and, if notice is required, for the appointment of an emergency guardian ~~or for the temporary suspension of a guardian~~, notice of hearing shall be given by the petitioning party, unless otherwise directed by the court, to each of the following:
 - a. The ward or the proposed ward and the ward's or proposed ward's spouse, parents, and adult children;
 - b. Any person, corporation, or institution who is serving as the ward's guardian, attorney in fact, representative payee for public benefits, or conservator, or who has the ward's care and custody;
 - c. If no other person is notified under subdivision a, then the adult siblings and any adult with whom the proposed ward resides in a private residence, or if none can be found, any known adult relative; and
 - d. The attorney for the proposed ward, the visitor, and the expert examiner, together with a copy of the respective order of appointment for each.

SECTION 12. A new section to chapter 30.1-28 of the North Dakota Century Code is created and enacted as follows:

Notices in guardianship proceedings subsequent to appointment.

Notice in a guardianship proceeding subsequent to appointment of a guardian must be given to the parties, the conservator, if any, the ward, and any interested persons designated in the order of the court.

SECTION 13. AMENDMENT. Section 30.1-28-10.1 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-10.1. Emergency guardian.

1. On petition by a person interested in the alleged incapacitated individual's welfare, the court may appoint an emergency guardian if the court finds that compliance with the procedures of this chapter likely will result in substantial harm to the alleged incapacitated individual's health, safety, or welfare, and that no other person appears to have authority and willingness to act in the circumstances. The court may appoint the guardian for a specified period of time, not to exceed ninety days. Immediately upon receipt of the petition for an emergency guardianship, the court shall appoint a guardian ad litem to advocate for the best interests of the alleged incapacitated individual in the proceeding and any subsequent proceeding. ~~Except as otherwise provided in subsection 2, reasonable notice of the time and place of a hearing on the petition must be given to the alleged incapacitated individual, the individual's spouse, if any, and any other person as the court directs.~~ The court shall hold a hearing within ten days of the filing of the petition to determine if appointment of an emergency guardian is appropriate.

2. An emergency guardian may be appointed without notice to the alleged incapacitated individual and the alleged incapacitated individual's guardian ad litem only if the court finds from affidavit or other sworn testimony that the alleged incapacitated individual will be substantially harmed before a hearing on the appointment can be held. If the court appoints an emergency guardian without notice to the alleged incapacitated individual, the alleged incapacitated individual and the individual's spouse, if any, and any other person the court directs must be given notice of the appointment within forty-eight hours after the appointment. The court shall hold a hearing on the appropriateness of the appointment within ten days after the appointment.
3. If a conservator has not been appointed for the alleged incapacitated individual and the emergency guardian has authority for financial decisionmaking, the court's order of appointment must state that the guardian shall safeguard any assets held by the alleged incapacitated individual and, during the period of appointment and subject to any further order of the court, may expend the individual's assets only for the necessary support and care of the individual.
4. Appointment of an emergency guardian, with or without notice, is not a determination of the alleged incapacitated individual's incapacity.
5. The court may remove an emergency guardian at any time. An emergency guardian shall make any report the court requires. In all other respects, the provisions of this chapter concerning guardians apply to an emergency guardian.
6. The petitioner may request the court extend the emergency order for up to an additional ninety days upon good cause shown. The request must be filed with the court at least fourteen days before the expiration of the emergency order and served on the alleged incapacitated individual, the individual's spouse, if any, and any other persons as the court directs. The court shall hold a hearing on the appropriateness of the extension within ten days of the request. No additional extensions of the emergency guardianship may be granted.

SECTION 14. AMENDMENT. Section 30.1-28-12 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-12. (5-312) General powers and duties of guardian.

1. A guardian of an incapacitated person has only the powers and duties specified by the court.
2. To the extent that it is consistent with the terms of an order by a court of competent jurisdiction, the guardian is entitled to custody of the person of the ward and may establish the ward's place of residence within or without this state. However, no guardian may voluntarily admit a ward to a mental health facility or state institution for a period of more than forty-five days without a mental health commitment proceeding or other court order. Notwithstanding the other provisions of this subsection, the guardian may readmit a ward to a mental health facility or a state institution within sixty days of discharge from that institution, if the original admission to the facility or institution had been authorized by the court.
3. If entitled to custody of the ward, the guardian should make provision for the care, comfort, and maintenance of the ward and, whenever appropriate,

arrange for the ward's training, education, or habilitative services. The guardian shall take reasonable care of the ward's clothing, furniture, vehicles, and personal effects.

4. Notwithstanding general or limited authority to make medical decisions on behalf of the ward, no guardian may consent to psychosurgery, abortion, sterilization, or experimental treatment of any kind unless the procedure is first approved by order of the court.
5. When exercising the authority granted by the court, the guardian shall safeguard the civil rights and personal autonomy of the ward to the fullest extent possible by:
 - a. Meeting with the ward following the hearing, unless the ward is represented by an attorney, and explaining to the fullest extent possible the contents of the court's order and the extent of the guardian's authority;
 - b. Involving the ward as fully as is practicable in making decisions with respect to the ward's living arrangements, health care, and other aspects of the ward's care; and
 - c. Ensuring the ward's maximum personal freedom by using the least restrictive forms of intervention and only as necessary for the safety of the ward or others.
6. If no conservator for the estate of the ward has been appointed and if the guardian has been granted authority to make financial decisions on behalf of the ward, the guardian shall:
 - a. Institute proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform that duty.
 - b. Receive money and tangible property deliverable to the ward and apply the money and property for support, care, and education of the ward; but, the guardian may not use funds from the ward's estate for room and board which the guardian or the guardian's spouse, parent, or child have furnished the ward unless a charge for the service is approved by order of the court made upon notice to ~~at least one of the next of kin of the ward, if notice is possible~~ those identified in section 12 of this Act. The guardian shall exercise care to conserve any excess for the ward's needs.
 - c. Move the court under section 30.1-28-03.2 for authority to sell, mortgage, or otherwise encumber or transfer ownership or beneficiary of:
 - (1) The real property of the ward; or
 - (2) The personal property of the ward valued over two thousand five hundred dollars upon such terms as the court may order, for the purpose of paying the ward's debts; providing for the care, maintenance, rehabilitation, training, or education of the ward or the ward's dependents; or for any other purpose which is in the best interests of the ward. The sale, mortgage, or other encumbrance or transfer of ownership of personal property of the ward valued at two thousand five hundred dollars or less does not require a court order.

- d. Move the court under section 30.1-28-03.2 for authority to lease the real or personal property of the ward.
 - e. A guardian may not purchase, lease, or obtain ownership or become the beneficiary of property of the ward unless the price and manner of the sale are approved by the court.
7. If a conservator has been appointed, all of the ward's estate received by the guardian in excess of those funds expended to meet current expenses for support, care, and education of the ward must be paid to the conservator for management as provided in this title, and the guardian must account to the conservator for funds expended.
 8. A guardian shall file an annual report with the court regarding the exercise of powers and duties in areas of authority specified in the court's order of appointment. The report must describe the status or condition of the ward, including any change of residence and reasons for the change, any medical treatment received by or withheld from the ward, any expenditure and income affecting the ward, any sale or transfer of property affecting the ward, and any exercise of legal authority by the guardian affecting the ward. The report must include changes that have occurred since the previous reporting period and an accounting of the ward's estate. The guardian also shall report whether the ward continues to require guardianship and whether any powers of the guardian should be increased or limited. The report must be filed with the clerk of district court. The filing of the report does not constitute an adjudication or a determination of the merits of the report nor does the filing of the report constitute the court's approval of the report. The court may approve a report and allow and settle an accounting only upon notice to the ward's guardian ad litem and other interested persons who have made an appearance or requested notice of proceedings. The office of the state court administrator shall provide printed forms that may be used to fulfill reporting requirements. Any report must be similar in substance to the state court administrator's form. The forms must be available in the office of clerk of district court or obtainable through the supreme court's internet website.
 9. Copies of the guardian's annual report to the court and of any other reports required by the court must be mailed to ~~the ward and any interested persons designated by the court in its order~~ those identified in section 12 of this Act. The ward's copy must be accompanied by a statement, printed with not less than double-spaced twelve-point type, of the ward's right to seek alteration, limitation, or termination of the guardianship at any time.
 10. The guardian is entitled to receive reasonable sums for services and for room and board furnished to the ward as approved by the court or as agreed upon between the guardian and the conservator, provided the amounts agreed upon are reasonable under the circumstances. The guardian may request the conservator to expend the ward's estate by payment to third persons or institutions for the ward's care and maintenance.
 11. A guardian has a fiduciary duty to the ward and may be held liable for a breach of that duty.
 12. A guardian is not liable for the acts of the ward, unless the guardian is grossly negligent as defined in section 1-01-17.

13. A guardian is not required to expend personal funds on behalf of the ward solely by reason of the guardian relationship.
14. A guardian who exercises reasonable care in selecting an individual to provide medical or other care, treatment, or service for the ward is not liable for injury to the ward resulting from the wrongful conduct of the individual.

SECTION 15. AMENDMENT. Section 30.1-28-12.1 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-12.1. Annual reports and accounts - Failure of guardian to file.

If a guardian fails to file an annual report as required by section 30.1-28-12, fails to file a report at other times as the court may direct, or fails to provide an accounting of an estate, the court, upon its own motion or upon petition of any interested ~~party~~ person, may issue an order compelling the guardian to show cause why the guardian should not immediately make and file the report or account, or be found in contempt for failure to comply.

SECTION 16. AMENDMENT. Section 30.1-28-12.2 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-12.2. Restrictions on visitation, communication, and interaction with the ward - Removal of restriction.

1. If it is in the best interests of the ward, a guardian may restrict visitation, communication, and interaction with the ward.
2. A family member, friend, the ward, clergy member, attorney, agency charged with the protection of vulnerable adults, or other interested person may move the court to remove the restriction on visitation, communication, and interaction with the ward.
3. The motion must state:
 - a. The movant's relationship to the ward;
 - b. Whether the guardian is unreasonably or arbitrarily denying or restricting visitation, communication, or interaction between the restricted party and the ward; and
 - c. The facts supporting the movant's allegation that the guardian is unreasonably or arbitrarily denying or restricting visitation, communication, or interaction between the restricted party and the ward.
4. The movant shall serve the motion on ~~the guardian, the ward, the ward's spouse, and any other interested person~~ those identified in section 12 of this Act.
5. The court shall set a hearing on the motion and provide notice of the hearing to the movant, ~~the guardian, the ward, the ward's spouse, and any other interested person~~ and those identified in section 12 of this Act.
6. The court shall take into consideration the ward's wishes, and may conduct an in-camera interview with the ward and appoint a visitor or guardian ad litem.

7. If the court grants the motion for visitation, communication, or interaction, the court may impose conditions on visitation, communication, and interaction between the restricted party and the ward.
8. If the visitation, communication, or interaction is not in the best interests of the ward, the court may prohibit visitation, communication, or interaction between the restricted party and the ward.
9. The court may award reasonable costs and attorney's fees to the prevailing party if the court finds:
 - a. The guardian unreasonably, arbitrarily, or in bad faith denied or restricted visitation, communication, or interaction between the restricted party and the ward; or
 - b. The motion was frivolous.
10. Costs and attorney's fees awarded against the guardian may not be paid from the ward's estate.
11. If a movant for visitation, communication, and interaction states the ward's health is in significant decline or the ward's death may be imminent, the court shall conduct an emergency hearing on the motion as soon as practicable but not later than fourteen days after the date the motion is filed or at a later date upon a showing of good cause.

SECTION 17. AMENDMENT. Section 30.1-29-05 of the North Dakota Century Code is amended and reenacted as follows:

30.1-29-05. (5-405) Notice.

4- On a petition for appointment of a conservator or other protective order, the petitioning party shall cause notice of the proceeding to be served personally on the person to be protected and the spouse of the person to be protected or, if none, the parents of the person to be protected, or any guardian or conservator, at least fourteen days before the date of hearing. If none of these parties can be found, any government agency paying benefits to the person sought to be protected, if the person seeking the appointment has knowledge of the existence of these benefits, must be given notice in accordance with section 30.1-03-01.

- ~~2- Notice of a petition for appointment of a conservator or other initial protective order, and of any subsequent hearing, must be given to any person who has filed a request for notice under section 30.1-29-06 and to interested persons and other persons as the court may direct. Except as otherwise provided in subsection 1, notice shall be given in accordance with section 30.1-03-01.~~

SECTION 18. A new section to chapter 30.1-29 of the North Dakota Century Code is created and enacted as follows:

Notices in conservatorship proceedings subsequent to appointment.

Notice in a conservatorship proceeding subsequent to appointment of a conservator must be given to the parties, the guardian, if any, the individual in need of protection, and any interested persons designated by the court.

SECTION 19. AMENDMENT. Subsection 6 of section 30.1-29-07 of the North Dakota Century Code is amended and reenacted as follows:

6. After hearing, upon finding that the appointment of a conservator or other protective order is appropriate, the court shall make an appointment or other appropriate protective order. The court, guardian ad litem, petitioner, or person to be protected may subpoena the individual who prepared and submitted the report to appear, testify, and be cross-examined. After the hearing, the guardian ad litem and expert examiner must be discharged of the duties as guardian ad litem and expert examiner.

SECTION 20. A new section to chapter 30.1-29 of the North Dakota Century Code is created and enacted as follows:

Confidentiality - Reports - Personal information.

1. A written report prepared and submitted by a guardian ad litem or expert examiner and annual and final reports and financial accounting prepared and submitted by a conservator are closed to the public and are not open to inspection except by the court, parties to the proceeding or the parties' counsel, other persons for those purposes as the court may order for good cause, and others authorized by court rule.
2. Any medical, psychological, or other treatment information protected by federal law or regulation, and any financial account numbers related to a protected person or proposed protected person are confidential and may not be disclosed except to parties to the proceeding, the parties' counsel, and others authorized by court rule. The court may permit access by other persons for good cause.

SECTION 21. AMENDMENT. Subsection 2 of section 30.1-29-08 of the North Dakota Century Code is amended and reenacted as follows:

2. The court has the following powers which may be exercised directly or through a conservator, subject to section 30.1-29-22, in respect to the estate and affairs of protected persons:
 - a. While a petition for appointment of a conservator or other protective order is pending and after preliminary hearing and without prior notice to others, the court has power to preserve and apply the property of the person to be protected as may be required for the benefit of the person to be protected or the benefit of the dependents of the person to be protected.
 - b. After hearing and upon determining that a basis for an appointment or other protective order exists with respect to a minor, the court has all those powers over the estate and affairs of the minor which are or might be necessary for the best interests of the minor, the minor's family, and members of the minor's household.
 - c. After hearing and upon determining that appointment of a conservator or other protective order is appropriate with respect to a person for reasons other than minority, the court has, for the benefit of the person and members of the person's household, all the powers over the person's estate and affairs which the person could exercise if present and not under disability, except the power to make a will. These powers include power to make gifts, to convey or release the person's contingent and expectant

interests in property, including marital property rights and any right of survivorship incident to joint tenancy, to exercise or release the person's powers as trustee, personal representative, custodian for minors, conservator, or donee of a power of appointment, to enter into contracts, to create revocable or irrevocable trusts of property of the estate which may extend beyond the person's disability or life, to exercise options of the disabled person to purchase securities or other property, to exercise the person's rights to elect options and change beneficiaries under insurance and annuity policies and to surrender the policies for their cash value, to exercise the person's right to an elective share in the estate of the person's deceased spouse, and to renounce any interest by testate or intestate succession or by inter vivos transfer.

- d. The court may exercise or direct the exercise of its authority to exercise or release powers of appointment of which the protected person is donee, to renounce interests, to make gifts in trust or otherwise exceeding twenty percent of any year's income of the estate, or to change beneficiaries under insurance and annuity policies, only if satisfied, after notice to those identified in section 18 of this Act and hearing, that it is in the best interests of the protected person, and that the protected person either is incapable of consenting or has consented to the proposed exercise of power.
- e. An order made pursuant to this section determining that appointment of a conservator or other protective order is appropriate has no effect on the capacity of the protected person.

SECTION 22. AMENDMENT. Section 30.1-29-13 of the North Dakota Century Code is amended and reenacted as follows:

30.1-29-13. (5-413) Acceptance of appointment - Consent to jurisdiction.

By accepting appointment, a conservator submits personally to the jurisdiction of the court in any proceeding, relating to the estate, that may be instituted by any interested person. ~~Notice of any proceeding shall be delivered to the conservator, or mailed to the conservator by registered or certified mail at the conservator's address as listed in the petition for appointment or as thereafter reported to the court and to the conservator's address as then known to the petitioner.~~

SECTION 23. AMENDMENT. Section 30.1-29-18 of the North Dakota Century Code is amended and reenacted as follows:

30.1-29-18. (5-418) Inventory and records.

Within ninety days after appointment, every conservator shall prepare and file with the appointing court a complete inventory of the estate of the protected person together with the conservator's oath or affirmation that it is complete and accurate so far as the conservator is informed. The conservator shall provide a copy thereof to the ~~protected person if the protected person can be located, has attained the age of fourteen years, and has sufficient mental capacity to understand these matters, and to any guardian, spouse, or parent, if the protected person is a minor, and to any interested persons designated by the court in its order to those identified in section 18 of this Act.~~ The conservator shall keep suitable records of the conservator's administration and exhibit the same on request of any interested person.

SECTION 24. AMENDMENT. Subsection 3 of section 30.1-29-19 of the North Dakota Century Code is amended and reenacted as follows:

3. Copies of the conservator's annual report to the court and of any other reports required by the court must be ~~mailed by the conservator to the protected person and other parties as required under section 30.1-29-18 provided to those identified in section 18 of this Act.~~ The protected person's copy must be accompanied by a statement, printed with not less than double-spaced twelve-point type, of the protected person's right to seek alteration, limitation, or termination of the conservatorship at any time.

SECTION 25. AMENDMENT. Subsection 1 of section 30.1-29-20.1 of the North Dakota Century Code is amended and reenacted as follows:

1. On petition by a person interested in the estate of the person to be protected, the court may appoint an emergency conservator if the court finds that compliance with the procedures in this chapter likely will result in substantial harm to the estate of the person to be protected, and that no other person appears to have authority and willingness to act in the circumstances. The court may appoint the conservator for a specified period of time, not to exceed ninety days. Immediately upon receipt of the petition for an emergency conservator, the court shall appoint a guardian ad litem to advocate for the best interests of the estate of the person to be protected in the proceeding and any subsequent proceeding. The court shall hold a hearing within ten days of the filing of the petition to determine if appointment of an emergency conservator is appropriate. Except as otherwise provided in subsection 2, reasonable notice of the time and place of a hearing on the petition must be given to ~~the person whose estate is to be protected, the person's spouse, if any, and any other persons as the court directs~~ those identified in section 18 of this Act.

SECTION 26. AMENDMENT. Subsection 2 of section 30.1-29-22 of the North Dakota Century Code is amended and reenacted as follows:

2. A conservator shall move the court for authorization to sell real property of the person to be protected, upon such terms as the court may order, for the purpose of paying the protected person's debts; providing for the care, maintenance, rehabilitation, training, or education of the person to be protected or the dependents of the person to be protected; or for any other purpose in the best interests of the person to be protected.
 - a. The motion must contain:
 - (1) A description of the property;
 - (2) The details of the sale;
 - (3) The reason for the transaction;
 - (4) The current fair market value of the property, including an appraisal unless good cause is shown;
 - (5) An explanation of why the transaction is in the best interest of the person to be protected; and
 - (6) A notice that any person interested in the real property of the person to be protected must file an objection to the transaction within ten days of the notice and demand a hearing.

- b. ~~The motion must be served upon the protected person, the spouse of the person to be protected, and all interested persons those identified in section 18 of this Act.~~
- c. Consent of the spouse of the person to be protected or interested persons must be filed with the motion. If the motion is unopposed, the court may authorize the transaction without a hearing or may conduct a hearing and require proof of the matters necessary to support the authorization of the transaction.
- d. The court's order must include specific findings regarding whether the transaction is in the best interests of the person to be protected.

SECTION 27. AMENDMENT. Subsection 5 of section 30.1-29-25 of the North Dakota Century Code is amended and reenacted as follows:

- 5. If a protected person dies, the conservator shall deliver to the court for safekeeping any will of the deceased protected person which may have come into the conservator's possession, inform the executor or a beneficiary named therein that the conservator has done so, and retain the estate for delivery to a duly appointed personal representative of the decedent or other persons entitled thereto. If after forty days from the death of the protected person no other person has been appointed personal representative and no application or petition for appointment is before the court, the conservator may apply to exercise the powers and duties of a personal representative so that the conservator may proceed to administer and distribute the decedent's estate without additional or further appointment. Upon application for an order granting the powers of a personal representative to a conservator, after notice to any person demanding notice under section 30.1-13-04, those identified in section 18 of this Act, and to any person nominated executor in any will of which the applicant is aware, the court may order the conferral of the power upon determining that there is no objection, and endorse the letters of the conservator to note that the formerly protected person is deceased and that the conservator has acquired all of the powers and duties of a personal representative. The making and entry of an order under this section has the effect of an order of appointment of a personal representative as provided in section 30.1-14-08 and chapters 30.1-17 through 30.1-21, except that estate in the name of the conservator, after administration, may be distributed to the decedent's successors without prior retransfer to the conservator as personal representative.

SECTION 28. REPEAL. Sections 30.1-26-01, 30.1-28-08, and 30.1-28-15 of the North Dakota Century Code are repealed.

Approved April 29, 2025

Filed April 30, 2025

CHAPTER 319

HOUSE BILL NO. 1224

(Representatives Klemin, Louser, S. Olson, Tveit, Vetter)
(Senators Cory, Hogue, Larson, Sickler)

AN ACT to amend and reenact section 30.1-23-01 of the North Dakota Century Code, relating to the administration of small estates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 30.1-23-01 of the North Dakota Century Code is amended and reenacted as follows:

30.1-23-01. (3-1201) Collection of personal property by affidavit.

1. Thirty days after the death of a decedent, any person indebted to the decedent or having possession of tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action belonging to the decedent shall make payment of the indebtedness or deliver the tangible personal property or an instrument evidencing a debt, obligation, stock, or chose in action to a person claiming to be the successor of the decedent upon being presented an affidavit made by or on behalf of the successor stating that:
 - a. The value of the entire estate subject to distribution or succession under chapters 30.1-01 through 30.1-23, wherever located, less liens and encumbrances, does not exceed fiftyone hundred thousand dollars.
 - b. Thirty days have elapsed since the death of the decedent.
 - c. An application or petition for the appointment of a personal representative is not pending or has not been granted in any jurisdiction.
 - d. The claiming successor is entitled to payment or delivery of the property.
2. A transfer agent of any security shall change the registered ownership on the books of a corporation or limited liability company from the decedent to the successor upon the presentation of an affidavit as provided in subsection 1.

Approved March 19, 2025

Filed March 20, 2025

JUDICIAL PROOF

CHAPTER 320

HOUSE BILL NO. 1044

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

AN ACT to amend and reenact section 31-13-04 of the North Dakota Century Code, relating to deoxyribonucleic acid testing, sampling, and procedure; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 31-13-04 of the North Dakota Century Code is amended and reenacted as follows:

31-13-04. DNA testing - Procedure - Immunity.

1. Samples of blood or other body fluids for DNA testing may be obtained in a medically approved manner by a physician, registered nurse, licensed practical nurse, phlebotomist, or medical technologist, and packaged and submitted in kits approved or provided by the laboratory and in accordance with rules adopted by the laboratory.
2. Samples of saliva for DNA testing may be obtained by a licensed peace officer or a correctional officer, and packaged and submitted in kits approved or provided by the laboratory and in accordance with rules adopted by the laboratory. Samples may be collected and submitted by personnel from an agency outside the state with approval of the laboratory.
3. Civil or criminal liability may not attach to any individual authorized to draw or obtain a sample of blood or other body fluids from any individual for DNA testing if the sample of blood or other body fluids was drawn or obtained according to sampling techniques approved by the laboratory.

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

Approved March 17, 2025

Filed March 18, 2025

JUDICIAL REMEDIES

CHAPTER 321

SENATE BILL NO. 2250

(Senators Klein, Kessel)
(Representatives Kasper, Klemin)

AN ACT to amend and reenact section 32-03-30 of the North Dakota Century Code, relating to damages for injuries to timber.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 32-03-30 of the North Dakota Century Code is amended and reenacted as follows:

32-03-30. Damages for wrongful injuries to timber.

1. For ~~wrongful~~willful and wanton injuries to timber, trees, or underwood upon the land of another, or removal thereof, the measure of damages is three times such a sum as would compensate for the actual detriment, ~~except when the trespass was casual and involuntary or committed under the belief that the land belonged to the trespasser, or when the wood was taken by the authority of highway officers for the purposes of a highway. In such a case the~~
2. For negligent injuries to timber, trees, or underwood upon the land of another, or removal thereof, the measure of damages ~~are~~is a sum equal to the actual detriment.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 322

SENATE BILL NO. 2145

(Senators Roers, Barta, Axtman)
(Representatives Mitskog, O'Brien, Porter)

AN ACT to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to providing immunity to an employee of a 988 suicide and crisis lifeline, 211 information and referral helpline, and 911 system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 32-03 of the North Dakota Century Code is created and enacted as follows:

Behavior health instruction - Immunity from civil liability.

1. A person employed or contracted to provide a behavior health service, or any other service, through the 988 suicide and crisis lifeline, 211 information and referral helpline, or 911 system is not liable for any civil damages arising from providing the service to any individual unless the service provided constitutes willful and wanton misconduct or gross negligence.
2. This section does not waive, limit, or modify any existing immunity or other defense of the state or any political subdivision, or any of its agencies, departments, or employees, nor does it create any claim for relief against any of these entities.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 323

SENATE BILL NO. 2290

(Senators Dwyer, Sickler, Cleary)
(Representatives Klemin, Heinert, Schneider)

AN ACT to amend and reenact sections 32-03.2-01 and 32-03.2-11 of the North Dakota Century Code, relating to when a court or jury may give exemplary damages.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 32-03.2-01 of the North Dakota Century Code is amended and reenacted as follows:

32-03.2-01. Definition.

As used in this chapter, "fault":

1. "Fault" includes acts or omissions that are in any measure negligent or reckless toward the person or property of the actor or others, or that subject a person to tort liability or dram shop liability. The term also includes strict liability for product defect, breach of warranty, negligence or assumption of risk, misuse of a product for which the defendant otherwise would be liable, and failure to exercise reasonable care to avoid an injury or to mitigate damages. Legal requirements of causal relation apply both to fault as the basis for liability and to contributory fault.
2. "Malice" means:
 - a. A direct intention to injure another; or
 - b. A reckless disregard of the rights of another and any consequences.

SECTION 2. AMENDMENT. Section 32-03.2-11 of the North Dakota Century Code is amended and reenacted as follows:

32-03.2-11. When court or jury may give exemplary damages.

1. In any action for the breach of an obligation not arising from contract, when the defendant has been guilty by clear and convincing evidence of oppression, fraud, or ~~actual~~ malice, the court or jury, in addition to the actual damages, may give damages for the sake of example and by way of punishing the defendant. Upon commencement of the action, the complaint may not seek exemplary damages. After filing the suit, a party may make a motion to amend the pleadings to claim exemplary damages. The motion must allege an applicable legal basis for awarding exemplary damages and must be accompanied by one or more affidavits or deposition testimony showing the factual basis for the claim. The party opposing the motion may respond with affidavit or deposition testimony. If the court finds, after considering all submitted evidence, that there is sufficient evidence to support a finding by the trier of fact that a preponderance of the evidence proves oppression, fraud, or

~~actual~~ malice, the court shall grant the moving party permission to amend the pleadings to claim exemplary damages. For purposes of tolling the statute of limitations, pleadings amended under this section relate back to the time the action was commenced.

2. If either party so elects, the trier of fact shall first determine whether compensatory damages are to be awarded before addressing any issues related to exemplary damages. Evidence relevant only to the claim for exemplary damages is not admissible in the proceeding on liability for compensatory damages. If an award of compensatory damages has been made, the trier of fact shall determine whether exemplary damages are to be awarded.
3. Evidence of a defendant's financial condition or net worth is not admissible in the proceeding on exemplary damages.
4. If the trier of fact determines that exemplary damages are to be awarded, the amount of exemplary damages may not exceed two times the amount of compensatory damages or two hundred fifty thousand dollars, whichever is greater; provided, however, that no award of exemplary damages may be made if the claimant is not entitled to compensatory damages. In a jury trial, the jury may not be informed of the limit on damages contained in this subsection. Any jury award in excess of this limit must be reduced by the court.
5. In order for a party to recover exemplary damages, the finder of fact shall find by clear and convincing evidence that the amount of exemplary damages awarded is consistent with the following principles and factors:
 - a. Whether there is a reasonable relationship between the exemplary damage award claimed and the harm likely to result from the defendant's conduct as well as the harm that actually has occurred;
 - b. The degree of reprehensibility of the defendant's conduct and the duration of that conduct; and
 - c. Any of the following factors as to which evidence is presented:
 - (1) The defendant's awareness of and any concealment of the conduct;
 - (2) The profitability to the defendant of the wrongful conduct and the desirability of removing that profit and of having the defendant also sustain a loss; and
 - (3) Criminal sanctions imposed on the defendant for the same conduct that is the basis for the exemplary damage claim, these to be taken into account if offered in mitigation of the exemplary damage award.
6. Exemplary damages may not be awarded against a manufacturer or seller if the product's manufacture, design, formulation, inspection, testing, packaging, labeling, and warning complied with:
 - a. Federal statutes existing at the time the product was produced;

- b. Administrative regulations existing at the time the product was produced that were adopted by an agency of the federal government which had responsibility to regulate the safety of the product or to establish safety standards for the product pursuant to a federal statute; or
 - c. Premarket approval or certification by an agency of the federal government.
7. The defense in subsection 6 does not apply if the plaintiff proves by clear and convincing evidence that the product manufacturer or product seller:
- a. Knowingly and in violation of applicable agency regulations withheld or misrepresented information required to be submitted to the agency, which information was material and relevant to the harm in question; or
 - b. Made an illegal payment to an official of the federal agency for the purpose of securing approval of the product.
8. Exemplary damages may be awarded against a principal because of an act by an agent only if at least one of the following is proved by clear and convincing evidence to be true:
- a. The principal or a managerial agent authorized the doing and manner of the act;
 - b. The agent was unfit and the principal or a managerial agent was reckless in employing or retaining the agent;
 - c. The agent was employed in a managerial capacity and was acting in the scope of employment; or
 - d. The principal or managerial agent ratified or approved the doing and manner of the act.
9. In a civil action involving a motor vehicle accident resulting in bodily injury, it is sufficient for the trier of fact to consider an award of exemplary damages against the driver under the motion procedures provided in subsection 1 if clear and convincing evidence indicates that the accident was caused by a driver who, within the five years immediately preceding the accident has been convicted for violation of section 39-08-01 and who was operating or in physical control of a motor vehicle:
- a. With an alcohol concentration of at least eight one-hundredths of one percent by weight;
 - b. Under the influence of a controlled substance unless a drug that predominantly caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to the driver;
 - c. Under the influence of alcohol and refused to take a test required under chapter 39-20; or
 - d. Under the influence of a volatile chemical as listed in section 19-03.1-22.1.

At the trial in an action in which the trier of fact will consider an award of exemplary damages, evidence that the driver has been convicted of violating section 39-08-01 or an equivalent statute or ordinance is admissible into evidence.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 324

SENATE BILL NO. 2310

(Senators Barta, Klein, Patten)
(Representatives Vollmer, Warrey)

AN ACT to amend and reenact sections 32-09.1-05, 32-09.1-10, and 32-09.1-16 of the North Dakota Century Code, relating to garnishments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 32-09.1-05 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-05. Service on office of management and budget - Fees.

Service upon the state of North Dakota, or any state institution, department, or agency, as garnishee, may be made upon the director of the office of management and budget, or the director's authorized designee, in the manner provided by law for service in garnishment proceedings, including the fee to be tendered and paid the office of management and budget for making and filing an affidavit of disclosure in the amount of ~~twenty-five dollars~~forty dollars. The fee must be deposited in the state treasury. The director of the office of management and budget may provide for an optional electronic method of service for which disclosure fees are not required.

SECTION 2. AMENDMENT. Section 32-09.1-10 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-10. Disclosure fees.

In all garnishment proceedings, the plaintiff, when the garnishee summons is served upon the garnishee, shall tender to the garnishee the sum of ~~twenty-five dollars~~forty dollars as the fee for making an affidavit of disclosure.

SECTION 3. AMENDMENT. Section 32-09.1-16 of the North Dakota Century Code is amended and reenacted as follows:

32-09.1-16. Minimum judgment.

~~No~~A judgment may ~~not~~be rendered against a garnishee if the judgment against the defendant is less than ~~twenty-five dollars~~forty dollars, exclusive of costs, rather, the garnishee shall be discharged.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 325

SENATE BILL NO. 2122

(Industry and Business Committee)
(At the request of the Commission on Uniform State Laws)

AN ACT to create and enact chapter 32-10.1 and a new section to chapter 32-19.2 of the North Dakota Century Code, relating to the Uniform Commercial Real Estate Receivership Act and trustees for commercial buildings during foreclosures; to provide for a legislative management study; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 32-10.1 of the North Dakota Century Code is created and enacted as follows:

32-10.1-01. Definitions.

As used in this chapter:

1. "Affiliate" means:

a. With respect to an individual:

(1) A companion of the individual;

(2) A lineal ancestor or descendant, whether by blood or adoption, of:

(a) The individual; or

(b) A companion of the individual;

(3) A companion of an ancestor or descendant described in paragraph 2;

(4) A sibling, aunt, uncle, great aunt, great uncle, first cousin, niece, nephew, grandniece, or grandnephew of the individual, whether related by the whole or the half blood or adoption, or a companion of any of those individuals; or

(5) Any other individual occupying the residence of the individual; and

b. With respect to a person other than an individual:

(1) Another person that directly or indirectly controls, is controlled by, or is under common control with the person;

(2) An officer, director, manager, member, partner, employee, or trustee or other fiduciary of the person; or

(3) A companion of, or an individual occupying the residence of, an individual described in paragraph 1 or 2.

2. "Companion" means:
 - a. The spouse of an individual;
 - b. The domestic partner of an individual; or
 - c. Another individual in a civil union with an individual.
3. "Court" means the district court.
4. "Executory contract" means a contract under which each party has an unperformed obligation and the failure of a party to complete performance would constitute a material breach. The term includes a lease.
5. "Governmental unit" means an office, department, division, bureau, board, commission, or other agency of this state or a subdivision of this state.
6. "Lien" means an interest in property which secures payment or performance of an obligation.
7. "Mortgage" means a record, however denominated, that creates or provides for a consensual lien on real property or rents, even if it also creates or provides for a lien on personal property.
8. "Mortgagee" means a person entitled to enforce an obligation secured by a mortgage.
9. "Mortgagor" means a person that grants a mortgage or a successor in ownership of the real property described in the mortgage.
10. "Owner" means the person for whose property a receiver is appointed.
11. "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency, or instrumentality, or other legal entity.
12. "Proceeds" means:
 - a. Whatever is acquired on the sale, lease, license, exchange, or other disposition of receivership property;
 - b. Whatever is collected on, or distributed on account of, receivership property;
 - c. Rights arising out of receivership property;
 - d. To the extent of the value of receivership property, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to the property; or
 - e. To the extent of the value of receivership property and to the extent payable to the owner or mortgagee, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to the property.

13. "Property" means all of a person's right, title, and interest, both legal and equitable, in real and personal property, tangible and intangible, wherever located and however acquired. The term includes proceeds, products, offspring, rents, or profits of or from the property.
14. "Receiver" means a person appointed by the court as the court's agent, and subject to the court's direction, to take possession of, manage, and, if authorized by this chapter or court order, transfer, sell, lease, license, exchange, collect, or otherwise dispose of receivership property.
15. "Receivership" means a proceeding in which a receiver is appointed.
16. "Receivership property" means the property of an owner which is described in the order appointing a receiver or a subsequent order. The term includes any proceeds, products, offspring, rents, or profits of or from the property.
17. "Record" means information inscribed on a tangible medium or stored on an electronic or other medium and retrievable in perceivable form.
18. "Rents" means:
 - a. Sums payable for the right to possess or occupy, or for the actual possession or occupation of, real property of another person;
 - b. Sums payable to a mortgagor under a policy of rental-interruption insurance covering real property;
 - c. Claims arising out of a default in the payment of sums payable for the right to possess or occupy real property of another person;
 - d. Sums payable to terminate an agreement to possess or occupy real property of another person;
 - e. Sums payable to a mortgagor for payment or reimbursement of expenses incurred in owning, operating, and maintaining real property or constructing or installing improvements on real property; or
 - f. Other sums payable under an agreement relating to the real property of another person which constitute rent under any other provision of law.
19. "Secured obligation" means an obligation the payment or performance of which is secured by a security agreement.
20. "Security agreement" means an agreement that creates or provides for a lien.
21. "Sign" means, with present intent to authenticate or adopt a record:
 - a. To execute or adopt a tangible symbol; or
 - b. To attach to or logically associate with the record an electronic sound, symbol, or process.
22. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

32-10.1-02. Notice and opportunity for hearing.

1. Except as provided under subsection 2, the court may issue an order under this chapter only after notice and opportunity for a hearing appropriate in the circumstances.
2. The court may issue an order under this chapter:
 - a. Without prior notice if the circumstances require issuance of an order before notice is given;
 - b. After notice and without a prior hearing if the circumstances require issuance of an order before a hearing is held; or
 - c. After notice and without a hearing if no interested party timely requests a hearing.

32-10.1-03. Scope - Exclusions.

1. Except as provided under subsection 2 or 3, this chapter applies to a receivership for an interest in real property and any personal property related to or used in operating the real property.
2. This chapter does not apply to a receivership for an interest in real property improved by one to four dwelling units unless:
 - a. The interest is used for agricultural, commercial, industrial, or mineral-extraction purposes, other than incidental uses by an owner occupying the property as the owner's primary residence;
 - b. The interest secures an obligation incurred at a time when the property was used or planned for use for agricultural, commercial, industrial, or mineral-extraction purposes;
 - c. The owner planned or is planning to develop the property into one or more dwelling units to be sold or leased in the ordinary course of the owner's business; or
 - d. The owner is collecting or has the right to collect rents or other income from the property from a person other than an affiliate of the owner.
3. This chapter does not apply to a receivership authorized by any other provision of law in which the receiver is a governmental unit or an individual acting in an official capacity on behalf of the unit except to the extent provided by the other law.
4. This chapter does not limit the authority of a court to appoint a receiver under any other provision of law.
5. Unless displaced by a particular provision of this chapter, the principles of law and equity supplement this chapter.

32-10.1-04. Power of court.

The court that appoints a receiver under this chapter has exclusive jurisdiction to direct the receiver and determine any controversy related to the receivership or receivership property.

32-10.1-05. Appointment of receiver.**1. The court may appoint a receiver:**

a. Before judgment, to protect a party that demonstrates an apparent right, title, or interest in real property that is the subject of the action, if the property or its revenue-producing potential:

(1) Is being subjected to or is in danger of waste, loss, dissipation, or impairment; or

(2) Has been or is about to be the subject of a voidable transaction;

b. After judgment:

(1) To carry the judgment into effect; or

(2) To preserve nonexempt real property pending appeal or when an execution has been returned unsatisfied and the owner refuses to apply the property in satisfaction of the judgment;

c. In an action in which a receiver for real property may be appointed on equitable grounds; or

d. During the time allowed for redemption, to preserve real property sold in an execution or foreclosure sale and secure its rents to the person entitled to the rents.

2. In connection with the foreclosure or other enforcement of a mortgage, the court may appoint a receiver for the mortgaged property if:

a. Appointment is necessary to protect the property from waste, loss, transfer, dissipation, or impairment;

b. The mortgagor agreed in a signed record to appointment of a receiver on default;

c. The owner agreed, after default and in a signed record, to appointment of a receiver;

d. The property and any other collateral held by the mortgagee are not sufficient to satisfy the secured obligation;

e. The owner fails to turn over to the mortgagee proceeds or rents the mortgagee was entitled to collect; or

f. The holder of a subordinate lien obtains appointment of a receiver for the property.

3. The court may condition appointment of a receiver without prior notice under subdivision a of subsection 2 of section 32-10.1-02 or without a prior hearing under subdivision b of subsection 2 of section 32-10.1-02 on the giving of security by the person seeking the appointment for the payment of damages, reasonable attorney's fees, and costs incurred or suffered by any person if the court later concludes the appointment was not justified. If the court later concludes the appointment was justified, the court shall release the security.

32-10.1-06. Disqualification from appointment as receiver - Disclosure of interest.

1. The court may not appoint a person as receiver unless the person submits a statement to the court under penalty of perjury that the person is not disqualified.
2. Except as provided under subsection 3, a person is disqualified from appointment as receiver if the person:
 - a. Is an affiliate of a party;
 - b. Has an interest materially adverse to an interest of a party;
 - c. Has a material financial interest in the outcome of the action, other than compensation the court may allow the receiver;
 - d. Has a debtor-creditor relationship with a party; or
 - e. Holds an equity interest in a party, other than a noncontrolling interest in a publicly traded company.
3. A person is not disqualified from appointment as receiver because the person:
 - a. Was appointed receiver or is owed compensation in an unrelated matter involving a party or was engaged by a party in a matter unrelated to the receivership;
 - b. Is an individual obligated to a party on a debt that is not in default and was incurred primarily for personal, family, or household purposes; or
 - c. Maintains with a party a deposit account as defined under section 41-09-02.
4. A person seeking appointment of a receiver may nominate a person to serve as receiver, but the court is not bound by the nomination.

32-10.1-07. Receiver's bond - Alternative security.

1. Except as provided under subsection 2, a receiver shall post a bond with the court which:
 - a. Is conditioned on the faithful discharge of the receiver's duties;
 - b. Has one or more sureties approved by the court;
 - c. Is in an amount the court specifies; and

- d. Is effective as of the date of the receiver's appointment.
2. The court may approve the posting by a receiver with the court of alternative security, including a letter of credit or deposit of funds. The receiver may not use receivership property as alternative security. Interest that accrues on deposited funds must be paid to the receiver on the receiver's discharge.
3. The court may authorize a receiver to act before the receiver posts the bond or alternative security required by this section.
4. A claim against a receiver's bond or alternative security must be made not later than twelve months after the date the receiver is discharged.

32-10.1-08. Status of receiver as lien creditor.

On appointment of a receiver, the receiver has the status of a lien creditor under:

1. Chapter 41-09 as to receivership property that is personal property or fixtures; and
2. Chapter 47-19 as to receivership property that is real property.

32-10.1-09. Security agreement covering after-acquired property.

Except as otherwise provided by law, property that a receiver or owner acquires after appointment of the receiver is subject to a security agreement entered before the appointment to the same extent as if the court had not appointed the receiver.

32-10.1-10. Collection and turnover of receivership property.

1. Unless the court orders otherwise, on demand by a receiver:
 - a. A person that owes a debt that is receivership property and is matured or payable on demand or on order shall pay the debt to or on the order of the receiver, except to the extent the debt is subject to setoff or recoupment; and
 - b. Subject to subsection 3, a person that has possession, custody, or control of receivership property shall turn the property over to the receiver.
2. A person that has notice of the appointment of a receiver and owes a debt that is receivership property may not satisfy the debt by payment to the owner.
3. If a creditor has possession, custody, or control of receivership property and the validity, perfection, or priority of the creditor's lien on the property depends on the creditor's possession, custody, or control, the creditor may retain possession, custody, or control until the court orders adequate protection of the creditor's lien.
4. Unless a bona fide dispute exists about a receiver's right to possession, custody, or control of receivership property, the court may sanction a person's failure to turn the property over when required by this section as civil contempt.

32-10.1-11. Powers and duties of receiver.

1. Except as limited by court order or any other provision of law, a receiver may:
 - a. Collect, control, manage, conserve, and protect receivership property;
 - b. Operate a business constituting receivership property, including preservation, use, sale, lease, license, exchange, collection, or disposition of the property in the ordinary course of business;
 - c. In the ordinary course of business, incur unsecured debt and pay expenses incidental to the receiver's preservation, use, sale, lease, license, exchange, collection, or disposition of receivership property;
 - d. Assert a right, claim, cause of action, or defense of the owner which relates to receivership property;
 - e. Seek and obtain instruction from the court concerning receivership property, exercise of the receiver's powers, and performance of the receiver's duties;
 - f. On subpoena, compel a person to submit to examination under oath, or to produce and permit inspection and copying of designated records or tangible things, with respect to receivership property or any other matter that may affect administration of the receivership;
 - g. Engage a professional under section 32-10.1-14;
 - h. Apply to a court of another state for appointment as ancillary receiver with respect to receivership property located in that state; and
 - i. Exercise any power conferred by court order, this chapter, or any other provision of law.
2. With court approval, a receiver may:
 - a. Incur debt for the use or benefit of receivership property other than in the ordinary course of business;
 - b. Make improvements to receivership property;
 - c. Use or transfer receivership property other than in the ordinary course of business under section 32-10.1-15;
 - d. Adopt or reject an executory contract of the owner under section 32-10.1-16;
 - e. Pay compensation to the receiver under section 32-10.1-20, and to each professional engaged by the receiver under section 32-10.1-14;
 - f. Recommend allowance or disallowance of a claim of a creditor under section 32-10.1-19; and
 - g. Make a distribution of receivership property under section 32-10.1-19.
3. A receiver shall:

- a. Prepare and retain appropriate business records, including a record of each receipt, disbursement, and disposition of receivership property;
 - b. Account for receivership property, including the proceeds of a sale, lease, license, exchange, collection, or other disposition of the property;
 - c. File with the county recorder wherein the property is located a copy of the order appointing the receiver and, if a legal description of the real property is not included in the order, the legal description;
 - d. Disclose to the court any fact arising during the receivership which would disqualify the receiver under section 32-10.1-06; and
 - e. Perform any duty imposed by court order, this chapter, or any other provision of law.
4. The powers and duties of a receiver may be expanded, modified, or limited by court order.

32-10.1-12. Duties of owner.

1. An owner shall:
 - a. Assist and cooperate with the receiver in the administration of the receivership and the discharge of the receiver's duties;
 - b. Preserve and turn over to the receiver all receivership property in the owner's possession, custody, or control;
 - c. Identify all records and other information relating to the receivership property, including a password, authorization, or other information needed to obtain or maintain access to or control of the receivership property, and make available to the receiver the records and information in the owner's possession, custody, or control;
 - d. On subpoena, submit to examination under oath by the receiver concerning the acts, conduct, property, liabilities, and financial condition of the owner or any matter relating to the receivership property or the receivership; and
 - e. Perform any duty imposed by court order, this chapter, or any other provision of law.
2. If an owner is a person other than an individual, this section applies to each officer, director, manager, member, partner, trustee, or other person exercising or having the power to exercise control over the affairs of the owner.
3. If a person knowingly fails to perform a duty imposed by this section, the court may:
 - a. Award the receiver actual damages caused by the person's failure, reasonable attorney's fees, and costs; and
 - b. Sanction the failure as civil contempt.

32-10.1-13. Stay - Injunction.

1. Except as otherwise provided in subsection 4 or ordered by the court, an order appointing a receiver operates as a stay, applicable to all persons, of an act, action, or proceeding:
 - a. To obtain possession of, exercise control over, or enforce a judgment against receivership property; and
 - b. To enforce a lien against receivership property to the extent the lien secures a claim against the owner which arose before entry of the order.
2. Except as otherwise provided in subsection 4, the court may enjoin an act, action, or proceeding against or relating to receivership property if the injunction is necessary to protect the property or facilitate administration of the receivership.
3. A person whose act, action, or proceeding is stayed or enjoined under this section may apply to the court for relief from the stay or injunction for cause.
4. An order under subsection 1 or 2 does not operate as a stay or injunction of:
 - a. An act, action, or proceeding to foreclose or otherwise enforce a mortgage by the person seeking appointment of the receiver;
 - b. An act, action, or proceeding to perfect, or maintain or continue the perfection of, an interest in receivership property;
 - c. Commencement or continuation of a criminal proceeding;
 - d. Commencement or continuation of an action or proceeding, or enforcement of a judgment other than a money judgment in an action or proceeding, by a governmental unit to enforce its police or regulatory power; or
 - e. Establishment by a governmental unit of a tax liability against the owner or receivership property or an appeal of the liability.
5. The court may void an act that violates a stay or injunction under this section.
6. If a person knowingly violates a stay or injunction under this section, the court may:
 - a. Award actual damages caused by the violation, reasonable attorney's fees, and costs; and
 - b. Sanction the violation as civil contempt.

32-10.1-14. Engagement and compensation of professional.

1. With court approval, a receiver may engage an attorney, accountant, appraiser, auctioneer, broker, or other professional to assist the receiver in performing a duty or exercising a power of the receiver. The receiver shall disclose to the court:
 - a. The identity and qualifications of the professional;

- b. The scope and nature of the proposed engagement;
 - c. Any potential conflict of interest; and
 - d. The proposed compensation.
2. A person is not disqualified from engagement under this section because of the person's engagement by, representation of, or other relationship with the receiver, a creditor, or a party. This chapter does not prevent the receiver from serving in the receivership as an attorney, accountant, auctioneer, or broker when authorized by law.
3. A receiver or professional engaged under subsection 1 shall file with the court an itemized statement of the time spent, work performed, and billing rate of each person that performed the work and an itemized list of expenses. The receiver shall pay the amount approved by the court.

32-10.1-15. Use or transfer of receivership property not in ordinary course of business.

- 1. As used in this section, "good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.
- 2. With court approval, a receiver may use receivership property other than in the ordinary course of business.
- 3. With court approval, a receiver may transfer receivership property other than in the ordinary course of business by sale, lease, license, exchange, or other disposition. Unless the agreement of sale provides otherwise, a sale under this section is free of a lien of the person that obtained appointment of the receiver, any subordinate lien, and any right of redemption but is subject to a senior lien.
- 4. A lien on receivership property which is extinguished by a transfer under subsection 3 attaches to the proceeds of the transfer with the same validity, perfection, and priority the lien had on the property immediately before the transfer, even if the proceeds are not sufficient to satisfy all obligations secured by the lien.
- 5. A transfer under subsection 3 may occur by means other than a public auction sale. A creditor holding a valid lien on the property to be transferred may purchase the property and offset against the purchase price part or all of the allowed amount secured by the lien, if the creditor tenders funds sufficient to satisfy in full the reasonable expenses of transfer and the obligation secured by any senior lien extinguished by the transfer.
- 6. A reversal or modification of an order approving a transfer under subsection 3 does not affect the validity of the transfer to a person that acquired the property in good faith or revive against the person any lien extinguished by the transfer, whether the person knew before the transfer of the request for reversal or modification, unless the court stayed the order before the transfer.

32-10.1-16. Executory contract.

- 1. As used in this section, "timeshare interest" means an interest having a duration of more than three years which grants its holder the right to use and occupy an accommodation, facility, or recreational site, whether improved or not, for a specific period less than a full year during any given year.

2. Except as otherwise provided in subsection 8, with court approval, a receiver may adopt or reject an executory contract of the owner relating to receivership property. The court may condition the receiver's adoption and continued performance of the contract on terms appropriate under the circumstances. If the receiver does not request court approval to adopt or reject the contract within a reasonable time after the receiver's appointment, the receiver is deemed to have rejected the contract.
3. A receiver's performance of an executory contract before court approval under subsection 2 of its adoption or rejection is not an adoption of the contract and does not preclude the receiver from seeking approval to reject the contract.
4. A provision in an executory contract which requires or permits a forfeiture, modification, or termination of the contract because of the appointment of a receiver or the financial condition of the owner does not affect a receiver's power under subsection 2 to adopt the contract.
5. A receiver's right to possess or use receivership property pursuant to an executory contract terminates on rejection of the contract under subsection 2. Rejection is a breach of the contract effective immediately before appointment of the receiver. A claim for damages for rejection of the contract must be submitted by the later of:
 - a. The time set for submitting a claim in the receivership; or
 - b. Thirty days after the court approves the rejection.
6. If at the time a receiver is appointed, the owner has the right to assign an executory contract relating to receivership property under any other provision of law, the receiver may assign the contract with court approval.
7. If a receiver rejects under subsection 2 an executory contract for the sale of receivership property that is real property in possession of the purchaser or a real-property timeshare interest, the purchaser may:
 - a. Treat the rejection as a termination of the contract, and in that case the purchaser has a lien on the property for the recovery of any part of the purchase price the purchaser paid; or
 - b. Retain the purchaser's right to possession under the contract, and in that case the purchaser shall continue to perform all obligations arising under the contract and may offset any damages caused by nonperformance of an obligation of the owner after the date of the rejection, but the purchaser has no right or claim against other receivership property or the receiver on account of the damages.
8. A receiver may not reject an unexpired lease of real property under which the owner is the landlord if:
 - a. The tenant occupies the leased premises as the tenant's primary residence;
 - b. The receiver was appointed at the request of a person other than a mortgagee; or

c. The receiver was appointed at the request of a mortgagee and:

- (1) The lease is superior to the lien of the mortgage;
- (2) The tenant has an enforceable agreement with the mortgagee or the holder of a senior lien under which the tenant's occupancy will not be disturbed as long as the tenant performs its obligations under the lease;
- (3) The mortgagee has consented to the lease, either in a signed record or by its failure timely to object that the lease violated the mortgage; or
- (4) The terms of the lease were commercially reasonable at the time the lease was agreed to and the tenant did not know or have reason to know the lease violated the mortgage.

32-10.1-17. Defenses and immunities of receiver.

1. A receiver is entitled to all defenses and immunities provided by any other provision of law for an act or omission within the scope of the receiver's appointment.
2. A receiver may be sued personally for an act or omission in administering receivership property only with approval of the court that appointed the receiver.

32-10.1-18. Interim report of receiver.

A receiver may file or, if ordered by the court, shall file an interim report that includes:

1. The activities of the receiver since appointment or a previous report;
2. Receipts and disbursements, including a payment made or proposed to be made to a professional engaged by the receiver;
3. Receipts and dispositions of receivership property;
4. Fees and expenses of the receiver and, if not filed separately, a request for approval of payment of the fees and expenses; and
5. Any other information required by the court.

32-10.1-19. Notice of appointment - Claim against receivership - Distribution to creditors.

1. Except as otherwise provided in subsection 6, a receiver shall give notice of appointment of the receiver to creditors of the owner by:
 - a. Deposit for delivery through first-class mail or other commercially reasonable delivery method to the last-known address of each creditor; and
 - b. Publication as directed by the court.

2. Except as otherwise provided in subsection 6, the notice required under subsection 1 must specify the date by which each creditor holding a claim against the owner which arose before appointment of the receiver must submit the claim to the receiver. The date specified must be at least ninety days after the later of notice under subdivision a of subsection 1 or last publication under subdivision b of subsection 1. The court may extend the period for submitting the claim. Unless the court orders otherwise, a claim that is not submitted timely is not entitled to a distribution from the receivership.
3. A claim submitted by a creditor under this section must:
 - a. State the name and address of the creditor;
 - b. State the amount and basis of the claim;
 - c. Identify any property securing the claim;
 - d. Be signed by the creditor under penalty of perjury; and
 - e. Include a copy of any record on which the claim is based.
4. An assignment by a creditor of a claim against the owner is effective against the receiver only if the assignee gives timely notice of the assignment to the receiver in a signed record.
5. At any time before entry of an order approving a receiver's final report, the receiver may file with the court an objection to a claim of a creditor, stating the basis for the objection. The court shall allow or disallow the claim according to any other provision of law.
6. If the court concludes receivership property is likely to be insufficient to satisfy claims of each creditor holding a perfected lien on the property, the court may order that:
 - a. The receiver need not give notice under subsection 1 of the appointment to all creditors of the owner, but only such creditors as the court directs; and
 - b. Unsecured creditors need not submit claims under this section.
7. Subject to section 32-10.1-20:
 - a. A distribution of receivership property to a creditor holding a perfected lien on the property must be made in accordance with the creditor's priority under any other provision of law; and
 - b. A distribution of receivership property to a creditor with an allowed unsecured claim must be made as the court directs according to any other provision of law.

32-10.1-20. Fees and expenses.

1. The court may award a receiver from receivership property the reasonable and necessary fees and expenses of performing the duties of the receiver and exercising the powers of the receiver.

2. The court may order one or more of the following to pay the reasonable and necessary fees and expenses of the receivership, including reasonable attorney's fees and costs:
 - a. A person that requested the appointment of the receiver, if the receivership does not produce sufficient funds to pay the fees and expenses.
 - b. A person whose conduct justified or would have justified the appointment of the receiver under subdivision a of subsection 1 of section 32-10.1-05.

32-10.1-21. Removal of receiver - Replacement - Termination of receivership.

1. The court may remove a receiver for cause.
2. The court shall replace a receiver that dies, resigns, or is removed.
3. If the court finds that a receiver that resigns or is removed, or the representative of a receiver who is deceased, has accounted fully for and turned over to the successor receiver all receivership property and has filed a report of all receipts and disbursements during the service of the replaced receiver, the replaced receiver is discharged.
4. The court may discharge a receiver and terminate the court's administration of the receivership property if the court finds appointment of the receiver was improvident or the circumstances no longer warrant continuation of the receivership. If the court finds the appointment was sought wrongfully or in bad faith, the court may assess against the person that sought the appointment:
 - a. The fees and expenses of the receivership, including reasonable attorney's fees and costs; and
 - b. Actual damages caused by the appointment, including reasonable attorney's fees and costs.

32-10.1-22. Final report of receiver - Discharge.

1. On completion of a receiver's duties, the receiver shall file a final report that includes:
 - a. A description of the activities of the receiver in the conduct of the receivership;
 - b. A list of receivership property at the commencement of the receivership and any receivership property received during the receivership;
 - c. A list of disbursements, including payments to professionals engaged by the receiver;
 - d. A list of dispositions of receivership property;
 - e. A list of distributions made or proposed to be made from the receivership for creditor claims;
 - f. If not filed separately, a request for approval of the payment of fees and expenses of the receiver; and

- g. Any other information required by the court.
- 2. If the court approves a final report filed under subsection 1 and the receiver distributes all receivership property, the receiver is discharged.

32-10.1-23. Receivership in another state - Ancillary proceeding.

- 1. The court may appoint a receiver appointed in another state, or that person's nominee, as an ancillary receiver with respect to property located in this state or subject to the jurisdiction of the court for which a receiver could be appointed under this chapter, if:
 - a. The person or nominee would be eligible to serve as receiver under section 32-10.1-06; and
 - b. The appointment furthers the person's possession, custody, control, or disposition of property subject to the receivership in the other state.
- 2. The court may issue an order that gives effect to an order entered in another state appointing or directing a receiver.
- 3. Unless the court orders otherwise, an ancillary receiver appointed under subsection 1 has the rights, powers, and duties of a receiver appointed under this chapter.

32-10.1-24. Effect of enforcement by mortgagee.

- 1. A request by a mortgagee for appointment of a receiver, the appointment of a receiver, or application by a mortgagee of receivership property or proceeds to the secured obligation does not:
 - a. Make the mortgagee a mortgagee in possession of the real property;
 - b. Make the mortgagee an agent of the owner;
 - c. Constitute an election of remedies that precludes a later action to enforce the secured obligation;
 - d. Make the secured obligation unenforceable;
 - e. Limit any right available to the mortgagee with respect to the secured obligation; or
 - f. Except as otherwise provided in subsection 2, bar a deficiency judgment in accordance with any other provision of law governing or relating to a deficiency judgment.
- 2. If a receiver sells receivership property that under subsection 3 of section 32-10.1-15 is free of a lien, the ability of a creditor to enforce an obligation that had been secured by the lien is subject to the law of this state other than this chapter relating to a deficiency judgment.

32-10.1-25. Uniformity of application and construction.

In applying and construing this chapter, a court shall consider the promotion of uniformity of the law among states that enact it.

32-10.1-26. Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act [15 U.S.C. Section 7001 et seq.], but does not modify, limit, or supersede section 101(c) of that act, [15 U.S.C. Section 7001(c)], or authorize electronic delivery of any of the notices described in section 103(b) of that act, [15 U.S.C. Section 7003(b)].

SECTION 2. A new section to chapter 32-19.2 of the North Dakota Century Code is created and enacted as follows:

Applicability.

This chapter does not apply to a commercial real estate receivership under chapter 32-10.1.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - RECEIVER. During the 2025-26 interim, the legislative management shall consider studying all provisions of the North Dakota Century Code relating to receivers to determine whether the provisions should be consolidated into a single chapter, including a review of chapters 32-10, on receivers; 32-19.2, on trustees for commercial buildings during foreclosures; and 32-20, on foreclosure of liens on personal property, or any other regulations regarding receivers. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 4. APPLICATION. Section 1 of this Act does not apply to a receivership for which the receiver was appointed before the effective date of this Act.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 326

HOUSE BILL NO. 1142

(Representatives Pyle, Stemen, M. Ruby, Schauer)
(Senators Roers, Thomas)

AN ACT to amend and reenact sections 32-12.1-03 and 32-12.2-02 of the North Dakota Century Code, relating to the statutory caps for liability of political subdivisions and the state; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 32-12.1-03 of the North Dakota Century Code is amended and reenacted as follows:

32-12.1-03. Liability of political subdivisions - Limitations. (Effective through July 31, 2027June 30, 2026)

1. Each political subdivision is liable for money damages for injuries when the injuries are proximately caused by the negligence or wrongful act or omission of any employee acting within the scope of the employee's employment or office under circumstances in which the employee would be personally liable to a claimant in accordance with the laws of this state, or injury caused from some condition or use of tangible property, real or personal, under circumstances in which the political subdivision, if a private person, would be liable to the claimant. The enactment of a law, rule, regulation, or ordinance to protect any person's health, safety, property, or welfare does not create a duty of care on the part of the political subdivision, its employees, or its agents, if that duty would not otherwise exist.
2. The liability of political subdivisions under this chapter is limited to a total of ~~three hundred seventy-five thousand~~four hundred sixty-eight thousand seven hundred fifty dollars per person and one million ~~eight hundred seventy-five thousand~~ dollars for any number of claims arising from any single occurrence regardless of the number of political subdivisions, or employees of such political subdivisions, which are involved in that occurrence. A political subdivision may not be held liable, or be ordered to indemnify an employee held liable, for punitive or exemplary damages. ~~The liability limits under this subsection must be adjusted annually as follows:~~
 - a. ~~On July 1, 2023, a total of four hundred six thousand two hundred and fifty dollars per person and one million six hundred twenty-five thousand dollars for any single occurrence.~~
 - b. ~~On July 1, 2024, a total of four hundred thirty seven thousand five hundred dollars per person and one million seven hundred fifty thousand dollars for any single occurrence.~~
 - c. ~~On July 1, 2025, a total of four hundred sixty eight thousand seven hundred fifty dollars per person and one million eight hundred seventy-five thousand dollars per occurrence.~~

- d. ~~On July 1, 2026, a total of five hundred thousand dollars per person and two million dollars per occurrence.~~
- 3. A political subdivision or a political subdivision employee may not be held liable under this chapter for any of the following claims:
 - a. A claim based upon an act or omission of a political subdivision employee exercising due care in the execution of a valid or invalid statute or regulation.
 - b. The decision to undertake or the refusal to undertake any legislative or quasi-legislative act, including the decision to adopt or the refusal to adopt any statute, charter, ordinance, order, regulation, resolution, or resolve.
 - c. The decision to undertake or the refusal to undertake any judicial or quasi-judicial act, including the decision to grant, to grant with conditions, to refuse to grant, or to revoke any license, permit, order, or other administrative approval or denial.
 - d. The decision to perform or the refusal to exercise or perform a discretionary function or duty, whether or not such discretion is abused and whether or not the statute, charter, ordinance, order, resolution, regulation, or resolve under which the discretionary function or duty is performed is valid or invalid.
 - e. Injury directly or indirectly caused by a person who is not employed by the political subdivision.
 - f. A claim relating to injury directly or indirectly caused by the performance or nonperformance of a public duty, including:
 - (1) Inspecting, licensing, approving, mitigating, warning, abating, or failing to so act regarding compliance with or the violation of any law, rule, regulation, or any condition affecting health or safety.
 - (2) Enforcing, monitoring, or failing to enforce or monitor conditions of sentencing, parole, probation, or juvenile supervision.
 - (3) Providing or failing to provide law enforcement services in the ordinary course of a political subdivision's law enforcement operations.
 - (4) Providing or failing to provide fire protection services in the ordinary course of a political subdivision's fire protection operations.
 - g. "Public duty" does not include action of the political subdivision or a political subdivision employee under circumstances in which a special relationship can be established between the political subdivision and the injured party. A special relationship is demonstrated if all of the following elements exist:
 - (1) Direct contact between the political subdivision and the injured party.
 - (2) An assumption by the political subdivision, by means of promises or actions, of an affirmative duty to act on behalf of the party who allegedly was injured.

- (3) Knowledge on the part of the political subdivision that inaction of the political subdivision could lead to harm.
 - (4) The injured party's justifiable reliance on the political subdivision's affirmative undertaking, occurrence of the injury while the injured party was under the direct control of the political subdivision, or the political subdivision action increases the risk of harm.
4. This chapter does not obligate political subdivisions for an amount that is more than the limitations upon liability imposed by this chapter. Subject to this chapter, any payments to persons constitute payment in full of any compromised claim or judgment or any final judgment under this chapter.
 5. Notwithstanding this chapter, a political subdivision or its insurance carrier is not liable for any claim arising out of the conduct of a ridesharing arrangement, as defined in section 8-02-07.
 6. A political subdivision is not liable for any claim based on an act or omission in the designation, repair, operation, or maintenance of a minimum maintenance road if that designation has been made in accordance with sections 24-07-35 through 24-07-37 and if the road has been maintained at a level to serve occasional and intermittent traffic.
 7. Any party to an action against a political subdivision or a political subdivision employee acting within the scope of employment as defined in this chapter shall comply with applicable rules of civil procedure when requesting documents or other information in the possession or control of the political subdivision.

Liability of political subdivisions - Limitations. (Effective after ~~July 31, 2027~~ June 30, 2026)

1. Each political subdivision is liable for money damages for injuries when the injuries are proximately caused by the negligence or wrongful act or omission of any employee acting within the scope of the employee's employment or office under circumstances in which the employee would be personally liable to a claimant in accordance with the laws of this state, or injury caused from some condition or use of tangible property, real or personal, under circumstances in which the political subdivision, if a private person, would be liable to the claimant. The enactment of a law, rule, regulation, or ordinance to protect any person's health, safety, property, or welfare does not create a duty of care on the part of the political subdivision, its employees, or its agents, if that duty would not otherwise exist.
2. The liability of political subdivisions under this chapter is limited to a total of ~~two hundred fifty thousand~~ five hundred thousand dollars per person and ~~one~~ two million dollars for any number of claims arising from any single occurrence regardless of the number of political subdivisions, or employees of such political subdivisions, which are involved in that occurrence. A political subdivision may not be held liable, or be ordered to indemnify an employee held liable, for punitive or exemplary damages.
3. A political subdivision or a political subdivision employee may not be held liable under this chapter for any of the following claims:

- a. A claim based upon an act or omission of a political subdivision employee exercising due care in the execution of a valid or invalid statute or regulation.
- b. The decision to undertake or the refusal to undertake any legislative or quasi-legislative act, including the decision to adopt or the refusal to adopt any statute, charter, ordinance, order, regulation, resolution, or resolve.
- c. The decision to undertake or the refusal to undertake any judicial or quasi-judicial act, including the decision to grant, to grant with conditions, to refuse to grant, or to revoke any license, permit, order, or other administrative approval or denial.
- d. The decision to perform or the refusal to exercise or perform a discretionary function or duty, whether or not such discretion is abused and whether or not the statute, charter, ordinance, order, resolution, regulation, or resolve under which the discretionary function or duty is performed is valid or invalid.
- e. Injury directly or indirectly caused by a person who is not employed by the political subdivision.
- f. A claim relating to injury directly or indirectly caused by the performance or nonperformance of a public duty, including:
 - (1) Inspecting, licensing, approving, mitigating, warning, abating, or failing to so act regarding compliance with or the violation of any law, rule, regulation, or any condition affecting health or safety.
 - (2) Enforcing, monitoring, or failing to enforce or monitor conditions of sentencing, parole, probation, or juvenile supervision.
 - (3) Providing or failing to provide law enforcement services in the ordinary course of a political subdivision's law enforcement operations.
 - (4) Providing or failing to provide fire protection services in the ordinary course of a political subdivision's fire protection operations.
- g. "Public duty" does not include action of the political subdivision or a political subdivision employee under circumstances in which a special relationship can be established between the political subdivision and the injured party. A special relationship is demonstrated if all of the following elements exist:
 - (1) Direct contact between the political subdivision and the injured party.
 - (2) An assumption by the political subdivision, by means of promises or actions, of an affirmative duty to act on behalf of the party who allegedly was injured.
 - (3) Knowledge on the part of the political subdivision that inaction of the political subdivision could lead to harm.
 - (4) The injured party's justifiable reliance on the political subdivision's affirmative undertaking, occurrence of the injury while the injured party was under the direct control of the political subdivision, or the political subdivision action increases the risk of harm.

4. This chapter does not obligate political subdivisions for an amount that is more than the limitations upon liability imposed by this chapter. Subject to this chapter, any payments to persons constitute payment in full of any compromised claim or judgment or any final judgment under this chapter.
5. Notwithstanding this chapter, a political subdivision or its insurance carrier is not liable for any claim arising out of the conduct of a ridesharing arrangement, as defined in section 8-02-07.
6. A political subdivision is not liable for any claim based on an act or omission in the designation, repair, operation, or maintenance of a minimum maintenance road if that designation has been made in accordance with sections 24-07-35 through 24-07-37 and if the road has been maintained at a level to serve occasional and intermittent traffic.
7. Any party to an action against a political subdivision or a political subdivision employee acting within the scope of employment as defined in this chapter shall comply with applicable rules of civil procedure when requesting documents or other information in the possession or control of the political subdivision.

SECTION 2. AMENDMENT. Section 32-12.2-02 of the North Dakota Century Code is amended and reenacted as follows:

32-12.2-02. Liability of the state - Limitations - Statute of limitations.
(Effective through July 31, 2027; June 30, 2026)

1. The state may only be held liable for money damages for an injury proximately caused by the negligence or wrongful act or omission of a state employee acting within the employee's scope of employment under circumstances in which the employee would be personally liable to a claimant in accordance with the laws of this state, or an injury caused from some condition or use of tangible property under circumstances in which the state, if a private person, would be liable to the claimant. No claim may be brought against the state or a state employee acting within the employee's scope of employment except a claim authorized under this chapter or otherwise authorized by the legislative assembly. The enactment of a law, rule, or regulation to protect any person's health, safety, property, or welfare does not create a duty of care on the part of the state, its employees, or its agents, if that duty would not otherwise exist.
2. The liability of the state under this chapter is limited to a total of ~~three hundred seventy-five thousand~~ four hundred sixty-eight thousand seven hundred fifty dollars per person and one million ~~eight hundred seventy-five thousand~~ dollars for any number of claims arising from any single occurrence. The state may not be held liable, or be ordered to indemnify a state employee held liable, for punitive or exemplary damages. Any amount of a judgment against the state in excess of the one million ~~eight hundred seventy-five thousand~~ dollar limit imposed under this subsection may be paid only if the legislative assembly adopts an appropriation authorizing payment of all or a portion of that amount. A claimant may present proof of the judgment to the director of the office of management and budget who shall include within the proposed budget for the office of management and budget a request for payment for the portion of the judgment in excess of the limit under this section at the next regular session of the legislative assembly after the judgment is rendered. ~~The liability limits under this subsection must be adjusted annually as follows:~~

- a. ~~On July 1, 2023, a total of four hundred six thousand two hundred and fifty dollars per person and one million six hundred twenty five thousand dollars for any single occurrence.~~
 - b. ~~On July 1, 2024, a total of four hundred thirty seven thousand five hundred dollars per person and one million seven hundred fifty thousand dollars for any single occurrence.~~
 - c. ~~On July 1, 2025, a total of four hundred sixty eight thousand seven hundred fifty dollars per person and one million eight hundred seventy five thousand dollars per occurrence.~~
 - d. ~~On July 1, 2026, a total of five hundred thousand dollars per person and two million dollars per occurrence.~~
3. Neither the state nor a state employee may be held liable under this chapter for any of the following claims:
- a. A claim based upon an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule.
 - b. A claim based upon a decision to exercise or perform or a failure to exercise or perform a discretionary function or duty on the part of the state or its employees, regardless of whether the discretion involved is abused or whether the statute, order, rule, or resolution under which the discretionary function or duty is performed is valid or invalid. Discretionary acts include acts, errors, or omissions in the design of any public project but do not include the drafting of plans and specifications that are provided to a contractor to construct a public project.
 - c. A claim resulting from the decision to undertake or the refusal to undertake any legislative or quasi-legislative act, including the decision to adopt or the refusal to adopt any statute, order, rule, or resolution.
 - d. A claim resulting from a decision to undertake or a refusal to undertake any judicial or quasi-judicial act, including a decision to grant, to grant with conditions, to refuse to grant, or to revoke any license, permit, order, or other administrative approval or denial.
 - e. A claim relating to injury directly or indirectly caused by a person who is not employed by the state.
 - f. A claim relating to injury directly or indirectly caused by the performance or nonperformance of a public duty, including:
 - (1) Inspecting, licensing, approving, mitigating, warning, abating, or failing to so act regarding compliance with or the violation of any law, rule, regulation, or any condition affecting health or safety.
 - (2) Enforcing, monitoring, or failing to enforce or monitor conditions of sentencing, parole, probation, or juvenile supervision.
 - (3) Providing or failing to provide law enforcement services in the ordinary course of a state's law enforcement operations.

- g. "Public duty" does not include action of the state or a state employee under circumstances in which a special relationship can be established between the state and the injured party. A special relationship is demonstrated if all of the following elements exist:
- (1) Direct contact between the state and the injured party.
 - (2) An assumption by the state, by means of promises or actions, of an affirmative duty to act on behalf of the party who allegedly was injured.
 - (3) Knowledge on the part of the state that inaction of the state could lead to harm.
 - (4) The injured party's justifiable reliance on the state's affirmative undertaking, occurrence of the injury while the injured party was under the direct control of the state, or the state action increases the risk of harm.
- h. A claim resulting from the assessment and collection of taxes.
- i. A claim resulting from snow or ice conditions, water, or debris on a highway or on a public sidewalk that does not abut a state-owned building or parking lot, except when the condition is affirmatively caused by the negligent act of a state employee.
- j. A claim resulting from any injury caused by a wild animal in its natural state.
- k. A claim resulting from the condition of unimproved real property owned or leased by the state.
- l. A claim resulting from the loss of benefits or compensation due under a program of public assistance.
- m. A claim resulting from the reasonable care and treatment, or lack of care and treatment, of a person at a state institution where reasonable use of available appropriations has been made to provide care.
- n. A claim resulting from damage to the property of a patient or inmate of a state institution.
- o. A claim resulting from any injury to a resident or an inmate of a state institution if the injury is caused by another resident or inmate of that institution.
- p. A claim resulting from environmental contamination, except to the extent that federal environmental law permits the claim.
- q. A claim resulting from a natural disaster, an act of God, a military action, or an act or omission taken as part of a disaster relief effort.
- r. A claim for damage to property owned by the state.
- s. A claim for liability assumed under contract, except this exclusion does not apply to liability arising from a state employee's operation of a rental vehicle if the loss is not covered by the state employee's personal insurance or by the vehicle rental company.

4. An action brought under this chapter must be commenced within the period provided in section 28-01-22.1.
5. This chapter does not create or allow any claim that does not exist at common law or has not otherwise been created by law as of April 22, 1995.

Liability of the state - Limitations - Statute of limitations. (Effective after July 31, 2027-June 30, 2026)

1. The state may only be held liable for money damages for an injury proximately caused by the negligence or wrongful act or omission of a state employee acting within the employee's scope of employment under circumstances in which the employee would be personally liable to a claimant in accordance with the laws of this state, or an injury caused from some condition or use of tangible property under circumstances in which the state, if a private person, would be liable to the claimant. No claim may be brought against the state or a state employee acting within the employee's scope of employment except a claim authorized under this chapter or otherwise authorized by the legislative assembly. The enactment of a law, rule, or regulation to protect any person's health, safety, property, or welfare does not create a duty of care on the part of the state, its employees, or its agents, if that duty would not otherwise exist.
2. The liability of the state under this chapter is limited to a total of ~~two hundred fifty-five~~ two hundred thousand dollars per person and ~~one~~ two million dollars for any number of claims arising from any single occurrence. The state may not be held liable, or be ordered to indemnify a state employee held liable, for punitive or exemplary damages. Any amount of a judgment against the state in excess of the ~~one~~ two million dollar limit imposed under this subsection may be paid only if the legislative assembly adopts an appropriation authorizing payment of all or a portion of that amount. A claimant may present proof of the judgment to the director of the office of management and budget who shall include within the proposed budget for the office of management and budget a request for payment for the portion of the judgment in excess of the limit under this section at the next regular session of the legislative assembly after the judgment is rendered.
3. Neither the state nor a state employee may be held liable under this chapter for any of the following claims:
 - a. A claim based upon an act or omission of a state employee exercising due care in the execution of a valid or invalid statute or rule.
 - b. A claim based upon a decision to exercise or perform or a failure to exercise or perform a discretionary function or duty on the part of the state or its employees, regardless of whether the discretion involved is abused or whether the statute, order, rule, or resolution under which the discretionary function or duty is performed is valid or invalid. Discretionary acts include acts, errors, or omissions in the design of any public project but do not include the drafting of plans and specifications that are provided to a contractor to construct a public project.
 - c. A claim resulting from the decision to undertake or the refusal to undertake any legislative or quasi-legislative act, including the decision to adopt or the refusal to adopt any statute, order, rule, or resolution.

- d. A claim resulting from a decision to undertake or a refusal to undertake any judicial or quasi-judicial act, including a decision to grant, to grant with conditions, to refuse to grant, or to revoke any license, permit, order, or other administrative approval or denial.
- e. A claim relating to injury directly or indirectly caused by a person who is not employed by the state.
- f. A claim relating to injury directly or indirectly caused by the performance or nonperformance of a public duty, including:
 - (1) Inspecting, licensing, approving, mitigating, warning, abating, or failing to so act regarding compliance with or the violation of any law, rule, regulation, or any condition affecting health or safety.
 - (2) Enforcing, monitoring, or failing to enforce or monitor conditions of sentencing, parole, probation, or juvenile supervision.
 - (3) Providing or failing to provide law enforcement services in the ordinary course of a state's law enforcement operations.
- g. "Public duty" does not include action of the state or a state employee under circumstances in which a special relationship can be established between the state and the injured party. A special relationship is demonstrated if all of the following elements exist:
 - (1) Direct contact between the state and the injured party.
 - (2) An assumption by the state, by means of promises or actions, of an affirmative duty to act on behalf of the party who allegedly was injured.
 - (3) Knowledge on the part of the state that inaction of the state could lead to harm.
 - (4) The injured party's justifiable reliance on the state's affirmative undertaking, occurrence of the injury while the injured party was under the direct control of the state, or the state action increases the risk of harm.
- h. A claim resulting from the assessment and collection of taxes.
- i. A claim resulting from snow or ice conditions, water, or debris on a highway or on a public sidewalk that does not about a state-owned building or parking lot, except when the condition is affirmatively caused by the negligent act of a state employee.
- j. A claim resulting from any injury caused by a wild animal in its natural state.
- k. A claim resulting from the condition of unimproved real property owned or leased by the state.
- l. A claim resulting from the loss of benefits or compensation due under a program of public assistance.

- m. A claim resulting from the reasonable care and treatment, or lack of care and treatment, of a person at a state institution where reasonable use of available appropriations has been made to provide care.
 - n. A claim resulting from damage to the property of a patient or inmate of a state institution.
 - o. A claim resulting from any injury to a resident or an inmate of a state institution if the injury is caused by another resident or inmate of that institution.
 - p. A claim resulting from environmental contamination, except to the extent that federal environmental law permits the claim.
 - q. A claim resulting from a natural disaster, an act of God, a military action, or an act or omission taken as part of a disaster relief effort.
 - r. A claim for damage to property owned by the state.
 - s. A claim for liability assumed under contract, except this exclusion does not apply to liability arising from a state employee's operation of a rental vehicle if the loss is not covered by the state employee's personal insurance or by the vehicle rental company.
- 4. An action brought under this chapter must be commenced within the period provided in section 28-01-22.1.
 - 5. This chapter does not create or allow any claim that does not exist at common law or has not otherwise been created by law as of April 22, 1995.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 327

SENATE BILL NO. 2233

(Senators Sickler, Cory, Larson)
(Representative Vetter)

AN ACT to amend and reenact section 32-12.2-04 of the North Dakota Century Code, relating to notice requirements for claims against the state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 32-12.2-04 of the North Dakota Century Code is amended and reenacted as follows:

32-12.2-04. Notice required - Payment of claims.

1. a. A person bringing a claim against the state or a state employee for an injury shall present to the director of the office of management and budget within one hundred eighty days after the alleged injury is discovered or reasonably should have been discovered a written notice of the alleged claim stating the time, place, and circumstances of the injury claim, the names of any state employees known to be involved, and the amount of compensation or other relief demanded.
 - b. If the claim is one for serious injury, notice must be presented to the director of the office of management and budget within one year after the alleged serious injury is discovered or reasonably should have been discovered. For purposes of this section, "serious injury" has the meaning as provided in section 26.1-41-01.
 - c. The time for giving the notice does not include the time during which a person injured is incapacitated by the injury from giving the notice. ~~If the claim is one for death, the notice may be presented by the personal representative, surviving spouse, or next of kin within one year after the alleged injury resulting in the death.~~
 - e-d. The time for giving the notice is waived for a claim for relief that resulted from sexual assault, sexual abuse, gross sexual imposition, or any other claim based on a sexual act or sexual contact as defined in chapter 12.1-20.
2. After receipt of notice of a claim, the director of the office of management and budget shall, in a timely manner, notify the head of the state entity involved, the attorney general, and any insurer or self-insurance pool providing coverage for that state entity. For claims over ten thousand dollars, the director, in consultation with the head of the state entity involved and the attorney general, may settle claims covered by the state risk management fund if the claim is made in writing and settlement is approved by the attorney general. The director of the office of management and budget may independently settle any claim covered by the state risk management fund if the claim is made in writing and the settlement is for not more than ten thousand dollars.

3. A claim shall be paid out of the risk management fund unless that claim is covered by insurance or participation in a government self-insurance pool. All necessary loss adjustment expenses must be included as a component of the claim and be paid out of the fund. Loss adjustment expenses include investigation costs and attorney's fees associated with a claim.
4. The acceptance by the claimant of a settlement is final and conclusive on the claimant and constitutes a complete release of any claim against the state and the state employee whose act or omission gave rise to the claim.
5. A person bringing a legal action against the state or a state employee for a claim shall deliver a copy of the summons, complaint, or other legal pleading in which the claim is first asserted in the action to the director of the office of management and budget at the time the summons, complaint, or other legal pleading is served in the action. This provision is in addition to any applicable rule of civil procedure.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 328

SENATE BILL NO. 2072

(State and Local Government Committee)
(At the request of the Office of Management and Budget)

AN ACT to amend and reenact subsection 5 of section 32-12.2-15 of the North Dakota Century Code, relating to contracts limiting liability to the state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 32-12.2-15 of the North Dakota Century Code is amended and reenacted as follows:

5. An agency may purchase routine or standardized products that contain adhesive contract terms in shrink wrap documents, third-party end user license, or click-through agreements that are not consistent with this section if the agency, in consultation with the attorney general's office and the office of management and budget, determines the purchase poses no reasonable risk that an improper contractual obligation will be imposed against the agency or of loss that cannot be limited under this section given the nature of the product's intended use, including data and system security. Routine or standardized products are products that are commercially available to the public which do not exceed ~~one thousand~~ twenty thousand dollars in cost.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 329

SENATE BILL NO. 2379

(Senators Boehm, Magrum, Wobbema)
(Representatives D. Johnston, Koppelman, Fisher)

AN ACT to amend and reenact section 32-15-06 of the North Dakota Century Code, relating to the surveying process during eminent domain proceedings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 32-15-06 of the North Dakota Century Code is amended and reenacted as follows:

32-15-06. Entry for making surveys.

1. a. In all cases when a case in which land is required for public use, the person or corporation, or the person's or corporation's agents, in charge of such the use may survey and locate the same, but it and after providing the owner on the tax list a written notice of intent to survey. The notice must contain the name, proposed completion date, type, proposed route or location of the project associated with the survey, nature of the work the person in charge of the public use intends to complete, and the name, telephone number, physical address, and mailing address of the person in charge of the public use.
- b. The person in charge of the public use shall deliver the notice to the owner on the tax list through certified mail. The person in charge of the public use may not survey the land until thirty days after delivery of the notice, unless the owner consents to an earlier survey date. If the person in charge of the public use fails to survey the land within ninety days of delivery of the notice, the person shall deliver a new notice of intent to survey through certified mail. A survey conducted under a subsequently issued notice of intent to survey must be conducted in accordance with the timeline established under this subdivision.
2. The survey and location of the condemner's project must be located in the manner which will be compatible with the greatest public benefit and the least private injury and subject to the provisions of section 32-15-21. Whoever is
3. The person in charge of such the public use may enter upon the land and make examinations, surveys, and maps thereof of the land in accordance with subsection 1, and such the entry constitutes and does not constitute a claim for relief in favor of the owner of the land except for injuries resulting from negligence, wantonness, or malice.

Approved April 8, 2025

Filed April 8, 2025

LIVESTOCK

CHAPTER 330

HOUSE BILL NO. 1082

(Agriculture Committee)
(At the request of the Agriculture Commissioner)

AN ACT to amend and reenact section 36-25-01 of North Dakota Century Code, relating to the definition of farmed elk.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 36-25-01 of the North Dakota Century Code is amended and reenacted as follows:

36-25-01. Definitions.

In this chapter, unless the context otherwise requires:

1. "Board" means the state board of animal health.
2. "Commissioner" means the agriculture commissioner.
3. "Farmed elk" means mammals of the ~~elk family (cervus elaphus), except red deer,~~ North American elk genus and species (cervus canadensis) confined in a manmade enclosure designed to prevent escape and:
 - a. Raised for fiber, meat, or animal byproducts;
 - b. Raised for breeding, exhibition, or harvest; or
 - c. Maintained for any other purpose.
4. "Owner" means a person who owns or is responsible for the raising of farmed elk.

Approved March 14, 2025

Filed March 14, 2025

VOLUME II
CHAPTERS 331 THROUGH 649

LAWS

PASSED AT
The Sixty-ninth Session
OF THE
Legislative Assembly
OF THE
STATE OF NORTH DAKOTA

BEGUN AND HELD AT BISMARCK, THE CAPITAL, ON
TUESDAY, JANUARY 7, 2025, AND
CONCLUDING SATURDAY, MAY 3, 2025

AUTHENTICATION

STATE OF NORTH DAKOTA Department of State, Bismarck

I, Michael Howe, Secretary of State, certify that the laws contained herein are true and correct copies, except clerical errors, of the laws and resolutions passed at the Sixty-ninth Session of the Legislative Assembly of the State of North Dakota, beginning Tuesday, January 7, 2025, and concluding Saturday, May 3, 2025; and also of the initiated constitutional measure submitted at the primary election held June 11, 2024; and the constitutional measures, initiated measure, and initiated constitutional measure submitted at the general election held November 5, 2024.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this first day of July 2025.

(SEAL)

MICHAEL HOWE
Secretary of State

John Bjornson and Megan J. Gordon of the Legislative Council certify that we have prepared the contents of these volumes and that the measures, laws, and resolutions contained herein are true and correct copies of the original measures, laws, and resolutions on file in the office of the Secretary of State in the State Capitol at Bismarck, North Dakota, clerical errors excepted.

JOHN BJORNSON
Legislative Council Director

MEGAN J. GORDON
Code Revisor

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MILITARY

CHAPTER 331

HOUSE BILL NO. 1520

(Representative M. Ruby)

AN ACT to authorize the department of health and human services to transfer real property to the office of the adjutant general to construct a new training and storage facility; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. TRANSFER OF LAND AUTHORIZED. The state of North Dakota, by and through the department of health and human services, shall convey certain real property adjacent to the North Dakota state hospital, Jamestown, North Dakota, consisting of approximately 25.2 acres [10.2 hectares], more or less, within parcel 4, a tract of land located in the south half of the southeast quarter of section 6, township 139 north, range 63 west of the fifth principal meridian, Stutsman County, North Dakota, to the office of the adjutant general to construct a new training and storage facility. Sections 54-01-05.2 and 54-01-05.5 do not apply to the transfer authorized by this section.

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

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 332

HOUSE BILL NO. 1074

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

AN ACT to amend and reenact sections 37-01-03 and 37-01-43 of the North Dakota Century Code, relating to the operation and regulation of the North Dakota national guard.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-01-03 of the North Dakota Century Code is amended and reenacted as follows:

37-01-03. Articles of uniform code of military justice applicable in state - Regulations governing - Punishment for offenses while on duty.

The articles of uniform code of military justice [10 U.S.C. 801-950] in effect on December 31, ~~2022~~2024, governing the armed forces of the United States and the Manual for Courts-Martial, United States, ~~2019~~2024 edition, are a part of this title so far as the articles are applicable and not modified by any provision of this title. An individual who commits an offense while on military duty status, including state active duty, may be tried by a court-martial lawfully appointed even after the duty has terminated, and if found guilty, the accused must be punished according to the articles of uniform code of military justice and the rules and regulations governing the armed forces of the United States, within the limits prescribed in this title and by federal law for the courts-martial in the national guard. In any case in which the individual alleged to have committed the offense could be charged either under the code of military justice or the civil law of this state, the officer whose duty it is to approve the charge, in the officer's discretion, may order the person charged or subject to being charged to be turned over to the civil authorities for trial. Commanders may administer nonjudicial punishment for offenses while on military duty status, including state active duty, in accordance with part V, Manual for Courts-Martial, except the service member may not demand a trial by courts-martial. When reference is made to the articles of uniform code of military justice, to the military service, or to the armed forces of the United States, the reference must be deemed to include the military service of this state. Laws of this state affecting the military forces must be construed to conform to all acts and regulations of the United States affecting the same subjects.

SECTION 2. AMENDMENT. Section 37-01-43 of the North Dakota Century Code is amended and reenacted as follows:

37-01-43. North Dakota military civil relief act.

An individual called or ordered to active service for thirty consecutive days or longer has all of the protections afforded to persons in the military service of the United States under the Servicemembers Civil Relief Act [50 U.S.C. 3901-4043] in effect on December 31, ~~2022~~2024.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 333

SENATE BILL NO. 2198

(Senators Boschee, Cleary, Meyer)
(Representatives Pyle, Satrom, Schneider)

AN ACT to amend and reenact section 37-01-25, subsection 1 of section 37-01-40, and section 37-14-01.1 of the North Dakota Century Code, relating to national guard or federal service leave of absence for state and political subdivision employees and the definition of veteran; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-01-25 of the North Dakota Century Code is amended and reenacted as follows:

37-01-25. Officers and employees of state or political subdivisions in national guard or federal service to retain status for period of active service or any military duty.

~~All officers and employees of this state or of a political subdivision of this state who:~~

1. ~~Are members~~For purposes of this section, "officer or employee" means:
 - a. A member of the national guard;
 2. ~~b. Are members~~A member of the armed forces reserve of the United States of America;
 3. ~~c. Shall be~~An individual subject to call in the federal service by the president of the United States; or
 4. ~~d. Shall volunteer~~An individual who volunteers for ~~such federal~~ service;
2. ~~An officer or employee of the state or a political subdivision, when ordered by proper authority to active noncivilian employment for any military duty, are is entitled to a leave of absence from such the civil service for the period of such the active service or military duty including traveling to and from a duty station without loss of status or efficiency rating.~~
3. ~~If such persons have the individual has been in the continuous employ of the state or political subdivision for ninety days immediately preceding the leave of absence, they shall receive the individual is entitled to twenty workdays each calendar year without loss of pay. In addition, any~~
4. A leave of absence necessitated by a full or partial mobilization of the reserve and national guard forces of the United States of America, or emergency state active duty, must be without loss of pay for the first thirty days thereof of the absence less any other paid leave of absence which may have been granted during the calendar year pursuant to in accordance with this section.

5. If leave is required for any military duty or travel to and from a duty station on a day in which a public officer or employee is scheduled to perform the work of the state or of a political subdivision, the officer or employee must be given the option of ~~time~~:
- ~~a. Time~~ off with a concurrent loss of pay for the period missed, ~~the use~~;
 - ~~b. Use~~ of leave of absence without loss of pay for the period missed; ~~or an opportunity~~
 - ~~c. Opportunity~~ to reschedule the workperiod so the reserve or national guard military duty or travel to and from a duty station occurs during time off from work without loss of status or efficiency rating.

SECTION 2. AMENDMENT. Subsection 1 of section 37-01-40 of the North Dakota Century Code is amended and reenacted as follows:

1. A "veteran" is an individual who ~~has~~ served on continuous federalized active ~~military~~uniformed services duty for one hundred eighty days or the full period for which the individual was called or ordered to active ~~military~~ duty for reasons other than training, and who was discharged or released under other than dishonorable conditions. A discharge reflecting "expiration of term of service" or "completion of required service" or words to that effect qualifies the shorter term of service as making the individual a veteran.

SECTION 3. AMENDMENT. Section 37-14-01.1 of the North Dakota Century Code is amended and reenacted as follows:

37-14-01.1. Definition of veteran.

1. As used in this chapter, "veteran" means:
 - a. An individual ~~who served in the armed forces of the United States on federal active duty~~:
 - (1) ~~For reasons other than training and who has been discharged under other than dishonorable conditions~~Defined as a veteran under subsection 1 of section 37-01-40; or
 - (2) To whom the United States veterans administration has assigned a service-connected disability rating;
 - b. Current members of the national guard or reserve; or
 - c. Former members of the national guard or reserve who have been discharged under other than dishonorable conditions.
2. Subdivisions b and c of subsection 1 do not apply to section 37-14-14.

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

Approved April 17, 2025

Filed April 17, 2025

CHAPTER 334

HOUSE BILL NO. 1078

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

AN ACT to amend and reenact section 37-01-44 of the North Dakota Century Code, relating to the reimbursement of certain medical expenses for North Dakota national guard members; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-01-44 of the North Dakota Century Code is amended and reenacted as follows:

37-01-44. Reimbursement of certain medical expenses for North Dakota national guard members ~~while on state active duty.~~

The North Dakota national guard is authorized to pay medical expenses for national guard members who are called to state active duty when the member sustains an injury or illness that is found to have occurred within the line of duty and is not covered by workforce safety and insurance ~~and when such treatment occurred while on state active duty.~~ Payments shall be made only for costs not covered by other health insurance. Coverage of qualifying medical expenses is subject to rules set forth by the office of the adjutant general and subject to available funds.

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

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 335

HOUSE BILL NO. 1076

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

AN ACT to amend and reenact section 37-01-48 of the North Dakota Century Code, relating to the payment of a death benefit to the beneficiary or next of kin of a member of the national guard who died while serving on state active duty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-01-48 of the North Dakota Century Code is amended and reenacted as follows:

37-01-48. Payment of death benefits.

The national guard may pay a death benefit to a designated beneficiary, or to the next of kin, of a national guard service member who died while serving in a state active duty status under this chapter. The payment of a death benefit may not exceed ~~fifteen thousand~~ one hundred thousand dollars and is subject to available funds. The adjutant general may adopt rules to implement this section.

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

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 336

SENATE BILL NO. 2130

(Industry and Business Committee)
(At the request of the Adjutant General)

AN ACT to create and enact a new section to chapter 37-10 of the North Dakota Century Code, relating to prequalification, selection, and contracting of architect, engineer, construction management, land surveying services; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 37-10 of the North Dakota Century Code is created and enacted as follows:

Prequalification, selection, and contracting for consultants - Solicitations.

1. The adjutant general or the adjutant general's designee may prequalify, select, and contract for consultants in the areas of architecture, engineering, construction management, land surveying, and related matters.
 - a. The prequalification of the consultant must be based on detailed information provided to the adjutant general and evaluated using the criteria outlined in subsection 5 of section 54-44.7-03.
 - b. If a consultant meets the prequalification criteria established by the adjutant general, and the consultant agrees to the terms and fee limits established by the adjutant general, the adjutant general or the adjutant general's designee may contract with the consultant for the delivery of an indefinite quantity of services in the area in which the consultant is prequalified. The contract:
 - (1) May not exceed a term of five years, including optional renewal periods; and
 - (2) Must be selected and negotiated in accordance with subsection 7 of section 54-44.7-03.
 - c. The selection of a contracted consultant under this section for the delivery of services for a specific project must be determined according to the criteria listed in subdivisions a through g of subsection 5 of section 54-44.7-03.
2. The adjutant general is not required to comply with subsection 3 of section 54-44.7-03 or section 54-44.7-04 and may procure consultant services for:
 - a. A project for which the estimated state share of consultant costs is no more than two hundred fifty thousand dollars through direct negotiation with a selected prequalified firm, after considering:
 - (1) The nature of the project:

one project in one solicitation. For purposes of a multiple project solicitation, the requirements for the project with the highest dollar threshold under subsection 2 apply to all projects in the multiple project solicitation.

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

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 337

HOUSE BILL NO. 1135

(Representatives Pyle, Christy, Novak, O'Brien, Vetter)
(Senators Weston, Wobbema)

AN ACT to amend and reenact sections 37-14-04 and 37-14-06 of the North Dakota Century Code, relating to the veterans' aid fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-14-04 of the North Dakota Century Code is amended and reenacted as follows:

37-14-04. Veterans' aid fund - Purpose.

The purpose of the veterans' aid fund is to make loans to any veteran and to a surviving spouse of a veteran. A qualified applicant may be permitted to receive more than one loan providing the total amount of all loans does not exceed fiveeight thousand dollars.

SECTION 2. AMENDMENT. Section 37-14-06 of the North Dakota Century Code is amended and reenacted as follows:

37-14-06. Department may provide aid.

If the department of veterans' affairs is satisfied that an applicant is a veteran or the surviving spouse of a veteran and has not remarried, and that the applicant is a citizen and resident of this state, and that the applicant meets the criteria set forth in rules adopted pursuant to section 37-14-10 regarding qualifications to obtain a loan, the department may loan to the applicant a sum from the veterans' aid fund not to exceed fiveeight thousand dollars. Additional loans may be made to an applicant if the applicant still meets the loan criteria and if the total of all loans does not exceed fiveeight thousand dollars. If an applicant is provided more than one loan, the amounts will be consolidated into one payment.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 338

HOUSE BILL NO. 1504

(Representatives Schneider, Karls, Klemin, J. Olson, Pyle, Warrey, Marschall)
(Senators Boschee, Dever, Marcellais, Meyer, Paulson)

AN ACT to amend and reenact section 37-14-14 of the North Dakota Century Code, relating to the veterans' postwar trust fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 37-14-14 of the North Dakota Century Code is amended and reenacted as follows:

37-14-14. Veterans' postwar trust fund.

1. The veterans' postwar trust fund is a permanent trust fund of the state of North Dakota and consists of moneys transferred or credited to the fund under this chapter and other laws. Investment of the fund is the responsibility of the state treasurer who shall have full authority to invest the fund only in accordance with chapter 21-10. All income received from investments is to be utilized only for programs of benefit and service to veterans or their dependents, and all income earned in a biennium is appropriated to the administrative committee on veterans' affairs on a continuing basis in the following biennium and not in the biennium the income is earned for expenditure on these programs as authorized by law. Investment of all income received from investments is the responsibility of the state treasurer who has full authority to invest the income received only in accordance with chapter 21-10.
2. A veterans organization as defined under section 53-06.1-01 may donate funds to the veterans' postwar trust fund for homeless veterans' services to prevent and eliminate veteran homelessness.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 339

HOUSE BILL NO. 1079

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

AN ACT to amend and reenact subdivision c of subsection 3 of section 12.1-31.2-02, subsection 1 of section 20.1-06-07, sections 37-17.1-02.1 and 37-17.1-06, subsections 1 and 4 of section 37-17.1-07, subsections 1, 2, and 5 of section 37-17.1-07.1, subsections 2 and 3 of section 37-17.1-11, sections 37-17.1-14, 37-17.1-14.1, 37-17.1-15, and 37-17.1-22, subsection 3 of section 37-17.1-28, section 37-17.3-01, subsection 1 of section 37-17.3-02.2, section 37-17.3-08, subdivision c of subsection 2 of section 39-01-01, sections 39-03-13.2 and 54-12-22, subsection 2 of section 54-12-32, subsection 1 of section 57-40.6-12, subsection 3 of section 61-16.2-03, and section 65-06-01 of the North Dakota Century Code, relating to the renaming of divisions within the department of emergency services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹³⁵ **SECTION 1. AMENDMENT.** Subdivision c of subsection 3 of section 12.1-31.2-02 of the North Dakota Century Code is amended and reenacted as follows:

- c. Once the bureau, after consultation with the director of the state radioemergency communications center, determines and implements a method to enter the order into the national crime information center database provided by the federal bureau of investigation, or its successor agency, the bureau shall enter the order electronically in the national crime information center database provided by the federal bureau of investigation, or its successor agency. This electronic entry will fulfill the law enforcement agency's requirement to enter the order in the national crime information center database provided by the federal bureau of investigation, or its successor agency, but will not fulfill its requirement to maintain and respond to inquiries regarding the order in the national crime information center database provided by the federal bureau of investigation, or its successor agency.

SECTION 2. AMENDMENT. Subsection 1 of section 20.1-06-07 of the North Dakota Century Code is amended and reenacted as follows:

1. A person may erect, have, or maintain on the ice in any waters of this state a fishhouse, used or to be used while ice fishing, or a dark house, used or to be used for spearfishing. Fishhouse and dark house owners are subject to the rules the director may adopt governing the construction, maintenance, and use of these units. The outside of each unoccupied unit must have inscribed on it, in readily distinguishable characters at least three inches [7.62 centimeters] high, the registration number issued by the department for the fishhouse, or the owner's name and address or telephone number. An unoccupied fishhouse or dark house left on the ice without a registration

¹³⁵ Section 12.1-31.2-02 was also amended by section 1 of House Bill No. 1336, chapter 135.

number, or an owner's name and address or telephone number may be removed or destroyed by the department. The department may not issue a fishhouse registration number, unless the division of the state radioemergency communications center has integrated game and fish department license information into the national law enforcement telecommunications system. Any person who violates this subsection is guilty of a class 2 noncriminal offense.

SECTION 3. AMENDMENT. Section 37-17.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-02.1. Department of emergency services.

The department of emergency services consists of a division of the state radioemergency communications center, and a division of homeland security and emergency management. The adjutant general is the director of the department. The adjutant general shall provide for shared administration of both divisions. The adjutant general shall appoint a separate director of each division. A division director serves at the pleasure of the adjutant general. The adjutant general shall fix the compensation of a division director within limits of legislative appropriation.

SECTION 4. AMENDMENT. Section 37-17.1-06 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-06. State division of homeland security and emergency management.

1. The division of homeland security and emergency management must have professional, technical, secretarial, and clerical employees as necessary for the performance of its functions. The director of the division shall fix the compensation of the staff in conformity with state merit system regulations and may make such expenditures within the appropriations therefor, or from other funds made available to the director for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.
2. The division of homeland security and emergency management shall prepare and maintain a state disaster plan and keep it current, which plan may include provisions for:
 - a. Averting or minimizing the injury and damage caused by disasters or emergencies.
 - b. Prompt and effective response to a disaster or emergency.
 - c. Emergency relief.
 - d. Identification of areas particularly vulnerable to a disaster or emergency.
 - e. Recommendations for zoning, building, and other land use controls, safety measures for securing mobile homes or other nonpermanent or semipermanent structures, and other mitigation and preparedness measures.
 - f. Assistance to local officials in developing and maintaining local and regional emergency management systems.

- g. Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage, or loss from any disaster or emergency.
 - h. Preparation and distribution of emergency management assistance program guidance to the appropriate state and local officials.
 - i. Organization of manpower and chains of command.
 - j. Coordination of federal, state, regional, and local emergency management activities.
 - k. Coordination of state disaster or emergency operations plans with the disaster or emergency plans of the federal government.
 - l. Other necessary matters.
3. The division of homeland security and emergency management shall provide technical assistance for the development and revision of local and regional disaster or emergency operations plans prepared under section 37-17.1-07.
4. In preparing and revising state disaster or emergency plans, the division of homeland security and emergency management shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic, and volunteer organizations and community leaders. In advising local and regional emergency management organizations, the division shall encourage them also to seek advice from these sources.
5. State disaster or emergency plans or any parts thereof have the force of law upon implementation by the governor.
6. The division of homeland security and emergency management, in coordination with lead and support agencies, shall:
- a. Coordinate the procurement of supplies, materials, and equipment during disaster or emergency operations.
 - b. Provide guidance and standards for local and regional disaster or emergency operational plans.
 - c. Periodically review local and regional disaster or emergency operational plans.
 - d. Coordinate state or state and federal assistance to local and regional emergency management organizations.
 - e. Establish and operate or assist local and regional emergency management organizations to establish and operate training programs and programs for emergency public information.
 - f. Make surveys of industries, resources, and facilities, within the state, both public and private, as are necessary to carry out the purposes of this chapter. The use of sensitive and proprietary logistical data submitted to the state in confidence by individual industries and suppliers must be accorded full confidentiality and will be released only in aggregate form.

- g. Plan and make arrangements for the availability and use of any private facilities, services, and property, and, if necessary and if in fact used, coordinate payment for that use under terms and conditions agreed upon.
 - h. Establish access to a register of persons with types of training and skills important in prevention, mitigation, preparedness, response, and recovery.
 - i. Establish access to a register of equipment and facilities available for use in a disaster or emergency.
 - j. Prepare, for issuance by the governor, executive orders, proclamations, and guidance as necessary or appropriate in managing a disaster or emergency.
 - k. Coordinate and may enter agreements with the federal government and any public or private agency or entity in achieving any purpose of this chapter and in implementing programs for disaster mitigation, preparation, response, and recovery.
 - l. Be the state search and rescue coordinating agency, establish access to a register of search and rescue equipment and personnel in the state, and plan for its effective utilization.
 - m. Do other things necessary, incidental, or appropriate for the implementation of this chapter.
7. The division of homeland security and emergency management shall serve as a central information dissemination point and repository for initial notification information for spills and discharges in the state for hazardous chemicals as defined in section 37-17.1-07.1, oil, gas, and saltwater. The division shall develop processes to ensure proper state and federal agencies that have oversight responsibilities are promptly notified. The division shall also provide notice to local emergency management officials within a time that is consistent with the level of emergency.

¹³⁶ **SECTION 5. AMENDMENT.** Subsection 1 of section 37-17.1-07 of the North Dakota Century Code is amended and reenacted as follows:

1. All areas of the state are within the jurisdiction of and must be served by the division of homeland security and emergency management or by a local or multicounty emergency management organization.

¹³⁷ **SECTION 6. AMENDMENT.** Subsection 4 of section 37-17.1-07 of the North Dakota Century Code is amended and reenacted as follows:

4. The mayor of or the president of the board of city commissioners in a city with an emergency management organization and the chairman of the board of county commissioners shall notify the division of homeland security and emergency management of the manner in which the city and the county are providing or securing emergency management activities, identify each

¹³⁶ Section 37-17.1-07 was also amended by section 6 of House Bill No. 1079, chapter 339.

¹³⁷ Section 37-17.1-07 was also amended by section 5 of House Bill No. 1079, chapter 339.

individual who will coordinate the activities of the local emergency management organization, and furnish additional information relating thereto as the division requires.

¹³⁸ **SECTION 7. AMENDMENT.** Subsection 1 of section 37-17.1-07.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Program components.
 - a. The governor shall appoint members of the state emergency response commission to carry out the commission's responsibilities as outlined in Public Law 99-499, 42 U.S.C. 11001, et seq., also referred to as SARA title III, and the responsibilities of the commission members as outlined in the North Dakota emergency operations plan.
 - b. In conjunction with the state emergency response commission, the local emergency planning committees, as appointed by the boards of county commissioners, and the local emergency management organizations shall coordinate the development and maintenance of a state hazardous chemicals preparedness and response program.
 - c. The director of the division of homeland security and emergency management shall serve as the chairman of the state emergency response commission. In the absence of the chairman, the designated vice chairman shall serve as chairman. The state emergency response commission by vote will select the vice chairman to fulfill a two-year term. The chairman shall recognize the assignment of representatives to the commission who are designated through a delegation of authority by a member. The chairman shall designate a commission secretary, solely for the purpose of documenting and distributing clerical proceedings, from the staff of the division of homeland security and emergency management.
 - d. For the purpose of complying with the reporting requirements set forth in sections 302, 304, 311, 312, and 313 of Public Law 99-499, 42 U.S.C. 11001, et seq., also referred to as SARA title III, the owner and operator of any facility, as defined in SARA title III, shall submit those reports to the North Dakota division of homeland security and emergency management as required by SARA title III, which shall establish and maintain the state repository for these reports.
 - e. For purposes of monitoring, determining if emergency response may be required, and notifying local officials, owners and operators or responsible parties shall report all spills or discharges to the appropriate state agency as required by law. The report must include the name of the reporting party, including phone number and address; date; time of release; location of release; containment status; name of the chemical, if waterways are involved; and immediate potential threat. If the release occurs or travels offsite from a facility, the owner and operator or responsible party shall notify the surface owner within a reasonable time. State agencies that receive direct reports of spills or discharges shall provide the report information to the division within a time that is consistent with potential level of response needed.

¹³⁸ Section 37-17.1-07.1 was also amended by section 8 of House Bill No. 1079, chapter 339, section 9 of House Bill No. 1079, chapter 339, and section 1 of Senate Bill No. 2082, chapter 340.

¹³⁹ **SECTION 8. AMENDMENT.** Subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code is amended and reenacted as follows:

2. Establishment of funds.

- a. There is created in the state treasury a nonlapsing restricted account to be known as a state hazardous chemicals preparedness and response fund. The fund consists of revenue collected from the state hazardous chemical fee system and funds appropriated by the legislative assembly. Moneys in the fund shall be appropriated biennially to the division of homeland security and emergency management for carrying out the purposes, goals, and objectives of SARA title III, and the state hazardous chemicals preparedness and response program.
- b. The county treasurer of each county shall establish a nonlapsing restricted account, to be known as the county hazardous chemicals preparedness and response account. The county hazardous chemicals preparedness and response account consists of revenue from the state hazardous chemicals fee system, county, federal or state funds, grants, and any private donations provided to finance the county hazardous chemicals preparedness and response program.
- c. Each owner and operator of a facility, as defined in SARA title III, shall pay an annual hazardous chemicals fee to the division of homeland security and emergency management by March first of each year. The fee is twenty-five dollars for each chemical within the meaning of title 40, Code of Federal Regulations, part 355.20, or its successor which is required under section 312 of SARA title III, to be listed on the hazardous chemical inventory form (tier II) which the owner or operator must submit to the division. The federal requirements must be used for completing the tier II form, including the threshold amounts, as outlined in title 40, Code of Federal Regulations, part 20. The maximum fee for a facility under this section is four hundred seventy-five dollars. The director of the homeland security and emergency management division may impose fees for both late filing of reports and late payment of fees. A late fee must equal the amount of the hazardous chemicals fee owed under this subdivision. After six months the director shall process further violations under willful violations in subsection 4. The division of homeland security and emergency management shall transfer to the county hazardous chemicals preparedness and response account one-half of the regular fees collected from the state's hazardous chemicals fee system.
- d. The owners or operators of family farm enterprises that are not engaged in the retail or wholesale of hazardous chemicals and facilities owned by the state or local governments are exempt from the fee under subdivision c. For purposes of this section, the terms "family farm" and "farmer" have the same meaning as set forth in section 6-09.11-01.
- e. The state and county governments are authorized to accept and may deposit grants, gifts, and federal funds into the hazardous chemicals preparedness and response fund and accounts for the purpose of carrying out the hazardous chemicals preparedness and response programs to

¹³⁹ Section 37-17.1-07.1 was also amended by section 7 of House Bill No. 1079, chapter 339, section 9 of House Bill No. 1079, chapter 339, and section 1 of Senate Bill No. 2082, chapter 340.

include training, exercising, equipment, response, and salaries, and local emergency planning committee member stipends not to exceed thirty percent of state per diem per meeting attended. In lieu of stipends the committee chairman may provide a meal or refreshments other than alcoholic beverages.

- f. "Hazardous chemical" means as defined in title 40, Code of Federal Regulations, part 355.20 and title 29, Code of Federal Regulations, part 1910.1200.
- g. The state hazardous chemicals fee system does not supersede a city fee system for hazardous chemicals.

¹⁴⁰ **SECTION 9. AMENDMENT.** Subsection 5 of section 37-17.1-07.1 of the North Dakota Century Code is amended and reenacted as follows:

- 5. If the director of the division of homeland security and emergency management determines that a violation of this chapter has occurred, the director shall make all evidence available to the attorney general for use in any remedial action the attorney general's office determines appropriate, including injunctive relief. Nothing in this section may be construed to deny use of the remedies authorized under chapter 32-40.

¹⁴¹ **SECTION 10. AMENDMENT.** Subsection 2 of section 37-17.1-11 of the North Dakota Century Code is amended and reenacted as follows:

- 2. The water commission and department of water resources, in conjunction with the division of homeland security and emergency management, shall keep land uses and construction of structures and other facilities under continuing study and identify areas that are particularly susceptible to severe land shifting, subsidence, flood, or other catastrophic occurrence. The studies under this subsection must concentrate on means of reducing or avoiding the dangers caused by severe land shifting, subsidence, flood, or other catastrophic occurrence, or the consequences of severe land shifting, subsidence, flood, or other catastrophic occurrence.

¹⁴² **SECTION 11. AMENDMENT.** Subsection 3 of section 37-17.1-11 of the North Dakota Century Code is amended and reenacted as follows:

- 3. If the division of homeland security and emergency management determines, in coordination with lead and support agencies, on the basis of the studies or other competent evidence, that an area is susceptible to a disaster of catastrophic proportions without adequate warning; existing building standards and land use controls in that area are inadequate and could add substantially to the magnitude of the disaster or emergency; and changes in zoning regulations, other land use regulations, or building requirements are needed in order to further the purposes of this section, it shall specify the essential

¹⁴⁰ Section 37-17.1-07.1 was also amended by section 7 of House Bill No. 1079, chapter 339, section 8 of House Bill No. 1079, chapter 339, and section 1 of Senate Bill No. 2082, chapter 340.

¹⁴¹ Section 37-17.1-11 was also amended by section 11 of House Bill No. 1079, chapter 339.

¹⁴² Section 37-17.1-11 was also amended by section 10 of House Bill No. 1079, chapter 339.

changes to the governor. If the governor, upon review of the determination, finds after public hearing, that the changes are essential, the governor shall so recommend to the agencies or local governments with jurisdiction over that area and subject matter. If no action or insufficient action pursuant to the governor's recommendations is taken within the time specified by the governor, the governor shall so inform the legislative assembly and request legislative action appropriate to mitigate the impact of the disaster or emergency.

SECTION 12. AMENDMENT. Section 37-17.1-14 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-14. Mutual aid.

1. Counties and cities must be encouraged and assisted by the division of homeland security and emergency management to conclude suitable arrangements for furnishing mutual aid in emergency management. The arrangements must include provision of aid by persons and units in public employ.
2. In review of local disaster or emergency plans, the division of homeland security and emergency management shall consider whether they contain adequate provisions for the rendering and receipt of mutual aid.

SECTION 13. AMENDMENT. Section 37-17.1-14.1 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-14.1. Mutual aid - Cooperation.

1. The division of homeland security and emergency management shall encourage and assist political subdivisions to enter mutual aid agreements with other public and private agencies within the state for reciprocal aid and assistance in responding to and recovering from actual and potential disasters or emergencies.
2. In reviewing emergency operations plans and programs of political subdivisions, the division of homeland security and emergency management shall consider whether the plans and programs contain adequate provisions for mutual aid.
3. Local emergency management organizations may assist in negotiation of mutual aid agreements between the governor and an adjoining state or province or a political subdivision of a province and shall carry out arrangements of any such agreements relating to the local political subdivision.

SECTION 14. AMENDMENT. Section 37-17.1-15 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-15. Weather modification.

The division of homeland security and emergency management shall keep continuously apprised of weather conditions which present danger of precipitation or other climatic activity severe enough to constitute a disaster. If the division determines that precipitation resulting from weather modification operations, either by itself or in conjunction with other precipitation or climatic conditions or activity, would create or contribute to the severity of a disaster, the division shall direct the officer or agency

empowered to issue permits for weather modification operations to suspend the issuance of the permits. No permits may be issued until the division informs the officer or agency that the danger has passed.

¹⁴³ **SECTION 15. AMENDMENT.** Section 37-17.1-22 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-22. Disaster or emergency response and recovery costs.

Whenever the governor declares a state of disaster or emergency in accordance with section 37-17.1-05, or when the governor enters into an agreement with the federal government following a disaster or emergency declared by the president of the United States, the director of the division of homeland security and emergency management shall determine and record the costs of the state response and recovery operations in accordance with an agreement with the federal government or in accordance with procedures established by the governor in the case of a state-declared disaster or emergency. Immediately following the response or recovery operations, or prior thereto if determined necessary by the governor, the governor may apply to the state emergency commission for a grant of funds in an amount equal to the response and recovery costs of the state. Notwithstanding other provisions of chapter 54-16, it must be conclusively presumed upon receipt by the emergency commission of the application from the governor that a disaster or emergency exists, and the commission may grant and direct the transfer to the department of the governor designated representative of an amount up to that certified in the application by the governor.

SECTION 16. AMENDMENT. Subsection 3 of section 37-17.1-28 of the North Dakota Century Code is amended and reenacted as follows:

3. Upon authorization by the governor and approval of costs by the director of the division of homeland security and emergency management, expenses incurred in meeting a contingency or emergency arising from a wide area search and rescue operation may be reimbursed under section 37-17.1-22 or 37-17.1-27.

SECTION 17. AMENDMENT. Section 37-17.3-01 of the North Dakota Century Code is amended and reenacted as follows:

37-17.3-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Director" means the director of the division of the state radioemergency communications center.
2. "Division" means the division of the state radioemergency communications center of the department of emergency services.
3. "Mobile radio" means a radio capable of transmitting eleven watts or greater.
4. "System" means the state radio broadcasting system consisting of the state radio network and North Dakota telecommunications system that may be employed to enhance interoperable communications that promotes officer and citizen safety.

¹⁴³ Section 37-17.1-22 was also amended by section 1 of House Bill No. 1073, chapter 341.

SECTION 18. AMENDMENT. Subsection 1 of section 37-17.3-02.2 of the North Dakota Century Code is amended and reenacted as follows:

1. The statewide interoperability executive committee consists of:
 - a. The director of the state radio emergency communications center or a designee;
 - b. The director of the division of homeland security and emergency management or a designee;
 - c. The superintendent of the highway patrol or a designee;
 - d. The adjutant general or a designee;
 - e. The director of the department of transportation or a designee;
 - f. A representative of the North Dakota sheriff's and deputies association;
 - g. A representative of the North Dakota emergency managers association;
 - h. A representative of the North Dakota fire chiefs association;
 - i. A representative of the North Dakota emergency medical services association;
 - j. A representative of the North Dakota police chiefs association;
 - k. A representative of the North Dakota peace officers association;
 - l. A representative of the North Dakota 911 association;
 - m. A representative of the North Dakota association of counties;
 - n. A representative of the North Dakota league of cities;
 - o. The North Dakota chief information officer or a designee;
 - p. The North Dakota Indian affairs commission executive director or a designee;
 - q. One member of the North Dakota house of representatives and one member of the North Dakota senate appointed by the legislative management;
 - r. The director of the game and fish department or a designee; and
 - s. The state health officer or a designee.

¹⁴⁴ **SECTION 19. AMENDMENT.** Section 37-17.3-08 of the North Dakota Century Code is amended and reenacted as follows:

¹⁴⁴ Section 37-17.3-08 was also amended by section 1 of Senate Bill No. 2114, chapter 342.

37-17.3-08. State ~~radio~~emergency communications center system and service fees.

1. The director shall establish the appropriate fees for access to the state ~~radio~~emergency communications center system and North Dakota law enforcement telecommunications systems and other such systems that may be employed that enhance public safety. Changes to fees charged by the division, including schedule of charges for counties and cities, will take effect on July first. The director shall announce any fee increases a minimum of one year before the effective date. When the director considers an adjustment, as a part of the process the director shall consult with representatives of state and local units of government before setting fees. The director may consider economic conditions and the general economy when setting fees. The director shall deposit all revenue obtained under this chapter with the state treasurer for deposit in the state ~~radio~~emergency communications center broadcasting system operating account. The state ~~radio~~emergency communications center broadcasting system operating account must be expended pursuant to legislative appropriation for the operation and maintenance of the system.
2. Each county and city law enforcement department that accesses the North Dakota teletype system shall pay a fee levied on a per terminal basis. Other law enforcement affiliated organizations and federal agencies will pay one hundred percent of the actual costs incurred by the division for providing the service. Fees will be levied on a per terminal basis. State general fund agencies that access the system will not incur any fees for the service. City and county law enforcement fees will be based on the following schedule of charges per terminal:
 - a. County population of less than five thousand shall pay forty dollars per month.
 - b. County population of five thousand or more but less than ten thousand shall pay eighty dollars per month.
 - c. County population of ten thousand or more but less than fifteen thousand shall pay one hundred twenty dollars per month.
 - d. County population of fifteen thousand or more but less than twenty-five thousand shall pay one hundred sixty dollars per month.
 - e. County population of twenty-five thousand or more shall pay two hundred dollars per month.

SECTION 20. AMENDMENT. Subdivision c of subsection 2 of section 39-01-01 of the North Dakota Century Code is amended and reenacted as follows:

- c. "Class C" authorized emergency vehicles means:
 - (1) Vehicles used by the state division of homeland security and emergency management or local division of emergency management organizations.
 - (2) Vehicles used by volunteer firefighters while performing their assigned disaster and emergency responsibilities.

- (3) Vehicles, other than ambulances, used by emergency medical services personnel.
- (4) Vehicles used by volunteer search and rescue personnel if performing an emergency operation or duty upon the request of a state entity, political subdivision, or volunteer fire department. A volunteer organization may classify a personal vehicle as a class C emergency vehicle if needed to assist in a search and rescue operation in accordance with this paragraph. As used in this paragraph, "search and rescue" means deployment, coordination, and use of available resources and personnel in locating, relieving the distress, and preserving the life of and removing an individual who is missing, trapped, or lost in the backcountry, remote areas, or waters of the state. The term includes water and dive rescue.

¹⁴⁵ **SECTION 21. AMENDMENT.** Section 39-03-13.2 of the North Dakota Century Code is amended and reenacted as follows:

39-03-13.2. Silver alert notice system.

The superintendent, in cooperation with the bureau of criminal investigation and the division of ~~the state radio~~emergency communications center of the department of emergency services, shall establish a silver alert notice system to activate an urgent bulletin using the emergency alert system to air a description of a disabled adult or vulnerable elderly adult as defined in section 12.1-31-07 or a minor who has a developmental disability as defined in section 25-01.2-01, who has been reported to law enforcement as missing and to aid in the location of that individual.

SECTION 22. AMENDMENT. Section 54-12-22 of the North Dakota Century Code is amended and reenacted as follows:

54-12-22. Accessibility of sexual offender and crimes against children registration information.

The attorney general shall provide to a law enforcement dispatch center access to registration information on individuals required to register under section 12.1-32-15 through any feasible electronic means that includes direct access to a computerized registration information database. The attorney general shall provide the information in a form that is referenced by driver's license number or number plate characters. The department of transportation shall provide the necessary information to the attorney general in any feasible form requested by the attorney general. The attorney general may require the cooperation of the state ~~radio~~emergency communications center broadcasting system to provide the access required by this section.

¹⁴⁶ **SECTION 23. AMENDMENT.** Subsection 2 of section 54-12-32 of the North Dakota Century Code is amended and reenacted as follows:

2. The bureau of criminal investigation, in cooperation with the highway patrol and the division of ~~the state radio~~emergency communications center 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.

¹⁴⁵ Section 39-03-13.2 was repealed by section 2 of Senate Bill No. 2098, chapter 549.

¹⁴⁶ Section 54-12-32 was repealed by section 2 of Senate Bill No. 2098, chapter 549.

SECTION 24. AMENDMENT. Subsection 1 of section 57-40.6-12 of the North Dakota Century Code is amended and reenacted as follows:

1. The governing body of a city or county, which adopted a fee on assessed communications services under this chapter, shall make a report of the income, expenditures, and status of its emergency services communication system. The report must be submitted to the emergency services communications coordinating committee in the format requested by the committee. The committee is composed of four members, one appointed by the North Dakota 911 association, one appointed by the North Dakota association of counties, one appointed by the chief information officer of the state, and one appointed by the adjutant general to represent the division of the state radio emergency communications center.

SECTION 25. AMENDMENT. Subsection 3 of section 61-16.2-03 of the North Dakota Century Code is amended and reenacted as follows:

3. Assist communities and districts in their floodplain management activities within the limits of available appropriations and personnel in cooperation with the division of homeland security and emergency management.

SECTION 26. AMENDMENT. Section 65-06-01 of the North Dakota Century Code is amended and reenacted as follows:

65-06-01. Volunteer firefighter, emergency or disaster volunteer, community emergency response team member, in training defined.

The term "volunteer firefighter" means any active member of an organized volunteer fire department of this state and any other individual performing services as a volunteer firefighter for a municipality at the request of the chief or other individual in command of the fire department of that municipality or of any other officer of that municipality having authority to demand service as a firefighter. Firefighters who are paid a regular wage or stipend by the municipality for serving as a firefighter, or whose entire time is devoted to service as a firefighter for the municipality, for the purpose of this chapter, are not volunteer firefighters.

The term "emergency or disaster volunteer" means any individual serving without remuneration who is actively engaged in training to qualify as a disaster emergency worker or is responding to a hazard, emergency disaster, or enemy attack on this country, and who is registered with the disaster emergency organization of a municipality, which has been officially recognized by the director of the state division of homeland security and emergency management.

The term "in training" means only those periods of time, during which an emergency or disaster volunteer is receiving instruction, or is engaged in exercises or operations, in preparation for qualification as a disaster emergency worker in the event of a hazard, emergency, disaster, or enemy attack on this country.

The term "community emergency response team member" means an individual registered as a community emergency response team member with the appropriate authority. For purposes of this chapter, a community emergency response team member is acting as a community emergency response team member only when the individual is receiving approved community emergency response team training or is acting as a member of a community emergency response team in an emergency or disaster.

Upon request of the organization, the disaster emergency organization of a municipality shall provide the organization with its roster of registered community emergency response team members.

The term "municipality" when used in reference to emergency or disaster volunteer means the state, cities, counties, municipalities, districts, or any other geographical entity of this state. This definition is not in any way intended to alter any interpretation or ruling in regard to the use of the term municipality when used in reference to volunteer firefighters.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 340

SENATE BILL NO. 2082

(Energy and Natural Resources Committee)
(At the request of the Adjutant General)

AN ACT to amend and reenact subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code, relating to the state's hazardous chemical fee system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁴⁷ **SECTION 1. AMENDMENT.** Subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code is amended and reenacted as follows:

2. Establishment of funds.

- a. There is created in the state treasury a nonlapsing restricted account to be known as a state hazardous chemicals preparedness and response fund. The fund consists of revenue collected from the state hazardous chemical fee system and funds appropriated by the legislative assembly. Moneys in the fund shall be appropriated biennially to the division of homeland security for carrying out the purposes, goals, and objectives of SARA title III, and the state hazardous chemicals preparedness and response program.
- b. The county treasurer of each county shall establish a nonlapsing restricted account, to be known as the county hazardous chemicals preparedness and response account. The county hazardous chemicals preparedness and response account consists of revenue from the state hazardous chemicals fee system, county, federal or state funds, grants, and any private donations provided to finance the county hazardous chemicals preparedness and response program.
- c. The director of the division of homeland security shall set appropriate fees for the state hazardous chemical fee system subject to the following:
 - (1) Changes to fees charged will take effect on January first;
 - (2) An increase to fees levied on a per chemical basis made after January 1, 2026, may not exceed five dollars per year;
 - (3) The director shall announce any fee increases made after January 1, 2026, a minimum of one year before the effective date; and
 - (4) The director may consider economic conditions, the general economy, and the availability of funds appropriated by the legislature to offset the costs of administering the program when setting fees.

¹⁴⁷ Section 37-17.1-07.1 was also amended by section 7 of House Bill No. 1079, chapter 339, section 8 of House Bill No. 1079, chapter 339, and section 9 of House Bill No. 1079, chapter 339.

- d. Each owner and operator of a facility, as defined in SARA title III, shall pay an annual hazardous chemicals fee to the division of homeland security.
- (1) The fee must be paid by March first of each year.
 - (2) The fee is ~~twenty-five dollars~~ levied on a per chemical basis for each chemical within the meaning of title 40, Code of Federal Regulations, part 355.20, or its successor which is required under section 312 of SARA title III, to be listed on the hazardous chemical inventory form (tier II) which the owner or operator must submit to the division. The federal requirements must be used for completing the tier II form, including the threshold amounts, as outlined in title 40, Code of Federal Regulations, part 20.
 - (3) The maximum fee for a facility under this section is ~~four hundred seventy-five~~ nine hundred fifty dollars.
 - (4) The director of the homeland security division may impose fees for both late filing of reports and late payment of fees- subject to the following:
 - (a) A late fee ~~must equal~~ may not exceed the amount of the hazardous chemicals fee owed under this subdivision-;
 - (b) After six months the director shall process further violations under willful violations in subsection 4-; and
 - (c) A facility exempt from fees under this subdivision which is late filing reports under this section may be subject to a late fee equal to the amount the facility would be charged if it was not exempt.
 - (5) The division of homeland security shall transfer to the county hazardous chemicals preparedness and response account one-half of the regular fees collected from the state's hazardous chemicals fee system.
- d-e. The owners or operators of family farm enterprises that are not engaged in the retail or wholesale of hazardous chemicals and facilities owned by the state or local governments are exempt from the fee under subdivision c. For purposes of this section, the terms "family farm" and "farmer" have the same meaning as set forth in section 6-09.11-01.
- e-f. ~~The state~~ State and county governments are authorized to accept and may deposit grants, gifts, and federal funds into the hazardous chemicals preparedness and response fund and accounts for the purpose of carrying out the hazardous chemicals preparedness and response programs to include training, exercising, equipment, response, and salaries, and local emergency planning committee member stipends not to exceed thirty percent of state per diem per meeting attended. In lieu of stipends the committee chairman may provide a meal or refreshments other than alcoholic beverages.
- f-g. "Hazardous chemical" means as defined in title 40, Code of Federal Regulations, part 355.20 and title 29, Code of Federal Regulations, part 1910.1200.

- ~~g-h.~~ The state hazardous chemicals fee system does not supersede a city fee system for hazardous chemicals.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 341

HOUSE BILL NO. 1073

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

AN ACT to amend and reenact sections 37-17.1-22, 37-17.1-23, and 37-17.1-27 of the North Dakota Century Code, relating to disaster or emergency response and recovery costs, authority to spend funds from the state disaster relief fund, and uses of the state disaster relief fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁴⁸ **SECTION 1. AMENDMENT.** Section 37-17.1-22 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-22. Disaster or emergency response and recovery costs.

Whenever the governor declares a state of disaster or emergency in accordance with section 37-17.1-05, or when the governor enters into an agreement with the federal government following a disaster or emergency declared by the president of the United States, the director of the division of homeland security shall determine and record the costs of the state response and recovery operations in accordance with an agreement with the federal government or in accordance with procedures established by the governor in the case of a state-declared disaster or emergency. Immediately following the response or recovery operations, or prior thereto if determined necessary by the governor, the governor may apply to the state emergency commission for a grant of funds in an amount equal to the response and recovery costs of the state to be paid from the state disaster relief fund or other funds approved by the emergency commission. Notwithstanding other provisions of chapter 54-16, it must be conclusively presumed upon receipt by the emergency commission of the application from the governor that a disaster or emergency exists, and the commission may grant and direct the transfer to the department of the governor designated representative of an amount up to that certified in the application by the governor.

SECTION 2. AMENDMENT. Section 37-17.1-23 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-23. Disaster or emergency recovery funding - Loan authorization.

1. When approved by the emergency commission, the office of the adjutant general is authorized to borrow from the Bank of North Dakota, to match federal funds under the Robert T. Stafford Disaster Emergency Assistance Act [Public Law 93-288, as amended]. In addition to the principal repayment, the Bank of North Dakota shall receive interest on the loan at a rate equal to other state agency borrowings. On behalf of the state, the office of the adjutant general shall administer the disaster or emergency recovery program according to state procedures based on federal laws or regulations. After a

¹⁴⁸ Section 37-17.1-22 was also amended by section 15 of House Bill No. 1079, chapter 339.

county or group of counties have been declared a major disaster or emergency area by the president, the office of the adjutant general shall submit a request to the emergency commission for:

- a. Approval to make an application for a loan from the Bank of North Dakota;
 - b. Approval for additional personnel required to perform the anticipated recovery activities; ~~and~~
 - c. Authority to spend additional state and federal funds for the recovery program; and
 - d. Authority to spend available funds from the state disaster relief fund.
2. If the request is acceptable, the emergency commission shall approve the request and issue a notice of its action to the office of the adjutant general, Bank of North Dakota, and the office of management and budget. The office of the adjutant general shall keep the emergency commission apprised of the progress of the recovery operation and submit a final report upon completion of the project. The office of the adjutant general is responsible to repay any loan, including accrued interest, from the Bank of North Dakota which is provided under this section. If at the end of the biennium a balance exists on the loan, the office of the adjutant general shall request the legislative assembly for a deficiency appropriation to repay the loan.

SECTION 3. AMENDMENT. Section 37-17.1-27 of the North Dakota Century Code is amended and reenacted as follows:

37-17.1-27. State disaster relief fund - Creation - Uses.

There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations for providing the required state share of funding for expenses and administration associated with emergency response operations conducted by the department of emergency services, a declaration of a state of disaster or emergency issued by the governor in accordance with section 37-17.1-05, federal emergency management agency disaster response, recovery, and mitigation grants, and for the purposes of reimbursing costs under section 37-17.1-28. Any interest or other fund earnings must be deposited in the fund. Before any expenditure is made from the fund, the agency authorized to make the expenditure shall provide information on the purpose and payee of the expenditure to the appropriation committees of the house of representatives and senate or to the budget section if the legislative assembly is not in session.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 342

SENATE BILL NO. 2114

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

AN ACT to amend and reenact subsection 2 of section 37-17.3-08 of the North Dakota Century Code, relating to the state radio system and service fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁴⁹ **SECTION 1. AMENDMENT.** Subsection 2 of section 37-17.3-08 of the North Dakota Century Code is amended and reenacted as follows:

2. Each county and city law enforcement department that accesses the North Dakota teletype system shall pay a fee levied on a per terminal basis. Other law enforcement affiliated organizations and federal agencies will pay one hundred percent of the actual costs incurred by the division for providing the service. Fees will be levied on a per terminal basis. State general fund agencies that access the system will not incur any fees for the service. City and county law enforcement fees ~~will be~~ based on the following schedule of charges per terminal per month:
 - a. ~~County~~ Fifteen percent of the fee established by the director in a county with a population of less than five thousand shall pay forty dollars per month.
 - b. ~~County~~ Thirty percent of the fee established by the director in a county with a population of five thousand or more but less than ten thousand shall pay eighty dollars per month.
 - c. ~~County~~ Forty-five percent of the fee established by the director in a county with a population of ten thousand or more but less than fifteen thousand shall pay one hundred twenty dollars per month.
 - d. ~~County~~ Sixty percent of the fee established by the director in a county with a population of fifteen thousand or more but less than twenty-five thousand shall pay one hundred sixty dollars per month.
 - e. ~~County~~ Seventy-four percent of the fee established by the director in a county with a population of twenty-five thousand or more shall pay two hundred dollars per month.

Approved March 19, 2025

Filed March 20, 2025

¹⁴⁹ Section 37-17.3-08 was also amended by section 19 of House Bill No. 1079, chapter 339.

CHAPTER 343

HOUSE BILL NO. 1293

(Representatives Vetter, D. Johnston, Kiefert, Klemin, Lefor, Christianson, Longmuir)
(Senators Cory, Dever, Larson, Meyer, Sickler)

AN ACT to create and enact a new section to chapter 37-18 of the North Dakota Century Code, relating to the creation of a burial medallion program for veterans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 37-18 of the North Dakota Century Code is created and enacted as follows:

Burial medallion program.

1. As used in this section, "medallion" means a small, durable marker attached to an existing headstone or grave marker to indicate a veteran's status.
2. The department of veterans' affairs shall establish and administer a program to provide a medallion for a national guard or national guard reserve member, not buried in the state veterans' cemetery, who does not qualify for another medallion from the state or federal department of veterans affairs.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 344

HOUSE BILL NO. 1180

(Representatives Pyle, Dockter, Frelich, Tveit, Vollmer)
(Senators Dever, Roers)

AN ACT to amend and reenact subsection 1 of section 15-10-18.2, subsection 2 of section 37-19.1-03, subdivision j of subsection 2 of section 39-04-18, subsection 1 of section 57-02-08.8, and subsection 1 of section 57-40.3-04 of the North Dakota Century Code, relating to eligibility for certain veteran earned benefits; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 15-10-18.2 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dependent" for purposes of section 15-10-18.3 means:
 - a. A child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran" is defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the~~ one hundred percent rate as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action;
 - b. A child, stepchild, spouse, widow, or widower of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the~~ one hundred percent rate as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action, provided the spouse, widow, or widower, or the child's or stepchild's other parent, has been a resident of this state and was a resident of this state at the time of death or determination of total disability of the veteran;
 - c. A child, stepchild, spouse, widow, or widower of a veteran, as defined in section 37-01-40, who was killed in action or died from wounds or other service-connected causes, has a one hundred percent service-connected disability as determined by the department of veterans' affairs, has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the~~ one hundred percent rate as determined by the department of veterans' affairs, died from service-connected disabilities, was a prisoner of war, or was declared missing in action, provided the spouse, widow, or widower, or the child's or stepchild's other parent, establishes residency in

this state and maintains that residency for a period of five years immediately preceding the spouse's, widow's, widower's, child's, or stepchild's enrollment at an institution under the control of the state board of higher education; or

- d. A widow or widower of a veteran, as defined in section 37-01-40, who is receiving United States department of veterans affairs dependency and indemnity compensation and satisfies the residency requirement in subdivision a, b, or c. For purposes of this subdivision, sufficient proof of receipt of United States department of veterans affairs dependency and indemnity compensation includes correspondence directed to a qualifying veteran's widow or widower by the United States department of veterans affairs which indicates the widow or widower is a survivor of the qualifying veteran and is in receipt of United States department of veterans affairs dependency and indemnity compensation.

For purposes of this subsection, if the determination of disability or service-connected death occurs subsequent to the qualifying veteran's death through application of a law that renders a surviving spouse of a qualifying veteran eligible for United States department of veterans' affairs disability and indemnity compensation, the determination for purposes of qualification as a dependent under this subsection is presumed to precede the veteran's death.

SECTION 2. AMENDMENT. Subsection 2 of section 37-19.1-03 of the North Dakota Century Code is amended and reenacted as follows:

2. The spouse of a disabled veteran, who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or who has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the one hundred percent rate as determined by the department of veterans' affairs, is, if the disabled veteran is unable to exercise the veteran's right to a veteran's employment preference due to the veteran's disability, entitled, if the person is otherwise qualified, to the employment preference given to a veteran under section 37-19.1-02 in the manner provided therein.~~

SECTION 3. AMENDMENT. Subdivision j of subsection 2 of section 39-04-18 of the North Dakota Century Code is amended and reenacted as follows:

- j. Motor vehicles not exceeding twenty-six thousand pounds [11793.40 kilograms] registered gross weight owned and operated by a disabled veteran under the provisions of Public Law 79-663 [38 U.S.C. 3901], a disabled veteran who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or a disabled veteran who has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the one hundred percent rate as determined by the department of veterans' affairs is entitled to display either a distinctive license plate or a standard plate that does not identify the veteran as a veteran or disabled veteran which is issued by the department at no cost to the qualifying veteran or surviving spouse or any other distinctive or vanity plate purchased from the department by the qualifying veteran or surviving spouse. This exemption applies to no more than two such motor vehicles owned by a disabled veteran at any one time. A surviving spouse of a disabled veteran who is receiving United~~

States department of veterans affairs dependency and indemnity compensation is eligible for the exemption under this subdivision for one vehicle. If the determination of disability or service-connected death occurs subsequent to the qualifying veteran's death through application of a law that renders a surviving spouse of a qualifying veteran eligible for United States department of veterans affairs disability and indemnity compensation, the determination for purposes of the exemption under this subdivision is presumed to precede the veteran's death. Sufficient proof of receipt of United States department of veterans affairs dependency and indemnity compensation includes correspondence directed to a surviving spouse of a qualifying veteran by the United States department of veterans affairs which indicates the surviving spouse is a survivor of the qualifying veteran and is in receipt of United States department of veterans affairs dependency and indemnity compensation.

¹⁵⁰ **SECTION 4. AMENDMENT.** Subsection 1 of section 57-02-08.8 of the North Dakota Century Code is amended and reenacted as follows:

1. A disabled veteran of the United States armed forces with an armed forces service-connected disability of fifty percent or greater or a disabled veteran who has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the one hundred percent rate~~ as determined by the department of veterans' affairs, who was discharged under honorable conditions or who has been retired from the armed forces of the United States, or the surviving spouse if the disabled veteran is deceased, is eligible for a credit applied against the first eight thousand one hundred dollars of taxable valuation of the homestead owned and occupied by the disabled veteran or surviving spouse equal to the percentage of the disabled veteran's disability compensation rating for service-connected disabilities as certified by the department of veterans' affairs for the purpose of applying for a property tax credit. A surviving spouse who is receiving United States department of veterans affairs dependency and indemnity compensation receives a one hundred percent credit as described in this subsection. If the determination of disability or service-connected death occurs subsequent to the qualifying veteran's death through application of a law that renders a surviving spouse of a qualifying veteran eligible for United States department of veterans affairs disability and indemnity compensation, the determination for purposes of the credit under this subsection is presumed to precede the veteran's death. Sufficient proof of receipt of United States department of veterans affairs dependency and indemnity compensation includes correspondence directed to a surviving spouse of a qualifying veteran by the United States department of veterans affairs which indicates the surviving spouse is a survivor of the qualifying veteran and is in receipt of United States department of veterans affairs dependency and indemnity compensation.

¹⁵¹ **SECTION 5. AMENDMENT.** Subsection 1 of section 57-40.3-04 of the North Dakota Century Code is amended and reenacted as follows:

¹⁵⁰ Section 57-02-08.8 was also amended by section 11 of House Bill No. 1031, chapter 64, and section 9 of House Bill No. 1176, chapter 555.

¹⁵¹ Section 57-40.3-04 was also amended by section 2 of House Bill No. 1578, chapter 564, and section 1 of Senate Bill No. 2207, chapter 563.

1. Any motor vehicle acquired by, or leased and in the possession of, a resident disabled veteran under the provisions of Pub. L. 79-663 [38 U.S.C. 3901], a resident disabled veteran who has a one hundred percent service-connected disability as determined by the department of veterans' affairs, or a resident disabled veteran who has an extra-schedular rating to include individual unemployability ~~that brings which results in the veteran's total disability rating to veteran being paid at the~~ one hundred percent rate as determined by the department of veterans' affairs who registers, or is eligible to register, the vehicle with a distinctive license plate issued by the department of transportation under subdivision j of subsection 2 of section 39-04-18. A surviving spouse who is receiving United States department of veterans affairs dependency and indemnity compensation is eligible for the exemption in this subsection. If the determination of disability or service-connected death occurs subsequent to the qualifying veteran's death through application of a law that renders a surviving spouse of a qualifying veteran eligible for United States department of veterans affairs disability and indemnity compensation, the determination for purposes of the exemption under this subsection is presumed to precede the veteran's death. Sufficient proof of receipt of United States department of veterans affairs dependency and indemnity compensation includes correspondence directed to a surviving spouse of a qualifying veteran by the United States department of veterans affairs which indicates the surviving spouse is a survivor of the qualifying veteran and is in receipt of United States department of veterans affairs dependency and indemnity compensation.

SECTION 6. EFFECTIVE DATE. Section 4 of this Act is effective for taxable years beginning after December 31, 2024. Section 5 of this Act is effective for taxable events occurring after June 30, 2025.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 345

SENATE BILL NO. 2398

(Senators Barta, Castaneda, Sickler)
(Representatives Bolinske, Christianson)

AN ACT to create and enact a new chapter to title 37 of the North Dakota Century Code, relating to the establishment of military impact zones and military compatibility committees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 37 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter, "encroachment" means an action that interferes with or negatively impacts military base testing, training, and other operations and overall military readiness, including issues related to environmental impact, noise pollution, land development, competition for airspace, competition for radio frequency spectrum, and urban growth around military installations.

Military impact zones.

A military impact zone is a geographic zone extending from the perimeter of each military base in the state, which requests the military compatibility committees to provide assistance under this chapter. The outer boundary of each zone must be established by an assessment in a compatible use study and contingent upon the missions of each military base.

Military compatibility committees.

1. The agriculture commissioner may create one or more military compatibility committees to harmonize land, airspace, and electromagnetic spectrum use in military impact zones, review potential encroachment of military installations in military impact zones, and promote the sustainability of military operations in the state.
2. A military compatibility committee must be composed of:
 - a. The agriculture commissioner, or the agriculture commissioner's designee;
 - b. One representative from each county within the boundaries of a military impact zone, selected by the board of county commissioners;
 - c. One representative representing all townships within the boundaries of a military impact zone, selected by the boards of township supervisors;
 - d. One representative representing all cities within the boundaries of a military impact zone, selected by the city council or councils; and

- e. On a voluntary basis, the commander of each military installation, or the commander's designee.
- 3. Except for activities subject to the United States department of defense military aviation and installation assurance siting clearinghouse established under section 183(a) of United States Code title 10 [10 U.S.C. 183(a)], a military compatibility committee shall:
 - a. Provide guidance to local governments on military-compatibility practices in military impact zones.
 - b. Establish a uniform process in accordance with chapters 11-33, 40-47, and 40-48, and section 58-03-12 for all political subdivisions located in a military impact zone to coordinate zoning, land use, construction, energy development, telecommunications, and other infrastructure projects that could impact military radar, airspace, communications, or operational readiness relevant to mission compatibility.

Approved April 8, 2025

Filed April 8, 2025

MINING AND GAS AND OIL PRODUCTION

CHAPTER 346

SENATE BILL NO. 2335

(Senators Magrum, Dwyer, Paulson)

AN ACT to create and enact a new section to chapter 38-11.1 of the North Dakota Century Code, relating to pretrial appraisals; and to amend and reenact section 38-11.1-09 of the North Dakota Century Code, relating to the recovery of attorney's fees in an action relating to oil and gas production.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 38-11.1 of the North Dakota Century Code is created and enacted as follows:

Pretrial appraisal required before commencement of action to recover compensation.

1. As used in this section, "certified appraiser" has the same meaning as in section 43-23.3-01.
2. Before commencing a legal action to recover compensation, a person entitled to compensation shall obtain a written appraisal valuing all parcels affected or foreseeably affected by drilling operations under this chapter. A certified appraiser, an individual possessing a temporary permit under section 43-23.3-11, or an individual possessing a permit under section 43-23.3-04.1 shall conduct the required appraisal.
3. Before a court may take jurisdiction over an action commenced under this chapter, a person seeking compensation under this chapter must have provided to a mineral developer a copy of an appraisal issued under subsection 2. The mineral developer may make a new offer for settlement to the surface owner within thirty days of receiving the appraisal. If a new offer is made under this subsection, the amount of the new offer serves as the offer contemplated under section 38-11.1-09.
4. The mineral developer shall reimburse the reasonable actual costs of the required appraisal incurred by the surface owner for obtaining a required appraisal under this section or, at the election of the surface owner, the mineral developer shall pay the reasonable actual costs directly to the appraiser.
5. The required appraisal or opinion of value expressed in the required appraisal is inadmissible at a proceeding commenced under this chapter, unless the information is offered by the surface owner. Whether an appraisal is issued under this section does not require or prohibit the introduction of specific evidence offered at a proceeding commenced under this chapter.

SECTION 2. AMENDMENT. Section 38-11.1-09 of the North Dakota Century Code is amended and reenacted as follows:

38-11.1-09. Rejection - Legal action - Fees and costs.

If the person seeking compensation rejects the offer of the mineral developer, that person may bring an action for compensation in the court of proper jurisdiction. If the amount of compensation awarded by the court is greater than ~~that which had been the~~ amount offered by the mineral developer, the court shall award the person seeking compensation reasonable attorney's fees, any costs ~~assessed by the court and disbursements under chapter 28-26,~~ and interest on the amount of the final compensation awarded by the court from the day drilling is commenced. The rate of interest awarded must be the prime rate charged by the Bank of North Dakota on the date of the judgment.

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 347

HOUSE BILL NO. 1459

(Representatives D. Anderson, Berg, Bosch, Mitskog, Novak, O'Brien, J. Olson,
Porter, Lefor)
(Senators Hogue, Marcellais, Patten)

AN ACT to create and enact a new section to chapter 38-12 of the North Dakota Century Code, relating to critical minerals and rare earth minerals and royalties; to amend and reenact sections 38-12-01 and 47-10-24 of the North Dakota Century Code, relating to the definitions of critical minerals and rare earth minerals and descriptions and definitions of minerals in leases and conveyances; and to provide for retroactive application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 38-12-01 of the North Dakota Century Code is amended and reenacted as follows:

38-12-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Commission" means the industrial commission of the state of North Dakota.
2. "Critical mineral" means a nonfuel mineral or material essential to the economic or national security of the United States and which has a supply chain vulnerable to disruption. The term includes aluminum, antimony, arsenic, astatine, barite, bauxite, beryllium, bismuth, cerium, cesium, chromium, cobalt, erbium, fluorspar, friezium, gallium, germanium, graphite, hafnium, helium, indium, lithium, magnesium, manganese, neodymium, niobium, platinum group metals, potash, the rare earth elements group, rhenium, rubidium, samarium, scandium, stralium, strontium, tantalum, tellurium, thulium, tin, titanium, tungsten, uranium, vanadium, and zirconium which are chemically bound, embedded, commingled, included, or contained within a coal seam or coal deposit.
3. "Extraction facility" means any well or mine or other extractive process operated for the purpose of recovering subsurface minerals.
- ~~3-4.~~ "Operator" means any person who, duly authorized, is in charge of the development of a lease or the operation of a producing property.
- ~~4-5.~~ "Owner" means the person who has the right to explore for, develop, and produce subsurface minerals and to appropriate the subsurface minerals the owner produces either for the owner or for the owner and others.
- ~~5-6.~~ "Person" means and includes any natural person, corporation, limited liability company, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind, and includes any department, agency, or instrumentality of the state or of any governmental subdivision thereof; the masculine gender, in referring to a person, includes the feminine and the neuter genders.

- 6-7. "Producer" means the owner of an extraction facility which is or has been capable of producing subsurface minerals.
- 7-8. "Rare earth minerals" means any of a series of metallic elements of which the oxides are classed as rare earths and which include the elements of the lanthanide series, yttrium, and scandium which are chemically bound, embedded, commingled, included, or contained within a coal seam or coal deposit.
9. "Subsurface minerals" means all naturally occurring elements and their compounds, volcanic ash, precious metals, carbonates, and natural mineral salts of boron, bromine, calcium, fluorine, iodine, lithium, magnesium, phosphorus, potassium, sodium, thorium, uranium, and sulfur, and their compounds, but does not include sand and gravel and rocks crushed for sand and gravel.

SECTION 2. A new section to chapter 38-12 of the North Dakota Century Code is created and enacted as follows:

Declaration of policy for critical minerals and rare earth minerals.

1. It is in the public interest of the state of North Dakota, its citizens, and the United States to encourage, accelerate, and promote the development, production, and utilization of critical minerals and rare earth minerals in a manner that prevents waste, allows a greater ultimate recovery of these natural resources, and protects the rights of owners so the greatest possible economic recovery of these resources may be obtained in this state and landowners, producers, and the general public may enjoy the greatest possible good from these resources.
2. The legislative assembly acknowledges the public interest to foster, encourage, and promote the development, production, and utilization of all natural resources of coal, and the public interest is served by the preservation of existing coal conversion facilities, which significantly contribute to the state economy and general public.
3. Development of critical minerals and rare earth minerals also may lead to significant economic benefits for owners, new jobs in mining, processing, and related industries, and contributions to the state economy. Many critical minerals and rare earth minerals are broadly and irregularly disseminated and chemically bound, embedded, commingled, included, or contained within coal. Certain owners are unable to develop critical minerals and rare earth minerals because the minerals are contained within the coal seam or coal deposit, are covered by an existing mining permit, and are subject to the prior legal rights of the coal producer.
4. As reflected in federal policy, the legislative assembly recognizes critical minerals and rare earth minerals are fundamental to the economy, competitiveness, and security of the United States. The United States relies on foreign nations to supply these critical minerals and rare earth minerals to develop and manufacture medical devices, information technology, and equipment and technology for national defense, energy infrastructure, and other critical items. Domestic development and production of critical minerals and rare earth minerals is inadequate to meet the nation's needs. The United States must have a reliable, diversified, and affordable supply to drive medical manufacturing, transportation, agriculture, and defense industries and to sustain military preparedness, national security, and economic security.

5. This chapter provides potential for coal owners and critical mineral and rare earth mineral owners to obtain added value from the development of critical minerals and rare earth minerals extracted from coal. These critical minerals and rare earth minerals are chemically bound, embedded, commingled, included, or contained within a coal seam or coal deposit and cannot otherwise be produced on their own without infringing on the working interests of the coal estate, without first mining the host mineral coal, or in an economic manner.
6. To the maximum extent practicable, the critical mineral and rare earth mineral needs of the United States should be satisfied by the vital natural resources responsibly produced in the United States. The legislative assembly finds it necessary to declare that the mining of coal in this state and a lease of coal in this state, whenever granted, must include the right to all critical minerals and rare earth minerals chemically bound, embedded, commingled, included, or contained within the coal unless specifically excluded by the lease. A party is not obligated to mine, remove, or sell critical minerals or rare earth minerals from coal. The legislative assembly finds that because critical minerals and rare earth minerals are chemically bound, embedded, commingled, included, or contained within a coal seam or coal deposit, and are not uniformly disseminated, production must be commingled and a royalty rate must be applied only if the minerals are extracted and sold. It is necessary to fulfill the public policy of this state by clarifying law related to this policy and the development of critical minerals and rare earth minerals.
7. Critical minerals and rare earth minerals occurring within or associated with coal-bearing formations, coal seams, or coal combustion residuals are part of the coal estate for purposes of ownership, leasing, taxation, and development unless expressly severed by recorded conveyance. To help facilitate the extraction and processing of critical minerals and rare earth minerals, the parties may amend an existing lease or agree to new terms for any lease if agreed to by both parties.
8. Coal ash and any coal gasification product, including all minerals, substances, compounds, byproducts, or elements contained therein which result from the combustion or gasification of coal in a coal conversion facility are the property of the owner or operator of the coal conversion facility. The owner or operator of a coal conversion facility may not be held liable for waste, conversion, destruction, or damages to any extent arising from the purchase, combustion, gasification, or sale of any minerals, substances, compounds, byproducts, or elements contained within the coal, coal ash, or products of coal.
9. For purposes of this section, "coal ash" includes fly ash, bottom ash, and boiler slag.
10. An operator shall pay any applicable mineral owner, according to each mineral owner's respective undivided ownership of coal mined within the applicable permit area during a calendar year, a royalty of no less than two and one-half percent of the gross proceeds from all critical minerals and rare earth minerals mined, removed, and sold during the extraction process. The royalty must be paid at least annually by March thirty-first of the following year. For purposes of this section, "gross proceeds" means the gross receipts received by an operator from any sale of critical minerals or rare earth minerals which constitutes an arms-length transaction.

SECTION 3. AMENDMENT. Section 47-10-24 of the North Dakota Century Code is amended and reenacted as follows:

47-10-24. Description and definition of minerals in leases and conveyances.

1. All conveyances of mineral rights or royalties in real property in this state, excluding leases, ~~shall must~~ be construed to grant or convey to the grantee ~~thereof~~ all minerals of any nature whatsoever except those minerals specifically excluded by name in the deed, grant, or conveyance, and their compounds and byproducts, but ~~shall may~~ not be construed to grant or convey to the grantee any interest in any gravel, clay, or scoria unless specifically included by name in the deed, grant, or conveyance.

~~No~~

2. Except as provided in subsection 3, a lease of mineral rights in this state ~~shall may not~~ be construed as passing any interest to any minerals except those minerals specifically included and set forth by name in the lease. For the purposes of this ~~paragraph~~section, the naming of either a specific metalliferous element, or nonmetalliferous element, and if so stated in lease, ~~shall be~~ is deemed to include all of its compounds and byproducts, and in the case of oil and gas, all associated hydrocarbons produced in a liquid or gaseous form so named ~~shall must~~ be deemed to be included in the mineral named. ~~The~~Except as provided in subsection 3, the use of the words "all other minerals" or similar words of an all-inclusive nature in any lease ~~shall may~~ not be construed as leasing any minerals except those minerals specifically named in the lease and their compounds and byproducts.
3. As provided under section 2 of this Act, a lease of coal in this state whenever granted is deemed to include all critical minerals and rare earth minerals chemically bound, embedded, commingled, included, or contained within a coal seam or coal deposit unless specifically excluded from the lease of coal.

SECTION 4. RETROACTIVE APPLICATION. This Act is retroactive in application.

Approved May 5, 2025

Filed May 6, 2025

CHAPTER 348

SENATE BILL NO. 2117

(Energy and Natural Resources Committee)
(At the request of the Public Service Commission)

AN ACT to amend and reenact subsection 1 of section 38-14.2-02, and sections 38-14.2-04, 38-14.2-06, and 38-14.2-07 of the North Dakota Century Code, relating to abandoned surface mine reclamation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 38-14.2-02 of the North Dakota Century Code is amended and reenacted as follows:

1. "Abandoned mine reclamation plan" means a plan for the reclamation of lands and water adversely affected by past coal mining and noncoal mining practices. The plan must generally identify all areas to be reclaimed in the state of North Dakota, the purposes for which the reclamation is proposed, the relationship of the lands to be reclaimed and the proposed reclamation to surrounding areas, ~~and the specific criteria for ranking and identifying projects to be funded, and the legal authority and programmatic capability to perform such work as required by the Surface Mining Control and Reclamation Act of 1977~~ [Pub. L. 95-87; 30 U.S.C. 1235].

SECTION 2. AMENDMENT. Section 38-14.2-04 of the North Dakota Century Code is amended and reenacted as follows:

38-14.2-04. State abandoned mine reclamation fund.

There is hereby created the state abandoned mine reclamation fund.

1. Revenue to the fund must include:
 - a. Moneys applied for and received by the commission pursuant to title IV of Public Law 95-87 [91 Stat. 456; 30 U.S.C. 1231 et seq.], for the purposes of this chapter.
 - b. Moneys donated to the commission by persons, corporations, limited liability companies, associations, and foundations for the purposes of this chapter.
 - c. Moneys collected by the commission from charges for uses of lands acquired or reclaimed with moneys from the fund, after expenditures for maintenance have been deducted.
 - d. Moneys recovered by the commission through satisfaction of liens filed against privately owned lands reclaimed with moneys from the fund.
 - e. Moneys recovered by the commission from the sale of lands acquired with moneys from the fund.

- f. Such other moneys as may be deposited in the fund for use in carrying out the purposes of the abandoned mine reclamation program.
2. Moneys in the fund may be used for the following purposes:
 - a. Reclamation and restoration of land and water resources as defined by section 38-14.2-06 and adversely affected by past mining, including but not limited to:
 - (1) Reclamation and restoration of abandoned surface mined areas, abandoned coal processing areas, and abandoned coal refuse disposal areas.
 - (2) Reclamation of lands affected by underground mine subsidence.
 - (3) Planting of land adversely affected by past coal mining or noncoal mining to prevent erosion and sedimentation.
 - (4) Prevention, abatement, treatment, and control of water pollution created by coal mine or noncoal mine drainage including restoration of streambeds, and construction and operation of water treatment plants.
 - (5) Prevention, abatement, and control of burning coal refuse disposal areas and burning coal in situ.
 - (6) Prevention, abatement, and control of coal mine subsidence.
 - b. Acquisition or lease of land as provided for in this chapter.
 - c. ~~Studies by the commission by contract with public and private organizations to provide information, advice, and technical assistance, including research and demonstration projects, conducted for the purposes of this chapter.~~
 - d. All other necessary expenses to accomplish the purposes of this chapter, including administrative expenses and costs incurred in the development of the abandoned mine reclamation plan and the abandoned mine reclamation program.
3. There is created a special fund in the state treasury called the state abandoned mine reclamation fund set-aside trust account. Revenue to the set-aside trust account must be ten percent of the amount granted by the secretary of the interior under title IV of Public Law 95-87 ~~as provided by Public Law 100-34~~ for amounts awarded before December 20, 2006. This account must be interest bearing and all interest must be credited to the set-aside trust account. No funds from this account may be expended prior to September 30, 2004. After September 30, 2004, the funds may be expended as provided in this subsection but no funds may be used to reclaim noncoal projects. The legislative assembly shall authorize expenditure by appropriation from the account as necessary to defray the administrative expenses of the program. The remaining funds in the account may only be used in accordance with subdivisions a, b, and c, of subsection 1 of section 38-14.2-07 but no funds may be used on noncoal projects. The liability of the state to fulfill the requirements of this subsection is limited to the amount of funds available in the account established in this subsection. The state has no obligations under

this subsection except to the extent of federal funds deposited in the ~~coal mine mitigation~~ state abandoned mine reclamation fund set-aside trust account and the interest thereon to operate the program.

4. There is created a special fund in the state treasury called the state abandoned mine reclamation safeguarding treatment for the restoration of ecosystems from abandoned mines fund set-aside trust account. Revenue to the set-aside trust account must be no more than thirty percent of the annual amount granted by the secretary of interior under title IV of Public Law No. 95-87 as provided by Public Law No. 117-58 and Public Law No. 117-328. This account must be interest bearing and all interest must be credited to the safeguarding treatment for the restoration of ecosystems from abandoned mines fund set-aside trust account. The funds from this account may be expended for:
 - a. The abatement of the causes and treatment of the effects of acid mine drainage resulting from coal mining practices, including costs of building, operating, maintaining, and rehabilitating acid mine drainage treatment systems;
 - b. The prevention, abatement, and control of subsidence; or
 - c. The prevention abatement, and control of coal mine fires.
5. The legislative assembly shall authorize expenditure by appropriation from the account under subsection 4 as necessary to defray the administrative expenses of the program.

SECTION 3. AMENDMENT. Section 38-14.2-06 of the North Dakota Century Code is amended and reenacted as follows:

38-14.2-06. Eligible lands and water.

Lands and water eligible for reclamation or drainage abatement expenditures under this chapter are those which were mined for coal or which were affected by such mining, wastebanks, coal processing or other coal mining processes and abandoned or left in an inadequate reclamation status prior to August 3, 1977, and for which there is no continuing reclamation responsibility under other state laws. Lands and water which were mined or affected by mining for minerals and materials other than coal are also eligible for reclamation under this chapter if ~~such~~ the reclamation is necessary to protect the public health, safety, general welfare, and property ~~and such, the~~ noncoal abandoned mine lands were left in an inadequate reclamation status prior to August 3, 1977, ~~and for which~~ there is no continuing reclamation responsibility under other state or federal laws, and the state has received certification from the United States secretary of the interior under 30 U.S.C. 1239 or 30 U.S.C. 1240(a). Lands and water designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 [42 U.S.C. 7901 et seq.] or listed for remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 [42 U.S.C. 9601 et seq.] are not eligible for reclamation or drainage abatement expenditures under this chapter.

SECTION 4. AMENDMENT. Section 38-14.2-07 of the North Dakota Century Code is amended and reenacted as follows:

38-14.2-07. Commission authorized to administer abandoned mine reclamation program - Objectives - Priorities.

1. The commission is hereby authorized to develop, administer, and enforce an abandoned mine reclamation program. Expenditure of funds for the projects under this program must reflect priorities in the order stated:
1. ~~a. Administrative expenses and costs incurred in the development of the abandoned mine reclamation plan and the abandoned mine reclamation program.~~
2. The protection of public health, safety, ~~general welfare~~, and property from extreme danger resulting from the adverse effects of past coal mining practices, including the restoration of eligible land and water resources and the environment:
 - (1) Previously degraded by the adverse effects of coal mining practices; and
 - (2) Located adjacent to a site that has been or will be remediated to protect the public health, safety, and property from extreme danger of adverse effects of coal mining practices.
3. ~~b. The protection of public health, and safety, and general welfare from adverse effects of past coal mining practices which do not constitute an extreme danger, including the restoration of eligible land and water resources and the environment:~~
 - (1) Previously degraded by the adverse effects of coal mining practices; and
 - (2) Located adjacent to a site that has been or will be remediated to protect the public health and safety from adverse effects of coal mining practices.
4. ~~c. The restoration of eligible land and water resources and the environment previously degraded by adverse effects of past coal mining practices, including measures for the conservation and development of soil, water (excluding channelization), woodland, fish and wildlife, recreation resources, and agricultural productivity.~~
5. ~~Research and demonstration projects relating to the development of surface coal mining reclamation and water quality control program methods and techniques.~~
6. ~~d. The protection, repair, replacement, construction, or enhancement of public facilities such as utilities, roads, recreation, and conservation facilities adversely affected by past water supply facilities, including water distribution facilities and treatment plants adversely affected by coal mining practices.~~
7. ~~The development of publicly owned land adversely affected by past coal mining practices, including land acquired as provided in this chapter, for recreation, historic, conservation, and reclamation purposes and open space benefits.~~

—8.—

2. The protection of the public from hazards endangering life and property resulting from the adverse effects of past noncoal mining practices upon certification from the United States secretary of interior as provided in 30 U.S.C. 1240(a). However, upon request by the governor of the state of North Dakota and approval by the secretary of the interior, such work may be undertaken before the priorities related to past coal mining have been fulfilled. Expenditure of funds from the project under this subsection must reflect the priorities in the order stated:
 9. ~~a.~~ The protection of ~~the public from hazards to~~ health and safety, ~~general welfare, and property~~ from the adverse effects of ~~past~~ noncoal mining practices.
 10. ~~b.~~ ~~The restoration of the environment degraded by the~~protection of public health, safety, and general welfare ~~from~~ adverse effects of ~~past~~ noncoal mining ~~practices~~.
 11. ~~c.~~ ~~The construction of public facilities in accordance with section 38-14.2-05~~restoration of land and water resources and the environment previously degraded by the adverse effects of noncoal mining practices.
3. Funds granted by the secretary of interior under title IV of Public Law No. 95-87 as provided by Public Law No. 117-58 may be used only for the activities described in subsection 1.

Approved April 17, 2025

Filed April 17, 2025

MOTOR VEHICLES

CHAPTER 349

SENATE BILL NO. 2120

(State and Local Government Committee)
(North Dakota Public Employees Retirement System)

AN ACT to provide for a transfer to the highway patrol troopers' retirement system fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO HIGHWAY PATROL TROOPERS' RETIREMENT SYSTEM FUND. The office of management and budget shall transfer the sum of \$15,000,000 from the strategic investment and improvements fund to the highway patrol troopers' retirement system fund, for the purpose of increasing the funded liability of the highway patrol troopers' retirement plan during the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 17, 2025

Filed April 17, 2025

CHAPTER 350

HOUSE BILL NO. 1137

(Representatives Toman, Bosch, Nathe)
(Senator Larson)

AN ACT to amend and reenact subsection 6 of section 39-01-15 of the North Dakota Century Code, relating to the display of mobility-impaired parking permits; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 39-01-15 of the North Dakota Century Code is amended and reenacted as follows:

6. A certificate issued under this section must be hung from the rearview mirror or placed on the dashboard of the motor vehicle whenever the vehicle is occupying a space reserved for the mobility impaired and is being used by a mobility-impaired individual or another individual for the purposes of transporting the mobility-impaired individual. No part of the certificate may be obscured. A fee of five dollars may be imposed for a violation of this subsection.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 351

HOUSE BILL NO. 1327

(Representatives Hendrix, Christianson, Koppelman, Maki, D. Ruby, Schatz)
(Senators Clemens, Walen)

AN ACT to amend and reenact section 39-04-10 of the North Dakota Century Code, relating to special plates for amateur radio station licenseholders.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-10 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10. Special plates for amateur radio station licenseholders.

Owners of motor vehicles required to be registered under subdivisions a and b of subsection 2 of section 39-04-19, who hold an unrevoked and unexpired official amateur radio station license issued by the federal communications commission, Washington, D.C., may receive special plates. The plates will be issued upon application to the department, accompanied by proof of ownership of the amateur radio station license, compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, and payment of the regular license fee, as prescribed under the North Dakota motor vehicle laws. The special plates will be issued in lieu of the plates ordinarily issued, and must have inscribed on ~~them~~the plates the official amateur radio call letters of the applicant as assigned by the federal communications commission ~~and the the words "AMATEUR RADIO". Applicants under this section may apply for up to five plates with the same call letters. The department shall add an additional ascending number from two to five to each subsequent plate issued to the same applicant under this section.~~

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 352

HOUSE BILL NO. 1432

(Representatives M. Ruby, Dockter, Marschall, J. Olson, Pyle)
(Senators Axtman, Castaneda, Paulson)

AN ACT to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to military sacrifice number plates; and to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to personalized plates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-10.3 of the North Dakota Century Code is amended and reenacted as follows:

39-04-10.3. Personalized plates.

At the request of a registrant, the department may provide special license plates marked with not more than seven numerals, letters, or combinations of numerals and letters, upon application for a special license plate and payment of an additional fee of twenty-five dollars per registration period, unless the plate is a gold star license plate, military sacrifice license plate, or a prisoner of war license plate, then there is no additional charge. A personal plate containing a restricted character may not be renewed. The department shall make the special license plates authorized by this section available for motor vehicles registered under section 39-04-10.6, trailers, travel trailers, and motorcycles. The fee for the special license plates issued under this section for vehicles registered under section 39-04-10.6 is a one-time fee of one hundred dollars. The special license plates for motorcycles may contain not more than six numerals, letters, or a combination of not more than six numerals and letters. In the event of sale or transfer of the vehicle, the owner shall remove the special license plates in accordance with section 39-04-36. Upon payment of the applicable transfer fee, the special license plates may be transferred to a replacement motor vehicle.

SECTION 2. A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

Military sacrifice plates.

1. The director shall issue distinctive number plates to individuals eligible under this section upon receiving:
 - a. Payment of all other fees required under this chapter for registration of a motor vehicle; and
 - b. Verification, as determined by the department, of an individual's eligibility status under this section.
2. An individual is eligible for a military sacrifice plate if the individual is an immediate family member of a individual who died outside a combat zone while serving honorably and has not been not found guilty of willful misconduct

- as defined in title 38, Code of Federal Regulations, part 3, subpart a, section 3.1, subsection n, as a current member of any branch of the armed forces of the United States, either active or reserve, the national guard under federal or state control, or the United States coast guard.
3. On request of the director, the department of veterans' affairs shall certify an immediate family member of an individual listed in subsection 2 as eligible to receive military sacrifice plates.
 4. Military sacrifice plates must be inscribed with a distinctive emblem and the words "military sacrifice".
 5. For purposes of this section "immediate family member" means a:
 - a. Spouse;
 - b. Parent, step-parent, or other individual who acted in loco parentis;
 - c. Sibling, whether of the whole or half-blood, or by adoption;
 - d. Child, including those by adoption, or a step-child; or
 - e. Grandparent.
 6. The director may issue military sacrifice plates under this section only to the owner of a passenger motor vehicle or a truck the registered gross vehicle weight rating of which does not exceed twenty thousand pounds [9071.85 kilograms].

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 353

SENATE BILL NO. 2133

(Senators Roers, Cory, Rummel)
(Representatives Christy, Stemen, Vigesaa)

AN ACT to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to blackout number plates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

Blackout number plates.

1. The director shall issue blackout number plates under this section upon receiving payment of:
 - a. All other fees required under this chapter for registration of a motor vehicle; and
 - b. An additional fee of twenty-five dollars per registration period.
2. Blackout number plates issued under this section must have:
 - a. A solid black background; and
 - b. White numbers and letters.
3. The director may issue blackout number plates under this section only to the owner of a passenger motor vehicle, a truck the registered gross weight of which does not exceed twenty thousand pounds [9071.85 kilograms], or a motorcycle.

Approved April 30, 2025

Filed May 1, 2025

CHAPTER 354

HOUSE BILL NO. 1118

(Transportation Committee)
(At the request of the Highway Patrol)

AN ACT to amend and reenact sections 39-04-11, 39-04-12, 39-04-36, 39-04-37, and 39-04-56 of the North Dakota Century Code, relating to display of temporary registration permits; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04-11 of the North Dakota Century Code is amended and reenacted as follows:

39-04-11. Display of number plates and tabs - Temporary registration.

Unless otherwise provided by law, an individual may not operate a vehicle on a public highway of this state unless the vehicle has a distinctive number assigned to the vehicle by the department, and two number plates, bearing the distinctive number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of the vehicle, each securely fastened, except number plates assigned to a housetrailer must be attached to the rear of the housetrailer. An individual may operate a motor vehicle on a public highway of this state with a valid temporary registration permit. A temporary registration permit obtained from the department of transportation or a licensed motor vehicle dealer must be displayed on the rear window, the rearmost driver's side window, or in the location of the rear license plate. The temporary registration permit must be clearly visible and free of any obstructions. Number plates assigned to a motorcycle or trailer must be attached to the rear of the motorcycle or trailer and may be displayed vertically. When only one number plate is furnished for an apportioned vehicle registered under the international registration plan as authorized in section 39-19-04, truck tractor, or semitrailer, the plate must be attached to the front of the apportioned vehicle or truck tractor and the rear of the semitrailer. The bottom of each number plate must be at a height of not less than twelve inches [30.48 centimeters] above the level surface upon which the vehicle stands. Each plate must be mounted in a visible manner that clearly displays the distinctive number assigned to the vehicle and the name of the state on the plate. As far as is reasonably possible, the plates must at all times be kept free and clear of mud, ice, or snow so as to be clearly visible and all number plates, markers, or evidence of registration or licensing except for the current year must be removed from the vehicle. All vehicle license plates issued by the department are the property of the department for the period for which the plates are valid. An annual registration tab or sticker for the current registration year must be displayed on each number plate, in the area designated by the department for the tab or sticker, in those years for which tabs or stickers are issued in lieu of number plates.

SECTION 2. AMENDMENT. Section 39-04-12 of the North Dakota Century Code is amended and reenacted as follows:

39-04-12. Contents of number plates - Size of letters and numerals on plates - Reflectorized - Tabs or stickers.

1. Number plates must be of metal or other suitable material bearing the name of the state, either in full or by abbreviation, the number of the year, the slogan "Peace Garden State" and a distinctive number for assignment to each vehicle. The distinctive number may be in figures or a combination of figures and letters and must be of a size clearly distinguishable by law enforcement officers and individuals generally. To reduce highway accidents at night all number plates and temporary registration permits must be legible for a minimum distance of one hundred feet [30.48 meters] to an approaching motorist by day or night with lawful headlight beams and without other illumination. Each plate must be treated with a reflectorized material according to the specifications prescribed by the department. The department shall furnish for each annual registration a year plate, tab, or sticker to designate the year registration. The plate, tab, or sticker must show the registration year for which issued, and is valid only for that year.
2. The department may provide to an owner of a fleet of one hundred or more vehicles number plates that are valid for as many as six consecutive years and that are exempt from the requirements of evidence of annual validation. The registrant shall file with the department a corporate surety bond in an amount the department determines to be reasonable and adequate, and conditioned that the owner will pay the annual fee at the beginning of each annual registration period for which the number plates are valid.

SECTION 3. AMENDMENT. Section 39-04-36 of the North Dakota Century Code is amended and reenacted as follows:

39-04-36. Transfer of registered vehicle - Removal of number plates - Transfer of number plates.

1. Whenever the ownership of a vehicle registered under the provisions of this chapter, chapter 39-18, or chapter 39-29.2 is transferred or assigned, the registration of the vehicle expires and the transferor shall remove the number plates.
2. Upon applying for the transfer of the registration and paying a five dollar fee, a person who transfers or assigns to another person the ownership of a registered vehicle may receive credit for the unused portion of the fees paid for the transferred vehicle. The transferor must use a number plate previously removed pursuant to subsection 1, regardless of whether there is any license fee credit remaining. If the number plate has become lost, stolen, or mutilated, the transferor may apply for duplicate plates. The department may establish procedures that permit the transferor to assign the credit to the transferee if the transferor is the spouse, a sibling, or a lineal ancestor or descendant of the transferee. Any remaining credit on a vehicle owned by a leasing company must be credited to the lessee. One-twelfth of the annual fee must be credited for each month of the registration period remaining after the month in which the transfer is made. The credit may not extend beyond the original expiration of the registration. Except as provided in section 39-04-44, the credit must be applied to the registration fees for a replacement vehicle. The transferor shall apply for the transfer of registration within thirty days of the purchase of the replacement vehicle.

3. Except as otherwise permitted in this chapter, before the transferee of a registered vehicle may operate the vehicle on a highway, the transferee must apply for and obtain a new registration of the vehicle, as on an original registration. To provide the transferee adequate time to obtain a new registration, the director may provide for the issuance of a temporary registration certificate to permit the transferee to operate the vehicle for thirtyseventy-five days after the date of acquisition. ~~The certificate must be printed on the reverse side of each vehicle registration card and must be available to the transferee from licensed vehicle dealers, law enforcement agencies, and motor vehicle branch offices.~~ The vehicle may be operated for five days from date of purchase without a plate or certificate of ownership if dated evidence of ownership is carried in the vehicle. The evidence of ownership must be in a form as prescribed by the department.

SECTION 4. AMENDMENT. Section 39-04-37 of the North Dakota Century Code is amended and reenacted as follows:

39-04-37. Violations of registration provisions.

It is unlawful for any person to commit any of the following acts:

1. To operate, or for the owner thereof knowingly to permit anyone to operate, upon a highway any vehicle the registration of which has been canceled or revoked, or for which the registration fees required in this title have not been paid, or which does not have attached thereto and displayed thereon a number plate, plates, temporary registration permit, or validation tabs assigned thereto by the director for the current registration period, subject to the exemptions allowed in this title.
2. To display or cause or permit to be displayed, or to have in possession, any registration card, registration number plate, temporary registration permit, or validation tabs knowing the same to be fictitious or to have been canceled, revoked, suspended, or altered.
3. To lend any registration number plate, registration card, temporary registration permit, or validation tabs to any person not entitled thereto, or knowingly permit the use of any registration number plate or registration card by any person not entitled thereto.
4. To fail or refuse to surrender to the department, upon demand, any registration card, registration number plate, temporary registration permit, or validation tab which has been suspended, canceled, or revoked as is provided in this chapter.
5. To use a false or fictitious name or address in any application for the registration of any vehicle, or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise to commit a fraud in any application.
6. To operate, or for the owner thereof knowingly to permit anyone to operate a motor vehicle on a highway if the owner is employed in this state on a temporary or full-time basis, is a resident of the state, and does not have a temporary registration permit when required under subsection 1 of section 39-04-18.2. As used in this subsection, the term "resident" means a resident as defined under subdivision e of subsection 2 of section 39-04-18.

SECTION 5. AMENDMENT. Section 39-04-56 of the North Dakota Century Code is amended and reenacted as follows:

39-04-56. Altering or forging registration card - Penalty.

It is a class ~~C felony~~ A misdemeanor for any person to:

1. Alter with fraudulent intent any registration card or temporary registration permit issued by the department;
2. Forge or counterfeit any registration card or temporary registration permit purporting to have been issued by the department under the provisions of this chapter;
3. Alter or falsify with fraudulent intent or forge any assignment of a registration card or temporary registration permit; or
4. Use any registration card, temporary registration permit, or assignment, knowing the same to have been altered, forged, or falsified.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 355

HOUSE BILL NO. 1345

(Representatives Heinert, D. Anderson, Berg, Grueneich, Hagert, Ostlie, Hauck)
(Senators Boehm, Cleary, Cory)

AN ACT to amend and reenact subdivision a of subsection 2 of section 39-04-19 of the North Dakota Century Code, relating to passenger motor vehicle registration; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision a of subsection 2 of section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

a. Passenger motor vehicles:

Gross Weights	YEARS REGISTERED			
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years
Less than 3,200	\$73	\$65	\$57	\$49
3,200 - 4,499	93	81	69	57
4,500 - 4,999	111	94	79	63
5,000 - 5,999	142	120	98	76
6,000 - 6,999	175	146	117	89
7,000 - 7,999	208	172	137	102
8,000 - 8,999	241	199	157	115
9,000 and over	274	225	177	128

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].
A pickup truck is subject to registration at the rates prescribed for other vehicles under this subdivision by applying the ~~shipping~~gross vehicle weight rating of the vehicle to the fee schedule. At a minimum, the registered gross weight displayed on the registration card for a pickup truck must be ~~twice the shipping~~gross vehicle weight rating of the vehicle. Unless otherwise exempted by this chapter, the owner of a pickup truck shall request the registered gross weight of the pickup truck be increased to ensure the registered gross weight is sufficient to include the total weight of the vehicle and any load transported on or by the vehicle. For purposes of this subdivision, a pickup truck is a motor vehicle with a manufacturer's gross vehicle weight rating of less than eleven thousand five hundred pounds [5216.31 kilograms], with an unladen weight of less than eight thousand pounds [3628.74 kilograms], and which is equipped with an open box-type bed not exceeding nine feet [2.74 meters] in length.

SECTION 2. EFFECTIVE DATE. This Act becomes effective on January 1, 2026.

Approved April 2, 2025
Filed April 3, 2025

CHAPTER 356

SENATE BILL NO. 2247

(Senators Thomas, Cory, Clemens)
(Representatives Grueneich, D. Ruby)

AN ACT to amend and reenact subsection 1 of section 39-05-05 and section 39-05-20 of the North Dakota Century Code, relating to obtaining a new vehicle certificate of title, an application for a certificate of title, and the removal of number plates on a vehicle.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 39-05-05 of the North Dakota Century Code is amended and reenacted as follows:

1. An application for a certificate of title must be made upon a form provided by the department and must contain all of the following:
 - a. A full description of the vehicle, including the name of the manufacturer, model year if the model year is known, either the engine, serial, or identification number, and any other distinguishing marks. The department ~~may~~shall assign a vehicle identification number for a vehicle not otherwise assigned a number or for a vehicle in which the identification number can not be located. The assigned number must be permanently affixed to the vehicle and the department may require ~~the vehicle be inspected~~the applicant to provide a photo of the vehicle identification number before issuing a certificate of title for the vehicle.
 - b. A statement as to whether the vehicle is new or used.
 - c. A statement of the applicant's title and the name and address of each lienholder in the order of priority.
 - d. The name and address of the person to whom the certificate of title must be delivered.
 - e. If applicable, a statement as to whether the vehicle is a specially constructed, reconstructed, or foreign vehicle.
 - f. The owner's legal name, as evidenced by a valid state-issued driver's license, identity card, or any other documentary evidence that confirms to the satisfaction of the director the true identity of the owner, street address, city, and county, or township and county, of residence. When two or more owners are designated, at least one of the owners must comply with the identification requirement of this subdivision and all names used must be legal names. A dealer shall make specific inquiry as to this information before filling in the information on the application.
 - g. The department may require odometer disclosure information as required under the Truth in Mileage Act of 1986 [Pub. L. 99-579].

- h. Any other information required by the department.

SECTION 2. AMENDMENT. Section 39-05-20 of the North Dakota Century Code is amended and reenacted as follows:

39-05-20. Transferee may obtain new certificate of title upon inability to obtain old certificate - Proof of ownership - Appeal.

1. When the transferee of a vehicle is unable to obtain a properly assigned certificate of title for a vehicle, and makes application for a new certificate and presents satisfactory proof of ownership, the department may cancel the old certificate and issue a new certificate to the transferee, provided ~~that~~ the department may not issue a certificate of title for a manufactured home with respect to which there has been recorded an affidavit of affixation under section 47-10-27. Except as otherwise provided by this subsection, satisfactory proof of ownership must include compliance by the transferee with the procedures outlined in title 35.
 - a. If the transferee is an insurer that has paid a total loss claim on a vehicle but the payment has not satisfied all liens of record on the vehicle, the transferee is not required to comply with the procedures outlined in title 35 to establish satisfactory proof of ownership and the department may cancel the old certificate of title and issue a new certificate to the insurer free and clear of all liens and claims of ownership.
 - b. If the transferee is a tax exempt organization under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)] to which a vehicle has been donated, the transferee shall provide an affidavit providing proof the vehicle was donated.
 - c. If the transferee is a licensed motor vehicle dealer that, at the request of an insurer, took possession of a vehicle that is the subject of an insurance claim but for which a total loss claim is not paid by the insurer and the vehicle has been in the possession of the dealer for more than thirty days, the necessary satisfactory proof of ownership includes only proof the dealer made at least two written attempts by certified mail with return receipt addressed to the owner of record and any known lienholder to have the vehicle removed from the dealer's facility, upon payment of applicable charges. If satisfactory proof of ownership is established, the department may cancel the old certificate of title and issue a new certificate to the licensed motor vehicle dealer free and clear of all liens and claims of ownership.
 - d. If the transferee is ~~an individual~~ a person and the vehicle is less than forty years old at the time of the application, satisfactory proof of ownership must include that the transferee has paid for the vehicle, and that the transferee made at least two written attempts by certified mail with return receipt addressed to the owner of record and any known lienholder to obtain the certificate of title. If satisfactory proof of ownership is established, the department shall cancel the old certificate of title and issue a new certificate to the ~~individual~~ person, subject to any existing lien.
 - e. If the transferee is a person and the vehicle is more than forty years old at the time of the application, satisfactory proof of ownership is established by a bill of sale or affidavit of ownership. An affidavit of ownership created by the department under this section must have the option for an applicant

to provide a vehicle purchase price. If satisfactory proof of ownership is established, the department shall cancel the old certificate of title and issue a new certificate to the person, subject to any existing lien. When valuing a vehicle transferred under this subdivision, the department shall use the sale price on the bill of sale if a bill of sale is presented. The department may only request an appraisal of the vehicle if a bill of sale is not presented to the department. A transfer under this subdivision is exempt from subsection 1 of section 39-04-36.

2. The department may establish procedures for determining satisfactory proof of ownership of a vehicle in those cases when the department is unable to determine the legal owner of record. The procedures may include determining the validity of any liens on a certificate of title. Any person aggrieved by a decision of the department as to ownership of a vehicle may appeal that decision to the district court under chapter 28-32.
3. A person holding a certificate of title whose interests in the vehicle have been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the department upon request of the department. The delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate. The action of the department in issuing a new certificate of title as provided herein is not conclusive upon the rights of the owner or lienholder listed in the old certificate.
4. If the department can verify the ownership of a vehicle and the vehicle has a vehicle identification number, the vehicle may be transferred under this section regardless of the condition of the vehicle.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 357

HOUSE BILL NO. 1422

(Representatives Novak, Dockter, O'Brien, J. Olson, Pyle, D. Ruby, Tveit, Heinert)
(Senators Conley, Rummel)

AN ACT to amend and reenact sections 39-06-42, 39-06.1-06, and 39-06.1-09 and paragraph 23 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to operating a motor vehicle while driving privileges are suspended or revoked, the amount of statutory fees, the definition of moving violations, and entries against a driving record; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-42 of the North Dakota Century Code is amended and reenacted as follows:

39-06-42. Penalty for driving while license suspended or revoked - Impoundment of vehicle number plates - Authority of cities.

1. Except as provided in section 39-06.1-11, an individual who operates a motor vehicle on a highway or on public or private areas to which the public has a right of access for vehicular use in this state while an individual's operator's license is suspended or revoked in any jurisdiction is guilty of a class B misdemeanor for the first, second, or third offense within a five-year period. Any subsequent offense within the same five-year period is a class A misdemeanor.
2. If the suspension or revocation was imposed for violation of section 39-08-01 or equivalent ordinance or was governed by section 39-06-31 or chapter 39-20, the sentence must be at least four consecutive days' imprisonment and a fine as the court deems proper. The execution of sentence may not be suspended or the imposition of sentence deferred under subsection 3 or 4 of section 12.1-32-02. Forfeiture of bail is not permitted in lieu of the defendant's personal appearance in open court for arraignment on a charge under this subsection.
3. A court may dismiss a charge under this section upon motion by the defendant if the defendant's operator's license is reinstated within sixty days of the date of the offense and the defendant provides to the court satisfactory evidence of the reinstatement. Alternatively, upon motion, a court may grant a motion to amend a charge under this section to a violation of section 39-06-01.
4. In addition to any other punishment imposed, the court may order the number plates of the motor vehicle owned and operated by the offender at the time of the offense to be destroyed by the sheriff. If a period of suspension has been extended under subsection 6 of section 39-06-17, the court may order the number plates to be destroyed under this subsection. The offender shall deliver the number plates to the court without delay at a time certain as ordered by the court following the conviction. The court shall deliver the number plates to the sheriff and notify the department of the order. An offender who does not provide the number plates to the court at the appropriate time is subject to revocation of probation.

5. A city may authorize, by ordinance, its municipal judge to order destruction of motor vehicle number plates by the office of the police officer that made the arrest in the manner provided in subsection 4.

¹⁵² **SECTION 2. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-06. Amount of statutory fees.

The fees required for a noncriminal disposition under section 39-06-01, 39-06.1-02, or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars except for a violation of any traffic parking regulation on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars, excluding a violation of subsection 11 of section 39-01-15.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
 - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
 - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
 - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.
 - f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
 - g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
 - h. A violation of section 39-10-59, a fee of five hundred dollars.
 - i. A violation of section 39-09-01, a fee of thirty dollars.
 - j. A violation of section 39-09-01.1, a fee of thirty dollars.
 - k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.

¹⁵² Section 39-06.1-06 was also amended by section 1 of House Bill No. 1229, chapter 358, section 1 of House Bill No. 1294, chapter 359, section 1 of House Bill No. 1298, chapter 360, section 1 of Senate Bill No. 2183, chapter 361, and section 1 of Senate Bill No. 2253, chapter 362.

- l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.
- m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- n. A violation of section 39-10-50.1, a fee of fifty dollars.
- o. A violation of section 39-19-03, a fee of fifty dollars.
- 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.
- 4. Except as provided in subsections 5 and 7, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 5
6 - 10	\$ 5 plus \$1/each mph over 5 mph over limit
11 - 15	\$ 10 plus \$1/each mph over 10 mph over limit
16 - 20	\$ 15 plus \$2/each mph over 15 mph over limit
21 - 25	\$ 25 plus \$3/each mph over 20 mph over limit
26 - 35	\$ 40 plus \$3/each mph over 25 mph over limit
36 - 45	\$ 70 plus \$3/each mph over 35 mph over limit
46 +	\$100 plus \$5/each mph over 45 mph over limit

- 5. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 10	\$2/each mph over limit
11 +	\$20 plus \$5/each mph over 10 mph over limit

- 6. For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee established as follows:
 - a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;
 - b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;
 - c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and
 - d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

7. On a highway on which the speed limit is posted in excess of sixty-five miles [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of five dollars for each mile per hour over the limit.
8. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.
9. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".
10. For a violation of operating a motor vehicle while not being licensed under section 39-06-01, a fee of one hundred fifty dollars.

¹⁵³ **SECTION 3. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-09. Moving violation defined.

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, ~~39-06-01~~, 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-08-23, 39-08-24, 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-45.1, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, 39-21, or 39-27, or equivalent ordinances, except subsection 5 of section 39-10-26, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 4. AMENDMENT. Paragraph 23 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

(23) Operating a motor vehicle without a license in violation of section 39-06-01, or equivalent ordinance	40 points

Approved April 7, 2025

Filed April 8, 2025

¹⁵³ Section 39-06.1-09 was also amended by section 2 of Senate Bill No. 2253, chapter 362.

CHAPTER 358

HOUSE BILL NO. 1229

(Representatives Schauer, Beltz, Bosch, Dockter, Grueneich, Heinert, Swiontek,
McLeod)

(Senators Cleary, Clemens, Sickler)

AN ACT to create and enact a new subdivision to subsection 2 of section 39-06.1-06 and section 39-10-71.1 of the North Dakota Century Code, relating to statutory fees for traffic offenses and a motor vehicle owner's responsibility regarding a driver who flees a peace officer; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁵⁴ **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code is created and enacted as follows:

A violation of section 39-10-71.1, a fee of one hundred dollars for a first violation, and five hundred dollars for a second or subsequent violation except as provided under section 39-10-71.1.

SECTION 2. Section 39-10-71.1 of the North Dakota Century Code is created and enacted as follows:

39-10-71.1. Motor vehicle owner's responsibility regarding a driver who flees a peace officer - Exceptions.

1. The owner of a motor vehicle involved in a violation of section 39-10-71 is presumed to have violated this section.
2. A peace officer may proceed in accordance with this section instead of pursuing the driver of a motor vehicle who flees or attempts to elude the peace officer after being given a visual or audible signal to bring the vehicle to a stop in violation of section 39-10-71.
 - a. A peace officer may investigate the violation and prepare a traffic citation under this section.
 - b. A peace officer may issue a traffic citation under this section in accordance with the North Dakota Rules of Civil Procedure to the motor vehicle owner within ninety-six hours after observing the violation.
3. A motor vehicle owner may not be found to have violated this section if:
 - a. The driver operating the motor vehicle at the time of the violation of section 39-10-71 has been charged with a violation of section 39-10-71.

¹⁵⁴ Section 39-06.1-06 was also amended by section 1 of House Bill No. 1294, chapter 359, section 1 of House Bill No. 1298, chapter 360, section 2 of House Bill No. 1422, chapter 357, section 1 of Senate Bill No. 2183, chapter 361, and section 1 of Senate Bill No. 2253, chapter 362.

- b. The motor vehicle was reported stolen before the violation occurred or within a reasonable time after the violation occurred.
 - c. The motor vehicle owner assists or cooperates with a peace officer to demonstrate the owner was not the one who operated the motor vehicle at the time and place of the violation of section 39-10-71.
 - d. The motor vehicle owner provides information that demonstrates the owner was not the driver of the motor vehicle at the time of the offense.
4. A motor vehicle owner may not be found to have violated this section, and the lessee is presumed to have violated this section, if the motor vehicle owner is a lessor of vehicles and at the time of the violation of section 39-10-71 the motor vehicle was in the possession of a lessee, and the lessor provides a peace officer with the motor vehicle's registration number and the name, address, and operator's license number of the individual renting or leasing the motor vehicle.
5. An individual may not be charged both with violating this section and section 39-10-71 for acts arising out of the same incident or occurrence.
6. This section may not apply to a motor vehicle rental company that rents motor vehicles to customers for a period of ninety days or less.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 359

HOUSE BILL NO. 1294

(Representatives Novak, D. Anderson, Hauck, J. Olson, Pyle, Jonas)
(Senators Patten, Rummel)

AN ACT to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the amount of fees for a moving violation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁵⁵ **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
 - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
 - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
 - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.
 - f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
 - g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
 - h. A violation of section 39-10-59, a fee of five hundred dollars.
 - i. A violation of section 39-09-01, a fee of thirty dollars.
 - j. A violation of section 39-09-01.1, a fee of thirty dollars.
 - k. A violation of section 39-10-46 or 39-10-46.1, a fee of ~~one hundred~~ two hundred fifty dollars.

¹⁵⁵ Section 39-06.1-06 was also amended by section 1 of House Bill No. 1229, chapter 358, section 1 of House Bill No. 1298, chapter 360, section 2 of House Bill No. 1422, chapter 357, section 1 of Senate Bill No. 2183, chapter 361, and section 1 of Senate Bill No. 2253, chapter 362.

- l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.
- m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- n. A violation of section 39-10-50.1, a fee of fifty dollars.
- o. A violation of section 39-19-03, a fee of fifty dollars.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 360

HOUSE BILL NO. 1298

(Representatives Koppelman, Louser, Murphy, Pyle, Schneider, Vetter, Grueneich)
(Senators Cory, Meyer, Paulson, Roers)

AN ACT to amend and reenact sections 39-06.1-06, 39-09-02, 39-09-04, and 39-09-07.1, and subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to the amount of statutory fees, speed limitations on multilane highways, variable speed limits, alteration of maximum speed limits on state highways, speed zone reduction limitations, and city fines and penalties; to provide for a legislative management report; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁵⁶ **SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-06. Amount of statutory fees.

The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars except for a violation of any traffic parking regulation on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars, excluding a violation of subsection 11 of section 39-01-15.
2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
 - a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.
 - b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.
 - c. A violation of section 39-21-41.2, a fee of twenty-five dollars.
 - d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section 39-08-25, a fee of one hundred dollars.
 - e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.

¹⁵⁶ Section 39-06.1-06 was also amended by section 1 of House Bill No. 1229, chapter 358, section 1 of House Bill No. 1294, chapter 359, section 2 of House Bill No. 1422, chapter 357, section 1 of Senate Bill No. 2183, chapter 361, and section 1 of Senate Bill No. 2253, chapter 362.

- f. A violation of subsection 6 of section 39-04-37, a fee of one hundred dollars.
- g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.
- h. A violation of section 39-10-59, a fee of five hundred dollars.
- i. A violation of section 39-09-01, a fee of thirty dollars.
- j. A violation of section 39-09-01.1, a fee of thirty dollars.
- k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
- l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.
- m. A violation of section 39-10-24 or 39-10-44, a fee of forty dollars.
- n. A violation of section 39-10-50.1, a fee of fifty dollars.
- o. A violation of section 39-19-03, a fee of fifty dollars.
- 3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.
- 4. Except as provided in ~~subsections 5 and 7~~ subsection 6, for a violation of section 39-09-02, or an equivalent ordinance, a fee ~~established as follows:~~

Miles per hour over lawful speed limit	Fee
1—5	\$ 5
6—10	\$ 5 plus \$1/each mph over 5 mph over limit
11—15	\$ 10 plus \$1/each mph over 10 mph over limit
16—20	\$ 15 plus \$2/each mph over 15 mph over limit
21—25	\$ 25 plus \$3/each mph over 20 mph over limit
26—35	\$ 40 plus \$3/each mph over 25 mph over limit
36—45	\$ 70 plus \$3/each mph over 35 mph over limit
46 +	\$100 plus \$5/each mph over 45 mph over limit

- 5. ~~On a highway on which the speed limit is a speed higher than fifty five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:~~

Miles per hour over lawful speed limit	Fee
1—10	\$2/each mph over limit

- ~~11 + \$20 plus \$5/each mph over 10 mph over limit of twenty dollars, or three dollars for each mile per hour over the limit, whichever is greater. An additional fee of twenty dollars must be assessed for a violation of sixteen miles per hour or more over the limit.~~

- ~~6-5.~~ For a violation of section 39-06.2-10.9 or subsection 3 of section 39-21-46, a fee established as follows:

- a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;
- b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;
- c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and
- d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

7-6. On a highway on which the speed limit is posted in excess of sixty-five miles [104.61 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of twenty dollars, or five dollars for each mile per hour over the limit, whichever is greater. An additional fee of twenty dollars must be assessed for a violation of sixteen miles per hour or more over the limit.

8-7. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.

9-8. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of eighty dollars for one through ten miles per hour over the posted speed; and eighty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee \$80".

SECTION 2. AMENDMENT. Section 39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

39-09-02. Speed limitations.

1. Subject to the provisions of section 39-09-01 and except in those instances when a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
 - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.

- b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours, unless a lower speed is designated or posted by local authorities.
 - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.
 - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
 - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
 - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, and on paved two-lane county and township highways if there is no speed limit posted, unless otherwise permitted, restricted, or required by conditions.
 - g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways if posted for that speed, unless otherwise permitted, restricted, or required by conditions.
 - h. Seventy miles [112.65 kilometers] an hour on paved and divided multilane highways, unless otherwise permitted, restricted, or required by conditions.
 - i. ~~Seventy-five~~ Eighty miles [120.70 ~~128.75~~ kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.
2. The director may designate and post special areas of state highways where lower speed limits apply. Differing limits may be established for different times of the day within highway construction zones which are effective when posted upon appropriate fixed or variable speed limit signs.
3. The director may designate variable speed limit adjustment zones along the state highway system. The department may install variable speed limit signs in a variable speed limit adjustment zone. In each variable speed limit adjustment zone the director, in coordination with the superintendent of the highway patrol, may use real time intelligent transportation systems to adjust the speed limit when a speed limit adjustment would provide for the safe and efficient movement of motor vehicles.
4. Except as provided by law, ~~it is unlawful for any~~ no person ~~temay not~~ drive a vehicle ~~upon~~ on a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.

- 4-5. In charging a violation of the provisions of this section, the complaint must specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes is prima facie lawful at the time and place of the alleged offense.

SECTION 3. AMENDMENT. Section 39-09-04 of the North Dakota Century Code is amended and reenacted as follows:

39-09-04. Alteration of maximum speed limits on state highways.

The maximum speed limits specified in section 39-09-02 may be altered on all or any part of the state highway system by an administrative order by the director after holding a public hearing ~~has been held. Such~~ The determination must be based on engineering and traffic investigations with primary consideration given to the establishment of reasonable and safe speeds, highway conditions, enforcement, and the general welfare. Speed limits established ~~pursuant to~~ pursuant to this section ~~shall be~~ are effective only when appropriate signs giving notice ~~thereof~~ are erected and ~~such~~ the maximum speed limits may be declared ~~to be~~ effective at all times or at ~~such~~ the times ~~as are indicated upon said~~ as are indicated on the signs. Differing limits may be established by the director for different times of the day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, ~~which shall be.~~ Differing limits are effective when posted ~~upon~~ on appropriate fixed or variable signs. An administrative order is not required to lower maximum speed limits temporarily due to unsafe conditions.

SECTION 4. AMENDMENT. Section 39-09-07.1 of the North Dakota Century Code is amended and reenacted as follows:

39-09-07.1. Speed zones - Reduction limitation.

1. ~~Except for highway construction zones under subsections 2 and 3, no~~ street, road, or highway in the state highway system or any other township, county, or state road or highway may not be posted in a manner which reduces the maximum speed limit on the street, road, or highway by more than twenty miles [32.19 kilometers] per hour between ~~any~~ two signs ~~so~~ posted in a speed zone.
2. The maximum speed limit reductions between two fixed or variable signs in a variable speed limit adjustment zone may exceed twenty miles [32.19 kilometers] per hour when speed limits are lowered temporarily by the director due to unsafe conditions.
3. The maximum speed limit reduction between ~~any~~ two signs posted in a highway construction zone may not exceed thirty miles [48.28 kilometers] per hour.

SECTION 5. AMENDMENT. Subsection 2 of section 40-05-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For every violation of a city ordinance that regulates the operation or equipment of a motor vehicle or which regulates traffic, except those ordinances listed in section 39-06.1-05, a fee may be established, by ordinance, which may exceed, by up to one hundred percent, the limit, for an equivalent category of violation, set forth in section 39-06.1-06 except for a violation of a speed limitation.

SECTION 6. HIGHWAY PATROL STUDY - DRIVER'S LICENSE POINTS SYSTEM - TRAFFIC FEE SCHEDULE - REPORT TO LEGISLATIVE MANAGEMENT. During the 2025-26 interim, the highway patrol, in conjunction with local law enforcement, shall study the driver's license points system and the traffic fee schedule. The study must include a review of the driver's license points system, the traffic fee schedule, and a recommended structure to improve the driver's license points system and the traffic fee schedule. On or before August 1, 2026, the highway patrol shall submit a report regarding its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative management.

Approved May 5, 2025

Filed May 6, 2025

CHAPTER 361

SENATE BILL NO. 2183

(Senators Rummel, Klein, Conley, Meyer)
(Representatives O'Brien, Grueneich)

AN ACT to amend and reenact subsection 9 of section 39-06.1-06 of the North Dakota Century Code, relating to a violation of a construction zone speed limit; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁵⁷ **SECTION 1. AMENDMENT.** Subsection 9 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

9. For a violation of a highway construction zone speed limit under subsection 2 of section 39-09-02, a fee of ~~eightyone hundred fifty~~ eightyone hundred fifty dollars for one through ten miles per hour over the posted speed; and ~~eightyone hundred fifty~~ eightyone hundred fifty dollars plus two dollars for each mile per hour over ten miles per hour over the limit, unless a greater fee would be applicable under this section. The fee in this subsection does not apply to a highway construction zone unless individuals engaged in construction are present at the time and place of the violation and the posted speed limit sign states "Minimum Fee ~~\$80~~ \$150".

Approved April 2, 2025

Filed April 3, 2025

¹⁵⁷ Section 39-06.1-06 was also amended by section 1 of House Bill No. 1229, chapter 358, section 1 of House Bill No. 1294, chapter 359, section 1 of House Bill No. 1298, chapter 360, section 2 of House Bill No. 1422, chapter 357, and section 1 of Senate Bill No. 2253, chapter 362.

CHAPTER 362

SENATE BILL NO. 2253

(Senators Rummel, Klein, Cory)
(Representatives Dressler, O'Brien)

AN ACT to create and enact a new subdivision to subsection 2 of section 39-06.1-06 and a new section to chapter 39-21 of the North Dakota Century Code, relating to the use of an engine compression brake device and cities and counties posting a zone prohibiting the use of an engine compression brake device; to amend and reenact section 39-06.1-09 of the North Dakota Century Code, relating to the definition of a moving violation; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁵⁸ **SECTION 1.** A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code is created and enacted as follows:

A violation of section 3 of this Act, a fee of fifty dollars.

¹⁵⁹ **SECTION 2. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-09. Moving violation defined.

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-11, 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-04, 39-06-14, 39-06-14.1, 39-06-16, 39-06.2-07, 39-08-20, 39-08-23, 39-08-24, 39-08-25, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-19-03, 39-21-45.1, section 3 of this Act, section 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, 39-21, or 39-27, or equivalent ordinances, except subsection 5 of section 39-10-26, section 39-21-44, and subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 3. A new section to chapter 39-21 of the North Dakota Century Code is created and enacted as follows:

engine compression brake device - Prohibited - Posting.

1. An operator of a commercial motor vehicle may not use an engine compression brake device that creates a noise disturbance in a zone posted as prohibiting the use of an engine compression brake device.

¹⁵⁸ Section 39-06.1-06 was also amended by section 1 of House Bill No. 1229, chapter 358, section 1 of House Bill No. 1294, chapter 359, section 1 of House Bill No. 1298, chapter 360, section 2 of House Bill No. 1422, chapter 357, and section 1 of Senate Bill No. 2183, chapter 361.

¹⁵⁹ Section 39-06.1-09 was also amended by section 3 of House Bill No. 1422, chapter 357.

2. Subsection 1 does not apply to the use of an engine compression brake device during an emergency situation.
3. A city or county may adopt an ordinance prohibiting the use of an engine compression brake device in a designated zone and may post the prohibition in the designated zone.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 363

HOUSE BILL NO. 1316

(Representatives D. Ruby, Fegley, Grueneich, Maki, Motschenbacher, Osowski)
(Senators Castaneda, Larson)

AN ACT to create and enact two new subsections to section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted licenses; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁶⁰ **SECTION 1.** Two new subsections to section 39-06.1-11 of the North Dakota Century Code are created and enacted as follows:

An individual who has a temporary restricted driver's license and commits a moving traffic violation is subject to the fee specified for the violation, plus an additional fee of one hundred dollars.

The director shall revoke an individual's temporary restricted license if the individual commits three moving traffic violations after being issued the temporary restricted license. A revocation under this subsection may only last a period of thirty days.

Approved April 10, 2025

Filed April 11, 2025

¹⁶⁰ Section 39-06.1-11 was also amended by section 11 of House Bill No. 1030, chapter 301.

CHAPTER 364

HOUSE BILL NO. 1093

(Representatives K. Anderson, Beltz, Brandenburg, Hagert, Headland, Nehring,
Schreiber-Beck)
(Senators Clemens, Conley, Lemm, Luick, Thomas)

AN ACT to amend and reenact section 39-06.2-06 of the North Dakota Century Code, relating to commercial driver's licenses; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06.2-06 of the North Dakota Century Code is amended and reenacted as follows:

39-06.2-06. Commercial driver's license required.

1. Except when driving under a commercial learner's permit and accompanied by the holder of a commercial driver's license valid for the vehicle being driven, an individual may not drive a commercial motor vehicle on the highways of this state unless the individual holds and is in immediate possession of a commercial driver's license with applicable endorsements valid for the vehicle the individual is driving. This subsection does not apply when the vehicle being driven:
 - a. ~~When the vehicle being driven is~~ a house car or a vehicle towing a travel trailer being used solely for personal rather than commercial purposes.
 - b. ~~When the vehicle being driven constitutes~~ Constitutes emergency or firefighting equipment necessary to the preservation of life or property.
 - c. ~~When the vehicle is~~ being driven for military purposes, subject to any limitations imposed by title 49 CFR, Code of Federal Regulations, part 383.3(c).
 - d. ~~When the vehicle being driven is~~ a covered farm vehicle as defined in this chapter.
2. ~~No person~~ An individual may ~~not~~ drive a commercial motor vehicle on the highways of this state while the ~~person's~~ individual's driving privilege is suspended, revoked, or canceled, while subject to a disqualification.
3. The provisions of this chapter ~~are waived, as do not apply~~ to farm-to-market operations by farmers, but ~~limited only with respect~~ to those operators of a farm vehicle that is:
 - a. Controlled and operated by a farmer.
 - b. Used to transport ~~either~~ agricultural products, including trees; farm machines; or farm supplies, ~~or both~~, to or from a farm.
 - c. Not used in the operations of a common or contract carrier.

- d. Used within one hundred fifty miles [241.40 kilometers] of the ~~person's~~individual's farm.
4. The provisions of this chapter ~~are waived and do not apply~~ to an individual employed by and operating a vehicle at the request of and within a political subdivision, with a population of less than three thousand, during an emergency declared by that political subdivision for the removal of snow and ice. This waiver only applies when the regularly employed driver is unavailable or the employing political subdivision determines that additional assistance is required.
5. Pursuant to the limitations imposed by title 49 CFR, Code of Federal Regulations, part 383.3, the required knowledge and skills tests may be waived and a restricted commercial driver's license issued for a single period of ~~one hundred eighty~~two hundred ten days or two periods of ~~ninety~~one hundred five days within a ~~twelve-month period~~calendar year to employees of agrichemical businesses, custom harvesters, farm retail outlets and suppliers, including retailers and suppliers of trees, and livestock feeders.
6. Pursuant to the limitations imposed by title 49, Code of Federal Regulations, part 383.3, the holder of a class A commercial driver's license is exempt from the hazardous materials endorsement, if the licenseholder is:
 - a. Acting within the scope of the licenseholder's employment, and within the state of domicile, or another state with a hazardous materials enforcement exemption, as an employee of a custom harvester operation, agrichemical business, farm retail outlet and supplier, or livestock feeder; and
 - b. Operating a service vehicle that is transporting diesel in a quantity of one thousand gallons [3785 liters] or less which is clearly marked with "flammable" or "combustible" placard, as appropriate.
7. In accordance with title 49, Code of Federal Regulations, part 384, section 230, the department may not issue a commercial driver's license to an individual who obtains a commercial learner's permit unless the individual complies with title 49, Code of Federal Regulations, part 380, subpart F.

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

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 365

HOUSE BILL NO. 1206

(Representatives Louser, Bolinske, Karls, Klemin)
(Senators Larson, Castaneda, Paulson)

AN ACT to amend and reenact sections 39-08-01.2 and 39-08-01.4 of the North Dakota Century Code, relating to the special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances and to driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor; to provide a penalty; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁶¹ **SECTION 1. AMENDMENT.** Section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

39-08-01.2. Special punishment for causing injury or death while operating a vehicle while under the influence of alcohol or any other drugs or substances - Penalty.

1. An individual is guilty of criminal vehicular homicide if the individual commits an offense under section 39-08-01 or equivalent ordinance and as a result the individual causes a death of another individual to occur, including the death of an unborn child, unless the individual who causes the death of the unborn child is the mother. A violation of this subsection is a class A felony. If an individual commits a violation under this subsection, the court shall impose at least three years' imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03, or equivalent ordinance, the court shall impose at least ten years' imprisonment. An individual may not be prosecuted and found guilty of this and an offense under chapter 12.1-16 if the conduct arises out of the same incident.
2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class C felony. If an individual violates this subsection, the court shall impose at least one year's imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03 or equivalent ordinance, the court shall impose at least two years' imprisonment.
3. The sentence under this section may not be suspended unless the court finds that manifest injustice would result from the imposition of the sentence. Before a sentence under this section applies, a defendant must be notified of the minimum mandatory sentence. The elements of an offense under this section are the elements of an offense for a violation of section 39-08-01 and the

¹⁶¹ Section 39-08-01.2 was also amended by section 1 of House Bill No. 1503, chapter 366.

additional elements that create an offense in each subsection of this section. Whether an individual caused death or substantial or serious bodily injury must be determined in accordance with section 12.1-02-05.

SECTION 2. AMENDMENT. Section 39-08-01.4 of the North Dakota Century Code is amended and reenacted as follows:

39-08-01.4. Driving while under the influence of alcohol or any other drugs or substances while being accompanied by a minor - Penalty.

1. It is a class A misdemeanor for an individual who is at least twenty-one years of age to violate section 39-08-01 if the violation occurred while a minor was accompanying the individual in a motor vehicle. If an individual has a previous conviction for a violation of section 39-08-01.4, a violation of this section is a class C felony. ~~An individual convicted under this section must be sentenced in accordance with subsection 5 of section 39-08-01.~~
2. The minimum sentence for an individual convicted of violating this section must include:
 - a. For a first offense, a fine of seven hundred fifty dollars, at least two days' imprisonment, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least three hundred sixty days of unsupervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.
 - b. For a second or subsequent offense within fifteen years, at least one year and one day's imprisonment, a fine of two thousand dollars, an order for a substance abuse evaluation by an appropriate licensed addiction treatment program, at least two years' supervised probation, and at least three hundred sixty days' participation in the twenty-four seven sobriety program under chapter 54-12 as a mandatory condition of probation.

SECTION 3. APPLICATION. Section 2 of this Act applies to criminal charges filed after the effective date of this Act.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 366

HOUSE BILL NO. 1503

(Representatives Bolinske, Louser, S. Olson, Richter, D. Ruby, M. Ruby, Wolff)
(Senators Burckhard, Castaneda)

AN ACT to amend and reenact subsection 2 of section 39-08-01.2 of the North Dakota Century Code, relating to punishment for causing injury while operating a vehicle under the influence of alcohol; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁶² **SECTION 1. AMENDMENT.** Subsection 2 of section 39-08-01.2 of the North Dakota Century Code is amended and reenacted as follows:

2. An individual is guilty of criminal vehicular injury if the individual violates section 39-08-01 or an equivalent ordinance and as a result that individual causes substantial bodily or serious bodily injury to another individual. Violation of this subsection is a class ~~CB~~ felony. If an individual violates this subsection, the court shall impose at least one ~~year's~~year and one day's imprisonment. If the individual violates this section after having been previously convicted of a violation of section 39-08-01 or 39-08-03 or an equivalent ordinance, the court shall impose at least two years' imprisonment.

Approved April 2, 2025

Filed April 3, 2025

¹⁶² Section 39-08-01.2 was also amended by section 1 of House Bill No. 1206, chapter 365.

CHAPTER 367

HOUSE BILL NO. 1364

(Representatives Klemin, Karls, Lefor, Louser, Schneider)
(Senators Dwyer, Larson, Myrdal)

AN ACT to amend and reenact subsection 3 of section 39-08-01.5 of the North Dakota Century Code, relating to the partial suspension of sentence for drug court program, mental health court program, or veterans treatment docket completion.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁶³ **SECTION 1. AMENDMENT.** Subsection 3 of section 39-08-01.5 of the North Dakota Century Code is amended and reenacted as follows:

3. If a defendant convicted of a misdemeanor under section 39-08-01 is sentenced to drug court, mental health court, or veterans treatment docket and successfully completes a drug court program, mental health court, or veterans treatment docket, the court shall dismiss the case and seal the file in accordance with section 12.1-32-07.2. The court also shall issue an order to the director to remove the conviction and suspension based on the conviction from the driving record of the defendant, unless doing so is prohibited by title 49, Code of Federal Regulations, section 383.51, or other federal or state law.

Approved April 10, 2025

Filed April 11, 2025

¹⁶³ Section 39-08-01.5 was also amended by section 13 of House Bill No. 1030, chapter 301.

CHAPTER 368

SENATE BILL NO. 2132

(Senators Rummel, Clemens, Davison, Boehm)
(Representatives Schauer, Novak)

AN ACT to amend and reenact section 39-09-01 of the North Dakota Century Code, relating to careless driving and causing injury to the operator of an authorized emergency vehicle or damage to an authorized emergency vehicle; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-09-01 of the North Dakota Century Code is amended and reenacted as follows:

39-09-01. Basic rule - Penalty for violation.

~~No person~~

1. ~~An individual may not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having shall drive with regard to the existing actual and potential hazards then existing. Consistent with the foregoing, every person.~~ An individual shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather, or highway conditions. ~~Any person~~ An individual who drives a vehicle upon a highway or private or public property open to the public for the operation of motor vehicles ~~without heed to~~ in violation of the requirements or restrictions of this section ~~has committed~~ is guilty of careless driving and must be assessed a fee of ~~thirtyone~~ thirty hundred dollars.

~~Any person who, by reason of careless driving as herein defined, causes~~

2. An individual is guilty of an infraction if the individual violates subsection 1 of this section and:
 - a. Causes and inflicts injury upon the person of an operator of snow removal equipment engaged in snow removal operations ~~or causes;~~
 - b. Causes and inflicts injury on the person of:
 - (1) A first responder acting within their official capacity and displaying a visible flashing, revolving, or rotating blue, white, or red light, or hazard warning signal, while stationary on the side of a roadway;
 - (2) The operator or occupant of an authorized emergency vehicle acting within their official capacity and displaying a visible flashing, revolving, or rotating blue, white, or red light, or hazard warning signal, while stationary on the side of a roadway; or

- (3) An individual assisting another individual displaying a visible hazard warning light while stationary on the side of a roadway;
- c. Causes damage in excess of ~~one thousand~~ four thousand dollars to snow removal equipment engaged in snow removal ~~is guilty of an infraction;~~ or
- d. Causes damage in excess of four thousand dollars to an authorized emergency vehicle.
3. As used in this section, "snow removal equipment" means a vehicle that is operated by ~~a person~~ an individual employed by or on behalf of an authority in charge of the maintenance of the highway to perform winter maintenance snow and ice removal, including plowing, hauling away, salting, and sanding.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 369

HOUSE BILL NO. 1241

(Representatives Satrom, Ostlie)
(Senator Conley)

AN ACT to amend and reenact sections 39-10-03.1 and 39-21-26 of the North Dakota Century Code, relating to class B authorized emergency vehicles and special restrictions on lamps on motor vehicles or equipment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-10-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-10-03.1. Class B authorized emergency vehicles.

1. The driver of a class B authorized emergency vehicle may:
 - a. Park or stand, irrespective of the provisions of this chapter.
 - b. Exceed the speed limit so long as the driver does not endanger life or property during the time of a local or national disaster.
 - c. Disregard regulations governing direction of movement or turning in specified directions.
2. The exceptions granted in this section to a class B authorized emergency vehicle apply only when the authorized emergency vehicle is displaying an amber and white light visible under normal atmospheric conditions for a distance of five hundred feet [152.4 meters] in any direction, and:
 - a. When it is necessary for the authorized emergency vehicle to use these exemptions for the immediate protection of life or property;
 - b. When an authorized emergency vehicle is stopped on a highway for the purpose of performing a duty as required of the driver; or
 - c. When traveling at a speed slower than the normal flow of traffic.
3. A class B authorized emergency vehicle may display a flashing blue light when the vehicle is stopped on a highway. A class B authorized emergency vehicle may not display a flashing blue light when transporting another vehicle or when traveling on a highway.

SECTION 2. AMENDMENT. Section 39-21-26 of the North Dakota Century Code is amended and reenacted as follows:

39-21-26. Special restrictions on lamps.

1. Any lighted lamp or illuminating device ~~upon~~ on a motor vehicle, other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency

vehicle warning lamps and schoolbus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower must be ~~so~~ directed so that no part of the high-intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet [22.86 meters] from the vehicle.

2. ~~No~~ A person may not drive or move any vehicle or equipment ~~upon~~ on any highway with ~~any~~ a lamp or device ~~thereon~~ displaying a red or green light visible from directly in front of the center ~~thereof~~ of the vehicle or equipment. This section does not apply to ~~any~~ a vehicle upon which a red light visible from the front is expressly authorized or required by this chapter.
3. Flashing lights are prohibited except on ~~an authorized~~ :
 - a. An authorized emergency vehicle, ~~schoolbus, snow removal equipment~~;
 - b. A schoolbus;
 - c. Snow-removal equipment;
 - d. A vehicle owned by a funeral home, which may display a flashing purple light only while used for the purpose of escorting a funeral procession; or ~~on any~~
 - e. Any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 370

SENATE BILL NO. 2371

(Senators Klein, Roers, Cory)
(Representatives Weisz, Koppelman, Vigesaa)

AN ACT to amend and reenact section 39-10-16 of the North Dakota Century Code, relating to rotary traffic islands.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-10-16 of the North Dakota Century Code is amended and reenacted as follows:

39-10-16. One-way roadways and rotary traffic islands.

1. The director and local authorities with respect to highways under their respective jurisdictions may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic-control devices.
2. Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or at such times as shall be indicated by official traffic-control devices.
3. A vehicle passing around a rotary traffic island must be driven only to the right of such island.
4. After a vehicle enters a rotary traffic island, the vehicle may ~~not~~ exit from any position within the rotary traffic island without ~~first~~ giving a signal of intention to exit the rotary traffic island.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 371

SENATE BILL NO. 2061

(Transportation Committee)
(At the request of the Department of Transportation)

AN ACT to amend and reenact section 39-10-43 of the North Dakota Century Code, relating to railroad crossings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-10-43 of the North Dakota Century Code is amended and reenacted as follows:

39-10-43. Certain vehicles must stop at all railroad grade crossings.

1. The driver of a bus carrying passengers, or of a schoolbus, or of a vehicle carrying chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flashpoint below two hundred degrees Fahrenheit [93.33 degrees Celsius], cargo tank vehicles transporting a commodity having a temperature above its flashpoint at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by the hazardous materials regulations board, and every motor vehicle which must have the following placards: "explosives", "poison", "flammable oxidizers", "compressed gas", "corrosives", "flammable gas", "radioactive", or "dangerous", before crossing at grade any track of a railroad, shall stop the vehicle within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of the railroad and while stopped shall listen and look in both directions along the track for any approaching train or other on-track equipment, and for signals indicating the approach of a train or other on-track equipment and may not proceed until the driver can do so safely. After stopping as required and upon proceeding when safe to do so, the driver of the vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing the crossing and the driver may not shift gears manually while crossing the track.
2. A stop is not required at a crossing if traffic is controlled by a police officer. For the purposes of this section, a United States marshal is considered a police officer.
3. A stop is not required at a crossing that the director has designated as an out-of-service or exempt crossing and which is clearly marked by signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each side of the crossing.
4. ~~The designation must be limited to use at a crossing where track has been abandoned or its use discontinued.~~
5. The director shall notify the road authority and any railway company of a crossing under the jurisdiction of that railway company which the director has designated as an out-of-service crossing under this section and the road authority shall erect signs bearing the words "Tracks out of service" or "Exempt" in conspicuous places on each side of the crossing.

- ~~6-5.~~ All signs must conform to the manual on uniform traffic-control devices as provided under section 39-13-06.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 372

HOUSE BILL NO. 1055

(Transportation Committee)

(At the request of the Department of Transportation)

AN ACT to repeal section 39-21-35 of the North Dakota Century Code, relating to the regulation of hydraulic brake fluid.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 39-21-35 of the North Dakota Century Code is repealed.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 373

HOUSE BILL NO. 1340

(Representatives Vetter, Christianson, Grueneich, Headland, D. Ruby, Holle, Toman,
D. Johnston, Heinert)
(Senators Cory, Castaneda)

AN ACT to amend and reenact subsection 4 of section 39-21-39 of the North Dakota Century Code, relating to motor vehicle window tint.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 39-21-39 of the North Dakota Century Code is amended and reenacted as follows:

4. An individual may not operate a motor vehicle with any object, material, or tinting displayed, affixed, or applied on the front windshield or any window unless the object, material, or tinting in conjunction with the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least seventy percent or the object, material, or tinting in conjunction with a window other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least ~~thirty-five~~ fifty percent. This subsection does not apply to windows behind the operator if the motor vehicle is equipped with outside mirrors on both sides ~~that~~ which meet the requirements of section 39-21-38.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 374

HOUSE BILL NO. 1155

(Representatives Tveit, Bosch, Heinert, D. Ruby, Weisz, Dressler, Klemin)
(Senators Barta, Lemm, Thomas)

AN ACT to amend and reenact section 39-21-52 of the North Dakota Century Code, relating to equipment exemption for certain street rod, collector, or special interest motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-21-52 of the North Dakota Century Code is amended and reenacted as follows:

39-21-52. Exemption for certain street rod, collector, or special interest motor vehicles.

The provisions of this chapter or chapter 37-12-02 of the North Dakota Administrative Code relating to bumpers, tires, and fenders do not apply to street rod, collector, or special interest motor vehicles. However, a street rod, collector, or special interest vehicle must have all equipment, in operating condition, which was specifically required by law as a condition for its sale when it was first manufactured. AFor purposes of this section "street rod is, collector, or special interest vehicle" means a modernized motor vehicle which was manufactured ~~before 1949~~ by a recognized manufacturer and which retains the general appearance and original body configuration as manufactured or a motor vehicle designed and manufactured to resemble such a motor vehicle, which is at least forty years old. A street rod, collector, or special interest vehicle may have improved modifications to the body, chassis, engine, brakes, power train, steering, and suspension systems either by modifying the original equipment or replacing original parts with fabricated parts or those taken from other existing vehicles. The director may adopt rules to implement this section.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 375

HOUSE BILL NO. 1346

(Representatives Heilman, Klemm)

AN ACT to amend and reenact section 39-29-01, subsection 4 of section 39-29-08, and section 39-29-12 of the North Dakota Century Code, relating to the regulation of the operation of off-highway vehicles and political subdivision rules regulating off-highway vehicles; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

39-29-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Dealer" means any person engaged in the business of buying, selling, or exchanging off-highway vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of off-highway vehicles, or who engages in the buying of off-highway vehicles for resale.
2. "Off-highway vehicle" means any motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. The term includes a motorized vehicle converted to operate on snow. The term does not include an electric bicycle. An off-highway vehicle must be classified into one of the following categories:
 - a. Class I off-highway vehicle is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
 - b. Class II off-highway vehicle is fifty inches [1270.00 millimeters] or less in width, weighs one thousand two hundred pounds [544.31 kilograms] or less, and travels on three or more nonhighway tires; or is sixty-five inches [1651 millimeters] or less in width, weighs two thousand pounds [907.19 kilograms] or less, and travels on four or more nonhighway tires.
 - c. Class III off-highway vehicle weighs less than eight thousand pounds [3628.74 kilograms]; travels on skis, runners, tracks, or four or more tires; has a seat; has a wheel, handlebars, or steering for steering control; and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, but does not include a vehicle registered by the department under chapter 39-04 or 39-24.
3. "Operate" means to ride in or on and control the operation of an off-highway vehicle.

4. "Operator" means an individual who operates or is in actual physical control of an off-highway vehicle.
5. "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle and entitled to its use or possession.
6. "Peace officer" means a public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations of violations of the law.
7. "Register" means the act of assigning a registration number to an off-highway vehicle.

SECTION 2. AMENDMENT. Subsection 4 of section 39-29-08 of the North Dakota Century Code is amended and reenacted as follows:

4. The governing bodies of political subdivisions may adopt rules to regulate use of off-highway vehicles in areas under their jurisdiction. The governing body of a city or county may, by ordinance, regulate, restrict, and prohibit the use of off-highway vehicles operated in the city limits or within the county in areas under the exclusive jurisdiction of the city or county.

SECTION 3. AMENDMENT. Section 39-29-12 of the North Dakota Century Code is amended and reenacted as follows:

39-29-12. Penalties.

Violation of subdivision b, c, or g of subsection 5 of section 39-29-09 is a class B misdemeanor. Violation of any other provision of section 39-29-09 is an infraction for which a fee of ~~twenty~~ fifty dollars must be assessed. Violation of section 39-29-02 or subsection 2 of section 39-29-04 is an infraction, for which a fee of fifty dollars must be assessed. If the individual provides proof of registration since the violation, the fee may be reduced by one-half. Violation of any other provision of this chapter is an infraction, for which a fee of ~~ten~~ twenty dollars must be assessed.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 376

SENATE BILL NO. 2075

(Transportation Committee)
(At the request of the Highway Patrol)

AN ACT to amend and reenact subsection 5 of section 39-32-02 of the North Dakota Century Code, relating to the exemption from the requirement to maintain a record of duty status for certain intrastate drivers; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 39-32-02 of the North Dakota Century Code is amended and reenacted as follows:

5. An intrastate driver is exempt from maintaining a record of duty status if:
 - a. The driver operates within a one hundred fifty air-mile radius from the driver's normal work-reporting location or from the official worksite of the vehicle;
 - b. ~~At least ten consecutive hours off duty separate each twelve hours on duty;~~
 - c. The driver, except for a driver salesperson, returns to the work-reporting location and is released from work within ~~twelve~~fourteen consecutive hours;
 - d. ~~At least ten consecutive hours off duty separate each fourteen hours on duty; and~~
 - e. The motor carrier maintains and retains for a period of six months accurate time records showing the time the driver reports for duty and is released from duty each day.

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

Approved March 18, 2025

Filed March 18, 2025

MUNICIPAL GOVERNMENT

CHAPTER 377

HOUSE BILL NO. 1522

(Representatives K. Anderson, Bahl, Dockter, Meier, Monson, Schauer)
(Senators Myrdal, Patten)

AN ACT to amend and reenact section 40-05-22 of the North Dakota Century Code, relating to golf carts on city streets.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 40-05-22 of the North Dakota Century Code is amended and reenacted as follows:

40-05-22. Golf carts on city streets.

The governing body of a city may allow by an ordinance the operation of golf carts on the city streets. The ordinance may not allow a golf cart on federal, state, or county highways in the city, except for the perpendicular crossing of these highways. The ordinance may not allow the operation of a golf cart on city streets ~~except for daytime travel between the owner's place of residence and a golf course~~ at night. Golf carts that are allowed to operate on the city streets as the result of an ordinance are exempt from the title, registration, and equipment provisions of title 39.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 378

HOUSE BILL NO. 1401

(Representatives Warrey, Longmuir, Mitskog, Motschenbacher, Schneider, Stemen)
(Senators Axtman, Davison, Thomas)

AN ACT to amend and reenact section 40-11-04.2 of the North Dakota Century Code, relating to the transfer of real property by exclusive and nonexclusive listing agreements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 40-11-04.2 of the North Dakota Century Code is amended and reenacted as follows:

40-11-04.2. Transfer of real property by exclusive and nonexclusive listing agreements.

1. As an alternative to the procedure established under section 40-11-04.1, the governing body of a city may by resolution ~~describe~~:
 - a. ~~Describe~~ the real property of the city which is to be sold; ~~provide~~
 - b. ~~Provide~~ a maximum rate of fee, compensation, or commission; and ~~provide~~
 - c. ~~Provide~~ that the city reserves the right to reject any and all offers determined to be insufficient.
2. After adoption of the resolution, and publication of the resolution on the city website for at least fourteen days, if the city maintains a website, the governing body of a city may engage licensed real estate brokers to attempt to sell the described property by way of nonexclusive listing agreements or by way of an exclusive listing agreement if the real estate broker is selected through a competitive process.
3. A proposal from a licensed real estate broker to enter an exclusive listing agreement with the governing body of a city must be based on the:
 - a. Experience of the licensed real estate broker;
 - b. Experience of the licensed real estate broker selling similar property;
 - c. Marketing strategy the licensed real estate broker intends to use; and
 - d. Rate of fee, compensation, or commission the licensed real estate broker intends to accept.
4. In the negotiation of a purchase agreement with a buyer represented by a real estate broker, the governing body of a city may agree to pay compensation to the buyer's real estate broker. In the negotiation of a listing agreement, the

governing body of a city shall consider the financial impact of paying compensation to the buyer's real estate broker on the total fees, compensation, or commission that may become payable by the city.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 379

HOUSE BILL NO. 1032

(Legislative Management)
(Judiciary Committee)

AN ACT to create and enact a new subsection to section 27-05-06 and chapter 40-18.1 of the North Dakota Century Code, relating to jurisdiction of district courts and municipal court requirements, jurisdiction, procedures, and processes; to amend and reenact subsection 1 of section 29-07-01.1 of the North Dakota Century Code, relating to indigent defense; and to repeal sections 40-11-10, 40-11-11, 40-11-12, and 40-11-13 and chapter 40-18 of the North Dakota Century Code, relating to ordinance violations and municipal judges.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 27-05-06 of the North Dakota Century Code is created and enacted as follows:

Power to hear and determine all actions and proceedings arising from the enforcement of city ordinances in a city:

- a. With a population of fewer than five thousand in which there is not a municipal court or municipal judge under chapter 40-18.1.
- b. That has entered an agreement under section 40-18.1-23 or 40-18.1-25.

¹⁶⁴ **SECTION 2. AMENDMENT.** Subsection 1 of section 29-07-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Lawyers provided to represent indigent persons must be compensated at a reasonable rate to be determined by the commission on legal counsel for indigents. Expenses necessary for the adequate defense of an indigent person prosecuted in district court, other than for a violation of a home rule county's ordinance, when approved by the commission, must be paid by the state. Expenses necessary for the adequate defense of an indigent person prosecuted for violation of a home rule county's ordinance must be paid by the home rule county. Expenses necessary for the adequate defense of an indigent person prosecuted ~~infor a violation of a municipal court ordinance,~~ when approved by the judge, must be paid by the city in which the alleged offense took place. The city shall ~~also~~ pay the expenses in any matter transferred to district court ~~pursuant to under~~ section 40-18-06.2 or 40-18-15, 40-18.1-18, 40-18.1-23, 40-18.1-24, or 40-18.1-25, in any appeal taken to district court from a judgment of conviction in municipal court ~~pursuant to under~~ section 40-18-19, 40-18.1-19 or 40-18.1-20, and in an appeal or postconviction matter seeking relief from a conviction resulting from violation of a municipal ordinance. A defendant requesting representation by counsel at public expense, or for whom counsel provided at public expense without a request is considered appropriate by the court, shall submit an

¹⁶⁴ Section 29-07-01.1 was also amended by section 6 of House Bill No. 1417, chapter 120.

application for indigent defense services. For an application for indigent defense services in the district court, a nonrefundable application fee of thirty-five dollars must be paid at the time the application is submitted. The district court may extend the time for payment of the fee or may waive or reduce the fee if the court determines the defendant is financially unable to pay all or part of the fee. If the application fee is not paid before disposition of the case, the fee amount must be added to the amount to be reimbursed under this section. Application fees collected under this subsection must be forwarded for deposit in the indigent defense administration fund established under subsection 4.

SECTION 3. Chapter 40-18.1 of the North Dakota Century Code is created and enacted as follows:

40-18.1-01. Establishment of a municipal court.

1. The governing body of a city may, by ordinance or resolution, establish a municipal court which is a part of the unified judicial system of this state. The supreme court may supervise and sanction municipal courts and municipal court judges. A staff attorney with the state court administrator's office may advise a municipal court judge and clerk on an administrative and procedural court issue.
2. The governing body shall, by ordinance, provide for the election of at least one full-time or part-time judge.
3. A city that establishes a municipal court shall provide:
 - a. Facilities for the use of the municipal court to conduct trials, hearings, and other necessary duties; and
 - b. Necessary supplies and technology and sufficient clerical and nonjudicial support personnel to assist the municipal judge.
4. Municipal court must be held at the time and place designated by the municipal judge. The court schedule must be posted publicly by filing the notice with the city auditor's office and posting the notice on the city's website if the city has a website.
5. Two or more cities, by resolution, may enter an agreement establishing a single joint municipal court. A copy of the agreement must be filed with the state court administrator. The agreement must include the name of the joint municipal court. As used in this chapter, "municipal court" includes a joint municipal court.
6. Two or more cities, by resolution, may enter an agreement to provide jointly for courtrooms, chambers, equipment, supplies, and staff for municipal courts and agree to elect judges without establishing a joint municipal court. A copy of the agreement must be filed with the state court administrator. If municipal courts share facilities and resources in this manner, the identities of the individual courts must be expressed in the case caption.
7. An agreement under subsection 5 or 6 may be terminated in the manner provided in the agreement. If the agreement does not include a provision for termination, the agreement may be terminated by any party upon the provision of not fewer than thirty days notice to the governing bodies.

8. Beginning July 1, 2026, the municipal court is a court of record.

40-18.1-02. Jurisdiction.

1. The municipal court has jurisdiction to hear, try, and determine offenses against the ordinances of any city served by the court.
2. Notwithstanding any other provision of law, the municipal court does not have jurisdiction to hear, try, and determine:
 - a. An offense that would be a violation of section 39-08-01 or equivalent ordinance, if the individual charged with the offense has twice previously been convicted of a violation of section 39-08-01 or equivalent ordinance within the seven years preceding the commission of the offense charged or if the individual charged with the offense has three times previously been convicted of a violation of section 39-08-01 or equivalent ordinance within the fifteen years preceding the commission of the offense charged. If the offense is charged in the municipal court and the municipal judge has notice of a violation of section 39-08-01 or equivalent ordinance twice within the seven years, or three times within the fifteen years, preceding the commission of the offense charged, the municipal judge shall dismiss the charge, without prejudice, and refer the matter to the state's attorney of the county in which the municipal court is located.
 - b. An offense that would be a violation of section 39-08-01 or equivalent ordinance if the judge is not licensed to practice law in this state.
 - c. A domestic violence offense.
 - d. A criminal offense, including criminal traffic offenses, against a juvenile, except a municipal court may hear, try, and determine noncriminal offenses against a juvenile if the juvenile is not subject to the exclusive jurisdiction of the juvenile court under chapter 27-20.2.

40-18.1-03. Fitness to proceed.

1. If reason to doubt a defendant's fitness to proceed exists, as defined under section 12.1-04-04, the case must be:
 - a. Transferred to the district court for evaluation; or
 - b. Dismissed on motion by the prosecutor.
2. The district court shall order the defendant to undergo a fitness to proceed evaluation under chapter 12.1-04. If the defendant is found fit to proceed, the case must be remanded to the municipal court for further proceedings.
3. The time to petition to transfer the matter to district court under section 40-18.1-18 is suspended pending determination of the defendant's fitness to proceed.
4. If the defendant is found to lack fitness to proceed, the case must be dismissed.
5. In proceedings under this section, the city shall provide a prosecuting attorney and, in the case of an indigent defendant, a defense attorney. The city may contract with the county, state, or any person for the prosecution or defense services.

40-18.1-04. Criminal responsibility.

1. A case in which the defendant's criminal responsibility at the time of the crime is in question may be transferred to the district court for evaluation upon written request by the defendant. The defendant shall initiate the request within twenty-eight days after arraignment and the district court shall order the defendant to undergo a criminal responsibility evaluation under chapter 12.1-04.1.
2. Following the evaluation, if the defendant asserts the defense of lack of criminal responsibility, the case must remain in district court for trial. If the defendant does not assert the defense of lack of criminal responsibility, the district court shall remand the case to the municipal court for further proceedings.
3. In proceedings under this section, the city shall provide a prosecuting attorney and, in the case of an indigent defendant, a defense attorney. The city may contract with the county, state, or any person for the prosecution or defense services.

40-18.1-05. Election of municipal judge - Qualifications.

1. A municipal judge must be elected to serve a term of four years and may not hold any other office in the city in which the municipal judge serves as a judge. The city auditor shall notify the state court administrator of the election or appointment of a municipal judge or alternate municipal judge.
2. Except when prohibited by home rule charter or ordinance, the municipal judge may be a part-time judge and may serve as a municipal judge in more than one city.
3. A municipal judge in a city with a population of five thousand or more must be licensed to practice law in this state and must be a resident of the city unless the city, by ordinance or resolution, provides the municipal judge is not required to be a resident of the city.
4. The municipal judge in a city with a population of fewer than five thousand is not required to be licensed to practice law in this state and is not required to be a resident of the city.
5. The governing body of the city shall fix the compensation of the municipal judge.

40-18.1-06. Demand for change of judge.

A party to a proceeding pending in a municipal court may obtain a change of judge under section 29-15-21. The municipal judge must be replaced in accordance with section 40-18.1-07.

40-18.1-07. Vacancy in office of municipal judge - Disqualification - Temporary absence of municipal judge.

1. If a vacancy exists in the office of municipal judge by death, resignation, or otherwise, the governing body of the city shall appoint an individual to fill the vacancy.

2. The governing body may appoint alternate municipal judges to serve when a municipal judge is unable to serve due to temporary absence, illness, disqualification, or disability. The alternate judges must be compensated at a rate set by the governing body.
3. If the alternate municipal judges also are disqualified or unavailable, the chief justice may appoint a district court judge to a temporary assignment as a municipal court judge for the purpose of presiding over the case.

40-18.1-08. Clerk of municipal court.

1. The governing body of a city with a municipal court may provide for the office of clerk of the municipal court, which may include deputy clerks of municipal court. The governing body of the city shall appoint the clerk and deputy clerk, with the consent of the municipal judge. The governing body shall fix the salary of the municipal clerk and deputy clerk.
2. The clerk and deputy clerk of the municipal court shall issue all process of the court, administer oaths, file and preserve all papers, docket cases, set trials, and perform other acts necessary to carry out the duties and responsibilities of the court. The clerk shall receive, account for, and pay on a monthly basis to the city general fund all fines and forfeited bonds paid into the court.

40-18.1-09. City prosecutor.

1. A prosecutor licensed to practice law in this state must be present for all contested hearings and proceedings involving a class B misdemeanor in a municipal court.
2. The city shall pay the compensation of the prosecutor and any necessary expenses incurred in prosecuting a violation of a city ordinance.

40-18.1-10. Change of venue - Reliable electronic means.

1. A municipal judge shall consider the following factors when determining whether to change the venue of a proceeding under this chapter:
 - a. Convenience to the parties and witnesses.
 - b. Judicial efficiency.
 - c. Available facilities.
 - d. Administration of justice.
2. A municipal judge may not change the venue of a proceeding if a party to the proceeding objects to the change.
3. A municipal judge may use contemporaneous audio or audiovisual transmission by reliable electronic means in accordance with rule 52 of the North Dakota Supreme Court Administrative Rules. A municipal judge who presides over a proceeding through contemporaneous audio or audiovisual transmission by reliable electronic means is equivalent to a municipal judge who is physically present at the proceeding.

40-18.1-11. Costs and fees.**1. A municipal court:**

- a. May not assess costs or fees against any individual except as specifically provided in this chapter.
- b. May assess a fee under subsection 2 of section 40-05-06.
- c. May assess a court administration fee and a community service supervision fee in an amount not to exceed the amounts allowed under section 29-26-22.
- d. Shall assess the crime victim and witness program fee under section 27-01-10.

2. The judgment must itemize the fines and fees assessed.**40-18.1-12. Action for violation of ordinance in corporate name - Previous prosecution, recovery, or acquittal no defense.**

An action brought to recover a fine, enforce a penalty, or punish a violation of a city ordinance must be brought in the corporate name of the city as plaintiff. A prosecution, recovery, or acquittal for the violation of a city ordinance may not constitute a defense to any other prosecution of the same individual for any other violation of the ordinance, notwithstanding that the different claims for relief existed at the time of the previous prosecution and if united, would not have exceeded the jurisdiction of the court.

40-18.1-13. Summons to issue on violation of ordinance - When warrant of arrest to issue.

An action for a violation of an ordinance is initiated by a uniform complaint under section 29-05-31 or a complaint in compliance with the North Dakota Rules of Criminal Procedure. If there is probable cause to believe a criminal offense has been committed by the individual charged, an arrest warrant must be issued, except a municipal judge may issue a summons instead of an arrest warrant if the municipal judge has reason to believe the individual charged will appear in response to the summons. An individual arrested under a warrant must be taken without unnecessary delay before the municipal judge to be tried for the alleged offense.

40-18.1-14. Commitment for nonpayment of fines or costs.

Any individual upon whom any fine or costs, or both, has been imposed for violation of a municipal ordinance may, after hearing, be committed upon order of the court to jail or other place provided by the municipality for the incarceration of offenders until the fine or costs, or both, are fully paid. The court may not commit an individual under this section when the reason for the individual's nonpayment of fines or costs is the individual's indigency. A commitment order issued under this section may not exceed thirty days. As used in this section, "fine" does not include a fee established under subsection 2 of section 40-05-06.

40-18.1-15. Fines, fees, and forfeitures for violation of ordinances paid into city general fund.

All fines, fees, penalties, and forfeitures collected for a violation of a city ordinance, including those collected as a result of a judgment of a district court rendered under section 40-18.1-18, must be paid into the city's general fund.

40-18.1-16. Diagnosis and treatment of individuals convicted of driving while under the influence.

If an individual is convicted under an ordinance equivalent to an offense under section 39-08-01, the court shall sentence the defendant in accordance with that section.

40-18.1-17. Sentencing alternatives - Suspension of sentence or imposition of sentence.

Subject to section 40-05-06, a municipal judge may use the sentencing alternatives provided under section 12.1-32-02 and may suspend any sentence the judge imposes or defer the imposition of any sentence due to the good behavior of an individual adjudged to have committed an offense, or for other reasonable cause, under subsection 3 or 4 of section 12.1-32-02, except a municipal judge may not suspend a sentence or the imposition of sentence for driving a motor vehicle in violation of an operator's license suspension, revocation, or restriction or for a violation of section 39-08-01 or equivalent ordinance if the suspension of sentence or suspension of the imposition of sentence is prohibited under section 39-06-17 or 39-06-42 or chapter 39-08.

40-18.1-18. Transfer to district court - Expenses of prosecution - Division of funds and expenses among city, county, and state.

1. A defendant may request in writing to transfer the case to district court and to exercise the defendant's right to a jury trial within twenty-eight days after arraignment. If the request is filed within twenty-eight days after the arraignment, the judge shall grant the request.
2. If the defendant waives a jury trial after a transfer to district court, the district court shall remand the matter to the municipal court for disposition and sentencing if the parties agree to a remand.
3. Unless remanded to the municipal court by agreement of the parties, the district court retains jurisdiction for sentencing and enforcement.
4. The city shall provide a prosecuting attorney and, in the case of an indigent defendant, a defense attorney. The city may contract with the county, state, or any person for the prosecution or defense services.
5. The city, county, and state may agree to a division of any fees, fines, costs, forfeitures, and any other monetary consideration collected from cases transferred under this section, which must be paid to the city general fund and the county treasury and the state general fund at least once each quarter. At the time of payment, the clerk of district court shall account under oath to the city auditor, county treasurer, and state treasurer for all money collected. In the contract, the city, county, and state may agree to a division of expenses, including jury and witness expenses, related to cases transferred under this section. In the absence of a contract, all fees, fines, costs, forfeitures, and any other monetary consideration collected from transferred cases must be deposited in the state general fund.

40-18.1-19. Appeals from determinations of municipal judge not in courts of record.

1. For a case filed before July 1, 2026, an appeal may be taken to the district court from a judgment of conviction or order deferring imposition of sentence in a municipal court in accordance with the North Dakota Rules of Criminal Procedure.
2. An appeal is perfected by notice of appeal. A perfected appeal to the district court transfers the action to the district court for trial anew. Failure to remove the case under section 40-18.1-18 constitutes waiver of jury trial on appeal.
3. On all appeals from a determination in a municipal court, the district court shall take judicial notice of all of the ordinances of the city.
4. A filing fee may not be required in district court for the filing of an appeal from a judgment of conviction for the violation of a city ordinance.
5. Expenses necessary for the adequate defense of an indigent individual in an appeal to the district court from a judgment of conviction for the violation of a municipal ordinance, as approved by the presiding district judge, must be paid by the city where the alleged offense took place.
6. Unless remanded to the municipal court by agreement of the parties, the district court retains jurisdiction for sentencing and enforcement.

40-18.1-20. Appeals from determinations of municipal judge in courts of record.

1. For a case filed on or after July 1, 2026, an appeal may be taken to the district court from a judgment of conviction or order deferring imposition of sentence in a municipal court in accordance with the North Dakota Rules of Criminal Procedure.
2. An appeal from a municipal court of record must originate from the file, record, recording, transcript, or evidence from the municipal court.
3. The district court may affirm, reverse, or amend any appeal order or judgment and may direct the proper order or judgment be entered or direct a new trial or further proceeding be had in the court from which the appeal was taken.

40-18.1-21. Municipal judge may enforce orders and judgments and punish for contempt.

A municipal judge may enforce compliance with the court's orders and judgments. The judge may fine or imprison for contempt committed in the judge's presence while holding court, as well as for contempt of process issued, and of orders and judgments made by the judge. If an act or omission constituting a contempt in a municipal court is not committed in the presence of the municipal judge, an affidavit alleging the facts may be filed and a warrant of arrest may be issued on which the individual accused may be arrested and brought before the municipal judge immediately. The individual must be given a reasonable opportunity to employ counsel and defend against the alleged contempt. After hearing the allegations and proof, the municipal judge may discharge the individual or adjudge the individual guilty and may punish by fine, imprisonment, or both. The fine in any case may not exceed one thousand five hundred dollars and the imprisonment may not exceed thirty days.

40-18.1-22. Judgment for fines, fees, or costs - Procedure.

1. If the judgment imposes a fine or assesses a fee, the municipal judge may order a certified copy of the judgment be filed in the office of the clerk of the district court of any county in the state. The clerk of district court shall treat the municipal court judgment in the same manner as a civil judgment of any district court of any county of the state.
2. At the time of filing the judgment with the office of the clerk of district court, the municipal court judge shall order an affidavit providing the name and last-known mailing address of the defendant and otherwise complying with section 28-20-15 be filed.
3. Upon the filing of the judgment and affidavit, the clerk of municipal court shall mail notice of the filing of the municipal judgment to the defendant at the defendant's last-known address and file proof of mailing with the district court. The notice must include the name and mailing address of the municipal court.
4. An execution of other process for enforcement of a municipal court judgment filed under this section may not be issued until ten days after the date the judgment is filed.
5. If the defendant shows the district court of any county that an appeal from the judgment is pending or will be taken, the court shall stay enforcement of the municipal court judgment until the appeal is concluded or the time for appeal expires.
6. The municipal judge shall order the defendant to pay a filing fee of ten dollars to the clerk of district court.
7. Upon filing of the judgment with the district court in accordance with this chapter, the judgment is enforceable by the city only in the same manner as provided for a judgment for money in a civil action.

40-18.1-23. Transfer of municipal ordinance cases to district court.

With the agreement of the state court administrator, the governing body of a city may, by ordinance, transfer some or all of the cases of the municipal court to the district court serving the county in which the city is located without abolishing the municipal court. Cases transferred under this section are deemed district court cases for purposes of appeal. The agreement must provide the city is responsible for providing for the prosecution of the cases and for providing a defense attorney in cases involving an indigent defendant.

40-18.1-24. Abolition of municipal court in a city with a population of fewer than five thousand.

1. The governing body of a city with a population of fewer than five thousand having a municipal court may by resolution abolish its municipal court. The jurisdiction of a municipal court abolished by resolution must be transferred to the district court of the district in which the city is located.
2. The city auditor shall provide a copy of the resolution abolishing the court to the presiding judge and clerk of court of the district court for the district in which the city is located, the state's attorney for the county in which the city is located, and the state court administrator. The resolution must provide the effective date of the transfer of cases, which must be at least ninety days following the date of the resolution.

3. At least ten days before the effective date of the transfer, the clerk of the municipal court shall deliver to the clerk of the district court all cases pending action by the district court after the effective date of the resolution.
4. On the effective date of transfer, all proceedings relating to ordinance violations must be within the jurisdiction of the district court. Judgments of courts which cease to exist on the effective date of the resolution continue in effect and the district court may enforce the judgments. Fines, forfeitures, and costs due and unpaid on the effective date of the transfer and those which are subsequently collected on cases pending on the effective date of the transfer must be collected by the district court and remitted to the city.
5. The authority, duties, powers, jurisdiction, and term of the municipal judge terminates on the last day of the month in which all municipal cases have been transferred to the district court or the expiration of the judge's term, whichever occurs first.

40-18.1-25. Abolition of municipal court in a city with a population of five thousand or more.

1. The governing body of a city with a population of five thousand or more having a municipal court may by resolution abolish its municipal court if the city has entered an agreement with:
 - a. The governing body of the county in which the municipal court is located;
 - b. The presiding judge of the district in which the municipal court is located; and
 - c. The state court administrator's office.
2. The agreement must provide for an effective date of the transfer of the municipal court cases to the district court not fewer than one hundred eighty days after the date of the agreement unless otherwise agreed upon.
3. At least ten days before the effective date of the transfer, the clerk of the municipal court shall deliver to the clerk of the district court all cases pending action by the district court after the effective date of the transfer.
4. On the effective date of the transfer, all proceedings relating to ordinance violations must be within the jurisdiction of the district court. Judgments of courts which cease to exist on the effective date of the agreement continue in effect and the district court may enforce the judgments. Fines, forfeitures, and costs due and unpaid on the effective date of the transfer and those which are subsequently collected on cases pending on the effective date must be collected by the district court and remitted to the city.
5. The authority, duties, powers, jurisdiction, and term of the municipal judge terminates on the last day of the month in which all municipal cases have been transferred to the district court or the expiration of the judge's term, whichever occurs first.

40-18.1-26. Compliance with rules adopted by the supreme court.

1. The supreme court shall adopt rules governing:

- a. Municipal court procedure;
 - b. Qualifications, judicial conduct, and education of municipal judges;
 - c. Qualification and education of municipal clerks;
 - d. Requirements of municipal court facilities; and
 - e. Records to be maintained and reports to be filed by the municipal court.
2. Each municipal judge and alternate judge shall comply with the rules established by the supreme court. The city shall reimburse the judge for necessary travel expenses, meals, and lodging relating to compliance with the rules regarding qualifications, judicial conduct, and education in the same manner as other city officials are reimbursed.
 3. If a municipal judge or alternate municipal judge fails to fulfill the requirements of the rules established by the supreme court, the judicial conduct commission may order the municipal judge not preside over municipal court proceedings.

SECTION 4. REPEAL. Sections 40-11-10, 40-11-11, 40-11-12, and 40-11-13 and chapter 40-18 of the North Dakota Century Code are repealed.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 380

HOUSE BILL NO. 1198

(Representatives Warrey, Longmuir, Nelson, Novak, Ostlie, Rios)
(Senators Boschee, Cleary, Meyer, Sickler)

AN ACT to create and enact a new subsection to section 40-49-12 of the North Dakota Century Code, relating to cooperative purchasing contracts and cooperative purchasing for park districts pursuant to a joint powers agreement.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 40-49-12 of the North Dakota Century Code is created and enacted as follows:

Participate in cooperative purchasing contracts with the office of management and budget pursuant to chapter 54-44.4, participate in cooperative purchasing contracts with another state, and contract for cooperative purchases pursuant to a joint powers agreement under chapter 54-40.3.

Approved March 21, 2025

Filed March 24, 2025

OCCUPATIONS AND PROFESSIONS

CHAPTER 381

HOUSE BILL NO. 1156

(Representatives Schauer, Bahl, Christy, Frelich, J. Johnson, O'Brien, S. Olson,
Louser)
(Senators Klein, Roers, Sickler)

AN ACT to create and enact a new section to chapter 43-02.2 of the North Dakota Century Code, relating to ownership of accounting firms by qualified plans; and to amend and reenact subsection 3 of section 10-31-04 and subsection 3 of section 43-02.2-06 of the North Dakota Century Code, relating to minority ownership of an accounting firm.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 10-31-04 of the North Dakota Century Code is amended and reenacted as follows:

3. If expressly authorized under this subsection, a professional organization may have a minority ownership by one or more minority owners. A professional organization created under this chapter for the purpose of providing professional services as set forth in ~~chapter~~ chapters 43-02.2 and 43-03 is expressly authorized to have minority owners.

SECTION 2. AMENDMENT. Subsection 3 of section 43-02.2-06 of the North Dakota Century Code is amended and reenacted as follows:

3. ~~An~~Except as provided in section 3 of this Act, an applicant for initial issuance or renewal of a permit to practice under this section must show that ~~notwithstanding any other provision of law,~~ a simple majority of the ownership of the firm, in terms of financial interests and voting rights, belongs to licensees of a state or other recognized jurisdiction and that all certified public accountants or licensed public accountants associated with the firm whose principal place of business is in this state and who perform professional services in this state hold a valid certificate or license issued by this state. The minority of the ownership of a firm may belong to an individual or a qualified plan as described and defined in sections 401(a) and 4975(e)(7) of the Internal Revenue Code [26 U.S.C. 401(a) and 4975(e)(7)], including an employee stock ownership plan. The firm and its owners must comply with all board rules regarding ownership.

SECTION 3. A new section to chapter 43-02.2 of the North Dakota Century Code is created and enacted as follows:

Permit to practice - Firm wholly owned by qualified plan.

1. A firm may be wholly owned by a qualified plan as described and defined in sections 401(a) and 4975(e)(7) of the Internal Revenue Code [26 U.S.C. 401(a) and 4975(e)(7)], including an employee stock ownership plan, if an applicant for initial issuance or renewal of a permit to practice shows:

- a. Fifty-one percent or more of the beneficial ownership of the plan belongs to certified public accountants or licensed public accountants of the state or other recognized jurisdiction;
- b. All certified public accountants or licensed public accountants associated with the firm whose principal place of business is in this state and who perform professional services in this state hold a valid certificate or license issued by this state; and
- c. A simple majority of the board of directors of the firm are certified public accountants or licensed public accountants of the state or other recognized jurisdiction.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 382

HOUSE BILL NO. 1314

(Representative Satrom)
(Senator Conley)

AN ACT to create and enact a new section to chapter 43-04 of the North Dakota Century Code, relating to mobile barber shop requirements; to amend and reenact sections 43-04-01, 43-04-42, 43-04-44, and 43-04-45 of the North Dakota Century Code, relating to mobile barbershops and the associated fees, inspection rights, and penalties; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁶⁵ **SECTION 1. AMENDMENT.** Section 43-04-01 of the North Dakota Century Code is amended and reenacted as follows:

43-04-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Board" means the board of barber examiners.
2. "Mobile barbershop" means a barbershop operated in a mobile vehicle, trailer, or mobile structure for the exclusive use of practicing barbering services performed by a licensed barber.
3. "Practice of barbering" includes any one or any combination of the following practices when done upon the upper part of the human body for cosmetic purposes and not for the treatment of diseases or physical or mental ailments, and when done for payment either directly or indirectly:
 - a. Shaving or trimming the beard or cutting the hair.
 - b. Giving facial or scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances.
 - c. Singeing, shampooing, or dyeing the hair or applying hair tonics.
 - d. Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, neck, or upper part of the body.

¹⁶⁶ **SECTION 2. AMENDMENT.** Section 43-04-42 of the North Dakota Century Code is amended and reenacted as follows:

¹⁶⁵ Section 43-04-01 was also amended by section 1 of House Bill No. 1317, chapter 383.

¹⁶⁶ Section 43-04-42 was also amended by section 10 of House Bill No. 1317, chapter 383.

43-04-42. Fees.

1. The board may charge applicants the following fees:
 - a. For examination and issuance of a certificate to practice master barbering, one hundred dollars.
 - b. For renewal of a master barber's certificate, one hundred dollars.
 - c. For restoration of an expired master barber's certificate, a twenty dollar penalty fee in addition to the regular renewal fee.
 - d. For a permit to operate a barber school or college, an annual fee of one hundred twenty-five dollars.
 - e. For issuance of an annual barbershop license, fifty dollars, to be paid by each shop owner in advance.
 - f. For issuance of a certificate to an applicant who qualifies under section 43-04-38.1, one hundred seventy-five dollars.
 - g. For restoration of an expired barbershop license, a twenty dollar penalty fee in addition to the annual license fee.
 - h. For renewal of an instructor's license, twenty-five dollars.
2. Each application to open or establish a barbershop in this state must be accompanied by a fee of one hundred dollars to cover expenses of inspection, which must be retained by the board and deposited as other fees.
3. A duplicate license, certificate, or permit must be issued upon:
 - a. Filing a statement verified by the oath of the applicant which explains the loss;
 - b. Submitting a signed photograph of the applicant; and
 - c. Paying a fee of ten dollars for the issuance of the duplicate.
4. Anyone who becomes a member of the armed forces of the United States in time of war, while holding a license as a barber or apprentice, and while in good standing as to payment of fees, may obtain a certificate restoration without payment of the restoration fee.
5. Each application to open or establish a mobile barbershop must be accompanied by a fee of one hundred fifty dollars for initial registration. Renewal of a mobile barbershop certificate must be accompanied by a fee of one hundred dollars.

SECTION 3. A new section to chapter 43-04 of the North Dakota Century Code is created and enacted as follows:

Mobile barbershop - Regulations - Requirements.

1. An individual may operate a mobile barbershop if:

- a. The individual is a licensed barber under section 43-04-32; and
 - b. The mobile barbershop is registered with the board.
2. The board shall adopt rules regulating mobile barbershops. The rules adopted by the board must regulate water, wastewater, power, safety, sanitation, equipment, services, location, reports, and any other requirements deemed necessary. The board may proscribe reasonable penalties, fines, and fees necessary to enforce the regulation of mobile barbershops.
3. To register a mobile barbershop with the board, the owner shall:
 - a. Pay the required registration fee;
 - b. Comply with all applicable laws, rules, and ordinances; and
 - c. Maintain a suitable motor vehicle or trailer that is:
 - (1) Self-contained, self-supporting, and enclosed; and
 - (2) At least sixteen feet [4.88 meters] in length.
4. Each motor vehicle or trailer used as a mobile barbershop must be registered with the board.
5. An individual who holds a mobile barbershop registration shall:
 - a. Maintain a permanent address for receiving correspondence with the board;
 - b. Display the name and registration number of the mobile barbershop on a conspicuous exterior surface;
 - c. Supply the board with the make, model, vehicle identification number, and license plate number of the vehicle, trailer, or mobile structure used as a mobile barbershop; and
 - d. Comply with all rules adopted by the board.

SECTION 4. AMENDMENT. Section 43-04-44 of the North Dakota Century Code is amended and reenacted as follows:

43-04-44. Inspection of barbershops and barber schools.

Any member of the board or any of its inspectors, agents, or assistants may enter and inspect any barbershop, mobile barbershop, or barber school at any time during business hours.

SECTION 5. AMENDMENT. Section 43-04-45 of the North Dakota Century Code is amended and reenacted as follows:

43-04-45. Penalty.

~~Any person who shall:~~

1. An individual is guilty of a class B misdemeanor if the individual:

- a. ~~Violate~~Violates any ~~of the provisions~~provision of sections section 43-04-21, 43-04-30, and 43-04-43, or section 3 of this Act;
2. b. ~~Permit~~Permits any ~~person~~individual in that ~~person's~~individual's employ, supervision, or control to practice as a barber unless the ~~person~~ employed, supervised, or controlled individual has a certificate of registration as a registered barber;
3. c. ~~Obtain~~Obtains or ~~attempt~~attempts to obtain a certificate of registration by the payment of money other than the required fee, or any other thing of value, or by fraudulent misrepresentations;
4. d. ~~Practice~~Practices or ~~attempt~~attempts to practice by fraudulent misrepresentations; or
5. e. Willfully ~~fail~~fails to display a certificate of registration as ~~is~~ required by this chapter;

~~is guilty of a class B misdemeanor. A violation of any provision of.~~

2. An individual who violates this chapter, or of any rule, subpoena, or order of the board lawfully made pursuant hereto, except as otherwise provided herein, under this chapter is guilty of a class B misdemeanor.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 383

HOUSE BILL NO. 1317

(Representative Satrom)
(Senator Conley)

AN ACT to create and enact three new sections to chapter 43-04 of the North Dakota Century Code, relating to restricted, temporary, and retired barber licenses; to amend and reenact sections 43-04-01, 43-04-04, 43-04-06, 43-04-30, 43-04-30.1, 43-04-32, and 43-04-42 of the North Dakota Century Code, relating to the board of barber examiners, barber licensing, continuing education, and fees; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁶⁷ **SECTION 1. AMENDMENT.** Section 43-04-01 of the North Dakota Century Code is amended and reenacted as follows:

43-04-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Board" means the board of barber examiners.
2. "Licensed barber" means a licensee who has:
 - a. Met the requirements defined in sections 43-04-31 and 43-04-32; and
 - b. Passed the examination required in section 43-04-33.
3. "Practice of barbering" includes any one or any combination of the following practices when done upon the upper part of the human body for cosmetic purposes and not for the treatment of diseases or physical or mental ailments, and when done for payment either directly or indirectly:
 - a. Shaving or trimming the beard or cutting the hair.
 - b. Giving facial or scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances.
 - c. Singeing, shampooing, or dyeing the hair or applying hair tonics.
 - d. Applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, neck, or upper part of the body.
4. "Restricted barber" means a licensee, limited in practice to specific areas in which competence has been demonstrated, and allowed to work in a licensed host shop.

¹⁶⁷ Section 43-04-01 was also amended by section 1 of House Bill No. 1314, chapter 382.

5. "Retired barber" means a licensee who meets the requirements of section 9 of this Act.
6. "Temporary barber" means an eligible licensee who is permitted to practice under the supervision of a licensed barber until results are available from the next scheduled examination.

SECTION 2. AMENDMENT. Section 43-04-04 of the North Dakota Century Code is amended and reenacted as follows:

43-04-04. Board of barber examiners - Appointment - Term of office - Qualifications.

1. The board of barber examiners must consist of at least three members, ~~each of whom must be~~ appointed by the governor for a term of three years.
2. Members are subject to the following requirements:
 - a. The terms of office of the members must be so arranged that one term expires on the thirty-first day of December of each year.;
 - b. Each appointment must be made from a list of five names submitted to the governor by the state barber association; and ~~each~~
 - c. Each member must be a registered barber who has followed the occupation of barber in this state for at least five years ~~prior to~~ before that member's appointment.
3. Two additional members, who shall serve as nonvoting ex officio members and are not required to be licensed barbers, may be appointed by the board for tasks including:
 - a. New and annual shop inspections; and
 - b. Office duties.

SECTION 3. AMENDMENT. Section 43-04-06 of the North Dakota Century Code is amended and reenacted as follows:

43-04-06. Officers of board - Power to administer oath - Bond.

The members of the board shall elect from ~~their number~~ those members appointed by the governor under section 43-04-04 a president, vice president, and secretary-treasurer. The secretary-treasurer of the board must be bonded for the faithful discharge of duties in the penal sum of five thousand dollars. The secretary-treasurer and the president of the board may administer oaths.

SECTION 4. AMENDMENT. Section 43-04-30 of the North Dakota Century Code is amended and reenacted as follows:

43-04-30. Barber - Certificate of registration required - Rules.

1. ~~A person~~ An individual may not practice barbering within this state unless the ~~person holds a certificate of registration and is registered as a barber or holds a permit to practice as a journeyman barber~~ individual is licensed and registered as:

- a. A barber;
 - b. A restricted barber;
 - c. A retired barber; or
 - d. A temporary barber.
2. The board shall adopt rules regulating licensing, including procedures, requirements, and fees.

SECTION 5. AMENDMENT. Section 43-04-30.1 of the North Dakota Century Code is amended and reenacted as follows:

43-04-30.1. Continuing education requirements.

1. The board may adopt rules establishing requirements for the continuing education of ~~persons~~individuals licensed under this chapter. ~~Rules for accreditation of continuing education must allow accreditation for a variety of types of continuing education forums, including live presentations and correspondence education. The rules must provide:~~
 - a. Individuals holding a barber license or a barber instructor license shall complete a minimum of six hours of continuing education every two years;
 - b. Education requirements must be met before the August first deadline; and
 - c. Accreditation hours may be completed through a variety of continuing education forums, including seminars, workshops, annual conventions, and video courses.
2. The board may suspend, revoke, place on probationary status, impose a fine on, or refuse to renew any license issued under this chapter if the licensee fails to meet the continuing education requirements established by the board.
3. An applicant for accreditation of continuing education courses, classes, or activities may be charged a reasonable fee determined by the board.

SECTION 6. AMENDMENT. Section 43-04-32 of the North Dakota Century Code is amended and reenacted as follows:

43-04-32. ~~Barber~~Licensed barber - Application for examination.

1. Any person who desires to ~~take the examination for a certificate of registration to practice as a registered barber shall make application to the board on blanks prepared and furnished by the board and shall enclose with the application all of the following:~~
 1. ~~Proof, under oath, of the person's qualifications.~~
 2. ~~A five inch by three inch [12.7 centimeter by 7.62 centimeter] signed photograph of that person. The person also shall present such a photograph to the board when the person appears for examination.~~
 3. ~~The required fee.~~

- ~~4. A certificate showing graduation from a public or recognized private high school or an equivalent education as determined by an examination conducted by the board; provided, however, that two years armed service should be termed equivalent education. be licensed as a barber shall apply to the board.~~
2. An applicant is eligible to take the licensing examination under section 43-04-33 if the applicant pays the required application fee and:
 - a. Has held an active and valid license to practice barbering in another state for at least one year; or
 - b. Has received a minimum of one thousand one hundred hours of training in sanitation, safety, laws, and rules, including the completion of hours at a licensed barbering school or a barbering program in a public school system, and other procedures as established by the board.
3. The board shall issue a license to an applicant who meets the qualifications under section 43-04-31, passes the licensing examination under section 43-04-33, and pays the initial licensing fee.
4. An applicant who fails to pass the examination under section 43-04-33 may take subsequent examinations as necessary, subject to the following:
 - a. The board may specify reasonable time frames for rescheduling the examination;
 - b. The board may require additional training for applicants who fail to pass the examination after the applicant's third attempt; and
 - c. The applicant shall file any additional forms and pay re-examination fees as determined by the board.
5. The board shall maintain a record relating to the issuance, refusal, and renewal of licenses. The record must contain the name, place of business, and residence of each licensed barber and the date and number of the barber's license.
6. The board shall adopt rules specifying procedures for licensure by endorsement of barbers desiring to be licensed in this state who hold a current active license in another state or country and have met qualifications substantially similar to the qualifications required for licensed barbers in this state.

SECTION 7. A new section to chapter 43-04 of the North Dakota Century Code is created and enacted as follows:

Restricted barber license - Requirements.

1. An individual may apply for a restricted barber license if the applicant:
 - a. Has not been disciplined relating to the practice of barbering in the previous five years;
 - b. Passes a written examination of the laws and rules governing practice in the state, as established by the board; and

- c. Has a background in barbering as demonstrated by:
 - (1) Successfully completing a restricted barber course, as established by the board, at a licensed barbering school or a barbering program within the public school system; or
 - (2) Holding, within the previous five years, an active and valid license to practice barbering in another state or country.
- 2. A licensed restricted barber shall work in a licensed host shop and may not own or operate a shop.
- 3. An individual may practice barbering while awaiting results of the examination under this section, if the individual is under the supervision of a licensed barber in a licensed barbershop, subject to the following:
 - a. An individual who fails the examination on the individual's first attempt may continue practicing under the supervision of a licensed barber in a licensed barbershop, provided the individual applies for the next examination;
 - b. The individual may continue to practice under the licensed barber until the individual receives the results of the second examination; and
 - c. An individual may not continue to practice under this subsection if the individual fails to pass the examination on the second attempt.

SECTION 8. A new section to chapter 43-04 of the North Dakota Century Code is created and enacted as follows:

Temporary barber license - Requirements.

- 1. An individual who has met the requirements in subsection 2 of section 43-04-32 may apply for and be issued a temporary barber license, upon payment of the required fee.
- 2. A license under this section:
 - a. Is valid for a maximum of three months;
 - b. Must begin from the verified date of graduation or completion of training; and
 - c. May be exercised only under the supervision of a licensed barber until results are available from the next scheduled examination.
- 3. If the temporary license holder fails the examination, the temporary license holder may apply for an extension of the individual's license under this chapter, pay the fee, and register for the next scheduled examination.

SECTION 9. A new section to chapter 43-04 of the North Dakota Century Code is created and enacted as follows:

Retired barber license - Requirements.

1. An individual may apply for a retired barber license and practice in a limited capacity if the applicant is:
 - a. At least sixty-five years of age or has been practicing a minimum of twenty years as a licensed barber; and
 - b. Works no more than five days per month.
2. Upon an applicant meeting the qualifications under this section and paying the initial licensing fee, the board shall issue a retired barber license.

¹⁶⁸ **SECTION 10. AMENDMENT.** Section 43-04-42 of the North Dakota Century Code is amended and reenacted as follows:

43-04-42. Fees.

1. The board may charge applicants the following fees:
 - a. For examination and issuance of a certificate to practice master barbering, one hundred dollars.
 - b. For renewal of a master barber's certificate, one hundred dollars.
 - c. For restoration of an expired master barber's certificate, a twenty dollar penalty fee in addition to the regular renewal fee.
 - d. For a permit to operate a barber school or college, an annual fee of one hundred twenty-five dollars.
 - e. For issuance of an annual barbershop license, fifty dollars, to be paid by each shop owner in advance.
 - f. For issuance of a certificate to an applicant who qualifies under section 43-04-38.1, one hundred seventy-five dollars.
 - g. For restoration of an expired barbershop license, a twenty dollar penalty fee in addition to the annual license fee.
 - h. For renewal of an instructor's license, ~~twenty-five~~ **two hundred fifty** dollars.
2. Each application to open or establish a barbershop in this state must be accompanied by a fee of one hundred dollars to cover expenses of inspection, which must be retained by the board and deposited as other fees.
3. A duplicate license, certificate, or permit must be issued upon:
 - a. Filing a statement verified by the oath of the applicant which explains the loss;
 - b. Submitting a signed photograph of the applicant; and
 - c. Paying a fee of ten dollars for the issuance of the duplicate.

¹⁶⁸ Section 43-04-42 was also amended by section 2 of House Bill No. 1314, chapter 382.

4. Anyone who becomes a member of the armed forces of the United States in time of war, while holding a license as a barber or apprentice, and while in good standing as to payment of fees, may obtain a certificate restoration without payment of the restoration fee.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 384

SENATE BILL NO. 2163

(Senators Kessel, Barta, Klein)
(Representatives Christy, Koppelman, Warrey)

AN ACT to amend and reenact subsection 1 of section 43-07-10 of the North Dakota Century Code, relating to contractor reporting thresholds for single projects.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 43-07-10 of the North Dakota Century Code is amended and reenacted as follows:

1. Any license issued under this chapter may be renewed for each successive contractor year by obtaining from the registrar a certificate for the current contractor year. To obtain a certificate for the current contractor year, the licensee shall file with the registrar an application that includes a listing of each project, contract, or subcontract completed by the licensee during the preceding calendar year in this state over the amount of ~~twenty-five thousand~~ fifty thousand dollars and the nature of the work of each project, contract, or subcontract. The registrar, within a reasonable time, shall forward a copy of the list to the state tax commissioner. The applicant shall include with the application a copy of a certificate of liability insurance naming the registrar as the certificate holder unless the registrar has a current valid certificate of insurance on file, and a certification that the applicant has submitted all payroll taxes, including North Dakota income tax, workforce safety and insurance premiums, and unemployment insurance premiums due at the time of renewal, which documents need not be notarized.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 385

SENATE BILL NO. 2336

(Senators Kessel, Barta, Klein)
(Representatives Kempenich, Warrey)

AN ACT to create and enact eight new sections to chapter 43-09 of the North Dakota Century Code, relating to the regulation of conveyances and elevator contractors, mechanics, and inspectors; to amend and reenact sections 43-09-01 and 43-09-02 of the North Dakota Century Code, relating to definitions applicable to conveyance regulation and the membership of the state electrical board; to provide a penalty; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-09-01 of the North Dakota Century Code is amended and reenacted as follows:

43-09-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Alteration" means any substantial change to a conveyance and any part, component, or subsystem of the conveyance, but does not include routine maintenance of a conveyance.
2. "Apprentice electrician" means an individual who is learning the trade under the personal supervision of a state-licensed electrician.
- ~~2-3.~~ "Board" means the state electrical board.
- ~~3-4.~~ "Class B electrician" means an individual who has the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment in accordance with the standard rules and regulations governing such work, who has eighteen months' experience in farmstead or residential wiring, and passed an examination before the state electrical board based upon the national electrical code as it applies to farmstead or residential wiring.
5. "Conveyance" means an elevator, escalator, stairway chairlift, platform lift, stage lift, orchestra lift, hoist, dumbwaiter, moving walk, automated people mover, automated-type parking structure, wind turbine elevator, or other device used for moving individuals, materials, equipment, or other objects from one landing or location to another.
6. "Elevator contractor" means any person engaged in the business of constructing, installing, altering, replacing, decommissioning, dismantling, demolishing, removing from service, repairing, servicing, inspecting, or testing a conveyance.
7. "Elevator inspector" means an individual, approved by the board, to inspect and witness a test of a conveyance.

8. "Elevator mechanic" means an individual engaged in elevator contracting.
- 4-9. "Journeyman electrician" means an individual who has the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment and power limited systems in accordance with the standard rules and regulations governing such work.
- 5-10. "Licensee" means an individual who holds a valid license issued by the board.
- 6-11. "Master electrician" means an individual who has the necessary qualifications, training, experience, and technical knowledge to plan, lay out, and supervise the installation and repair of electrical wiring apparatus, and equipment for electric light, heat, power, and power limited systems, in accordance with the standard rules and regulations governing such work.
- 7-12. "Nonelectrical system" means a system as defined by the articles contained in chapter 8 and other articles which contains class II or class III circuits and systems as defined by the national electrical code, as adopted by the board. Although the board may expand this definition, the board may not narrow this definition. The term does not include a circuit or system that is installed:
- a. Within an area of special occupancies, as defined under articles 500 through 517 of the national electrical code.
 - b. For heat, light, or power.
 - c. For the control of heat, light, or power, unless the circuit or system employs digital communication.
- 8-13. "Power limited electrician" means an individual who has the necessary qualifications, training, experience, and technical knowledge to plan, layout, and supervise the installation and repair of a power limited system.
- 9-14. "Power limited system" means a system as defined by the articles contained in chapter 8 and other articles which contains class II or class III circuits and systems as defined by the national electrical code, as adopted by the board. Although the board may expand this definition, the term does not include a nonelectrical system.

SECTION 2. AMENDMENT. Section 43-09-02 of the North Dakota Century Code is amended and reenacted as follows:

43-09-02. State electrical board - Members - Terms of office - Vacancies.

The state electrical board must consist of ~~five~~^{six} members appointed by the governor for a term of five years ~~with their terms of office so arranged that one term and only one term expires on June thirtieth of each year.~~ One member of the board shall represent the public and may not be directly associated with the electrical industry. The board must include a master electrician who is a contractor, a journeyman electrician, a consumer member of a rural electric cooperative, an elevator mechanic, and a person associated with an investor-owned utility. A member of the board shall qualify by taking the oath of office required of civil officers and shall hold office until that member's successor is appointed and qualified. The governor shall fill any vacancy by appointment for the unexpired term of office.

SECTION 3. A new section to chapter 43-09 of the North Dakota Century Code is created and enacted as follows:

Powers and duties of the board - Regulation of conveyances - Exceptions.

1. The board shall adopt rules to regulate the inspection and testing of conveyances and to implement applicable standards published by the American society of mechanical engineers. The board shall publish testing and inspection forms based on the rules and standards adopted by the board.
2. The board shall establish procedures for monitoring compliance with this chapter and receiving and investigating complaints.
3. The board may grant an exception or variance from the requirements of board rules if the exception or variance will not jeopardize the public safety and welfare.
4. The board shall hold hearings and hear appeals on disciplinary matters under sections 4 through 10 of this Act.
5. The board shall establish fee schedules for permits, certificates, inspections, and tests. The fees must reflect the actual costs and expenses to conduct the duties of the board.
6. The rules adopted by the board may not apply to an elevator located in a single-family private residence, a facility used for the purpose of energy generation, an industrial conveyance the primary purpose of which is not the movement of individuals, or a conveyance used in an agricultural facility.

SECTION 4. A new section to chapter 43-09 of the North Dakota Century Code is created and enacted as follows:

Conveyance permit required.

1.
 - a. Within six months from the effective date of this Act, the owner of a conveyance shall register the conveyance with the board.
 - b. The owner of a new elevator or other conveyance must register the conveyance with the board within thirty days after the conveyance has been inspected and approved.
 - c. When registering a conveyance, the owner shall provide to the board the type of the conveyance, the rated load, the number of landings and speed of the conveyance, the name of the manufacturer of the conveyance, the location of the conveyance, the purpose for which the conveyance is used, and any additional information the board may require.
 - d. When a conveyance subject to this chapter is decommissioned or otherwise taken out of service, the owner responsible for the equipment shall notify the board within six months to request the conveyance be removed from the registration list.
2. Before an installation or alteration may be commenced on a conveyance, an elevator contractor shall apply to the board for a permit.
3. An application for a permit must include:

- a. A copy of the specifications for the conveyance and must be accurately scaled and include fully dimensional plans showing the location of the installation in relation to the plans and elevation of the building.
 - b. An illustration of each detail of construction and design, including electrical drawings.
 - c. The location of the machinery space, machine room, control space, or control room and the equipment to be installed, relocated, or altered.
 - d. All structural supporting members of the conveyance, including foundations.
 - e. A description of the materials to be employed and all loads to be supported or conveyed.
 - f. A copy of the written maintenance control program for the conveyance.
4. The elevator contractor shall post the permit at the site of the conveyance while work is in progress. The elevator contractor obtaining the permit shall be responsible for the complete scope of work covered by the permit and ensure any alteration is performed only by a licensed elevator mechanic and performed in accordance the requirements of this chapter and any rules adopted by the board.

SECTION 5. A new section to chapter 43-09 of the North Dakota Century Code is created and enacted as follows:

Conveyance permit revocation or suspension.

The board may revoke or suspend a permit upon a finding:

1. Of a false statement, omission, or misrepresentation of material fact in the permit application or the plans or specifications on which the permit was based.
2. The work detailed under the permit has not been performed in accordance with the application, plans, specifications, or conditions of the permit.
3. The elevator contractor failed or refused to comply with a stop work order from the board.
4. The board determines revocation is necessary to ensure the proper enforcement of this chapter or to protect public or worker safety.

SECTION 6. A new section to chapter 43-09 of the North Dakota Century Code is created and enacted as follows:

Conveyance permit expiration.

1. A permit is deemed expired if:
 - a. The work authorized by the permit is not commenced within six months after the date on which the permit is issued or within a shorter period as specified on the permit; or

- b. After the work has commenced, the work is suspended or abandoned for sixty days or a shorter time specified on the permit.
2. The board may allow an extension under subsection 1.

SECTION 7. A new section to chapter 43-09 of the North Dakota Century Code is created and enacted as follows:

Certificate of operation - Penalty.

1. Upon installation of a conveyance, an elevator contractor responsible for the work shall certify compliance with this chapter, rules of the board, and any applicable industry code or standard.
2. Before a conveyance is placed in operation, the owner of the conveyance shall obtain a certificate of operation from the board. The board may impose a penalty of not less than fifty dollars for the failure to obtain a certificate of operation.
3. A certificate of operation is valid for one year and must be renewed annually. The owner of the conveyance shall pay the required fee before the board may issue a certificate of operation and renewal of a certificate.
4. The owner of the conveyance shall clearly display the certificate on or in each conveyance or in the machine room.

SECTION 8. A new section to chapter 43-09 of the North Dakota Century Code is created and enacted as follows:

Reporting of accidents.

If an incident occurs involving an elevator or other conveyance which results in death or bodily injury to any person which requires hospitalization or other treatment by a medical professional, the owner of the conveyance shall submit to the board a report, on a form prescribed by the board, within forty-eight hours. The report must include the date, time, and place of accident.

SECTION 9. A new section to chapter 43-09 of the North Dakota Century Code is created and enacted as follows:

Inspection and testing of conveyances - Removal from service.

1. The owner of a conveyance shall ensure each conveyance is inspected and tested as required by the board.
2. All work required for inspections and tests of conveyances must be performed by an elevator mechanic and must be witnessed by an elevator inspector.
3. Upon completion of an inspection, the elevator inspector shall provide the owner of the conveyance and the board a written inspection report verifying code compliance or describing any code violations found. If a conveyance fails an inspection, the owner of the conveyance shall remove the conveyance from service until the violations are remedied to the satisfaction of the board.
4. The board shall develop a schedule for required testing and inspection of elevators and conveyances in the state.

SECTION 10. A new section to chapter 43-09 of the North Dakota Century Code is created and enacted as follows:

Elevator inspector and contractor registration.

1. An individual may not inspect any conveyance unless the individual is registered with the board. An individual may apply for registration by completing an application form provided by the board, submitting the application fee, and submitting documentation demonstrating the applicant meets the requirements established by the board by rule.
2. A person may not perform, contract to perform, or advertise to perform alteration or maintenance of conveyances unless that person is registered as an elevator contractor with the board. A registered elevator contractor shall employ at least one elevator mechanic.
3. The board shall create and maintain a list of all registered elevator contractors operating in North Dakota.

SECTION 11. APPLICATION. The requirements of this Act must be phased in as follows:

1. After August 1, 2026, each newly installed or altered conveyance must pass an acceptance test witnessed by an elevator inspector.
2. After August 1, 2026, each traction elevator must pass an acceptance test witnessed by an elevator inspector.
3. After August 1, 2027, each hydraulic elevator, escalator, and moving walk must pass an annual acceptance test witnessed by an elevator inspector.
4. After August 1, 2028, the board shall implement a schedule to meet the five-year full load safety testing requirement.
5. After August 1, 2032, each conveyance must pass a five-year full load safety test witnessed by an elevator inspector.

Approved April 3, 2025

Filed April 3, 2025

CHAPTER 386

HOUSE BILL NO. 1126

(Industry, Business and Labor Committee)
(At the request of the State Board of Cosmetology)

AN ACT to create and enact eleven new sections to chapter 43-11 of the North Dakota Century Code, relating to salon and school inspections, nursing home, basic care facility, and assisted living facility salons, military and military spouse reciprocity licensure, advanced esthetician licensing and late renewals for establishments and schools; to amend and reenact sections 43-11-01, 43-11-02, 43-11-03, 43-11-04, 43-11-05, 43-11-06, 43-11-08, 43-11-10, 43-11-11, 43-11-13, 43-11-14, 43-11-15, 43-11-16, 43-11-16.1, 43-11-19, 43-11-20.3, 43-11-21, 43-11-23, 43-11-24, 43-11-25, 43-11-26, 43-11-27, 43-11-28, and 43-11-29 of the North Dakota Century Code, relating to the practice and licensure of cosmetologists, estheticians, advanced estheticians, manicurists, and instructors; to repeal sections 43-11-11.1, 43-11-17, and 43-11-27.1 of the North Dakota Century Code, relating to the use of brush rollers, licenses issued for schools and salons, and esthetician and manicurist licensing qualifications and fees; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-11-01 of the North Dakota Century Code is amended and reenacted as follows:

43-11-01. Definitions.

In this chapter, ~~unless the context or subject matter otherwise requires:~~

1. "Ablative esthetic procedure" means an esthetic procedure to excise, vaporize, disintegrate, or remove living tissue. Ablative procedures may not be performed by cosmetologists, estheticians, advanced estheticians, or manicurists.
2. "Advanced esthetician" means an individual who practices advanced esthetics and esthetics.
3. "Advanced esthetics" means the practice of advanced cosmetic preparations or procedures using the hands or a mechanical or electronic apparatus for esthetic purposes.
 - a. The term includes:
 - (1) Advanced chemical peels;
 - (2) Microneedling;
 - (3) Nonablative procedures; and
 - (4) Extractions using lancets.

b. The term does not include:

- (1) Procedures to treat a medical, physical, or mental ailment; or
- (2) Ablative esthetic procedures.

4. "Apprentice" means an individual who is:

- a. At least sixteen years of age;
- b. Employed in an apprenticeable occupation; and
- c. Registered in North Dakota by the office of apprenticeship of the United States department of labor.

5. "Apprentice program" means a program registered with the office of apprenticeship of the United States department of labor, meeting the terms and conditions for qualifications, recruitment, selection, employment, and training of apprentices, including the requirement for a written apprenticeship agreement between an apprentice and an active licensee in an active licensed establishment in accordance with the rules adopted by the board.

6. "Apprentice trainer" means an individual who trains an apprentice in an approved apprenticeship program and who is approved by rule of the board.

7. "Approved apprenticeship establishment" means an establishment approved by rule of the board.

8. "Board" means the state board of cosmetology.

2-9. "Cosmetologist" means an individual licensed under this chapter to practice cosmetology.

3-10. "Cosmetology" means any one or a combination of practices generally and usually performed by and known as the occupation of beauty culturists or cosmeticians or cosmetologists or hairdressers, or of any other individual holding out as practicing cosmetology by whatever designation and within the meaning under this chapter and in and upon whatever place or premises.

a. The term includes:

- (1) Hair care, including arranging, dressing, curling, waving, permanent waving, cleansing, cutting, shaving, trimming, singeing, bleaching, coloring, straightening, or similar work, upon the hair of any individual by any means or with hands or mechanical or electrical apparatus or appliances;
- (2) ~~Skin care~~ Esthetics;
- (3) Manipulation and application of product to eyelashes and eyebrows, including extensions, design, treatment, tinting, and lightening;
- (4) Hair extensions using chemical hair joint agents, such as synthetic tape, keratin bonds, or fusion bonds; and
- (5) Manicuring.

b. The term does not include natural hair braiding or threading.

4-11. "Esthetician" means an individual licensed under this chapter to practice esthetics ~~and skin care.~~

5-12. "Esthetics" means ~~manipulation and application of product to eyelashes and eyebrows, including extensions, design, treatment, tinting, and lightening and skin care.~~ the practice of a variety of services to beautify or improve the appearance of the skin.

a. The term includes:

(1) Beautifying, massaging, cleansing, or stimulating the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams;

(2) Use of a device to care for the skin, including microdermabrasion, dermaplaning, or high frequency;

(3) Cosmetic peels using a concentration of less than:

(a) Thirty percent alpha hydroxy acid;

(b) Twenty percent beta hydroxy acid;

(c) Fifteen percent resorcinol; or

(d) Fifteen percent trichloroacetic acid;

(4) Application of cosmetics, eyelashes, or eyelash extensions;

(5) Perming, laminating, tinting, or lightening eyebrows, eyelashes, or other hair on the body; or

(6) Depilating, tweezing, shaving, sugaring, or waxing hair from the body.

b. The term does not include:

(1) Any procedure invading living tissue below the stratum corneum layer of the epidermis by any means;

(2) Threading hair removal; or

(3) Advanced esthetic procedures.

6-13. "Independent licensee" ~~is means~~ a licensed individual who maintains a separate salon license and operates independently from the establishment owner in which the individual's suite or chair is located practices cosmetology, manicuring, esthetics, or advanced esthetics at a location within, but separate, from a cosmetology establishment. The licensee must abide by the same provisions of this chapter as an establishment.

7-14. "Instructor" means an individual who is a licensed cosmetologist, esthetician, advanced esthetician, or manicurist who teaches cosmetology, esthetics, manicuring, or other practices within the scope of the individual's license, in a duly registered school of cosmetology, and who has met the requirements of section 43-11-27 and has applied for and received an instructor's license.

8. ~~"Invasive care" means any procedure that invades the live tissue of the dermis by any means, including cutting, puncturing, burning, insertion of instruments, and includes:~~

~~a. Laser use; and~~

~~b. Chemical peels using:~~

~~(1) Thirty percent or higher concentration of alpha hydroxy acid;~~

~~(2) Twenty percent or higher concentration of beta hydroxy acid;~~

~~(3) Two percent or higher concentration of resorcinol;~~

~~(4) Fifteen percent or higher concentration of trichloroacetic acid (TCA); or~~

~~(5) Fifteen percent or higher concentration of phenol.~~

9-15. "Manicuring" means:

a. Cleansing, cutting, shaping, or beautifying nails;

b. Massaging from the elbow to the fingertips or knee to toes of any individual;

c. Caring for and treating the cuticles and nails; and

d. The application and removal of sculptured or otherwise artificial nails by hand or with mechanical or electrical apparatus or appliances.

40-16. "Manicurist" means an individual licensed under this chapter to practice manicuring.

44-17. "Master cosmetologist" means an individual who has met the requirements of section 43-11-26 and has applied for and received a master cosmetologist license.

42-18. "Master esthetician" means an individual who has met the requirements of section 43-11-26 and has applied for and received a master esthetician license.

43-19. "Master manicurist" means an individual who has met the requirements of section 43-11-26 and has applied for and received a master manicuring license.

14. ~~"Mechanical device" means a clip, comb, crochet hook, curler, curling iron, hairpin, roller, scissors, blunt tipped needle, thread, and hair binder.~~

45-20. ~~"Natural hair braiding" means the service of twisting, wrapping, weaving, extending, locking, or braiding hair by hand or with a mechanical device. Natural hair braiding is commonly known as "African style hair braiding" but is not limited to any particular cultural, ethnic, racial, or religious forms of hairstyles. hair manipulation that results in tension on hair strands by beading, braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving, or wrapping human hair, natural fibers, synthetic fibers, and hair extensions into a variety of shapes, patterns, and textures by hand or by using simple hair braiding devices.~~

a. The term includes:

- ~~(1) The use of natural or synthetic hair extensions, natural or synthetic hair and fibers, and decorative beads and other hair accessories;~~
- ~~(2) Minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair;~~
- ~~(3)(1) The making of wigs from natural hair, natural fibers, synthetic fibers, and hair extensions; and~~
- ~~(4)(2) The use of topical agents, such as conditioners, gels, moisturizers, oils, pomades, and shampoos, in conjunction with performing services under paragraph 1 or 2; and~~

(3) The maintenance of natural hair braids.

b. The term does not include: the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles, or chemical hair bleaching agents applied to growing human hair.

- ~~(1) The application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl, or alter the structure of the hair; or~~
- ~~(2) The use of chemical hair joining agents, such as synthetic tape, keratin bonds, or fusion bonds.~~

c. For purposes of this section, "simple hair braiding devices" means clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, thread, and hair binders, including adhesives, required for hair braiding.

21. "Nonablative esthetic procedure" means the use of a laser, light, or energy device for the purpose of skin rejuvenation, body contouring, dyschromia reduction, cellulite reduction, hair removal, hair reduction, or tattoo removal and is not intended to excise, vaporize, disintegrate, or remove living tissue.

46-22. "Noninvasive care" includes treatments confined to the nonliving cells of the stratum corneum of the epidermis. Noninvasive care must be in a superficial mode and not for the treatment of medical disorders, and living cells may not be altered, cut, or damaged means procedures or services limited to nonliving cells in the stratum corneum layer of the epidermis.

47-23. "Salon" means an establishment in a fixed location, not used as sleeping or living quarters, licensed under this chapter where cosmetology services are provided.

48-24. "School of cosmetology" means an establishment operated for the purpose of teaching cosmetology, esthetics, advanced esthetics, or manicuring.

49. "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, performing noninvasive hair removal, including waxing and tweezing, beautifying, or similar noninvasive care and work on the body of any individual. The term does not include invasive care or threading.

- ~~20-25.~~ "Student" means any individual who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in any school registered or licensed and under the immediate supervision of an instructor licensed as such under this chapter.
- ~~24-26.~~ "Student instructor" means a cosmetologist, esthetician, advanced esthetician, or manicurist who is receiving instruction in teacher's training within the scope of the individual's license in a duly registered school of cosmetology.
- ~~22-27.~~ "Threading" means the method of removing hair from the eyebrows, upper lip, or other body part by using cotton thread to pull hair from follicles.
- The term may include the use of an over-the-counter astringent, gel, and powder, tweezers, and scissors, incidental to the removal of hair by threading.
 - The term does not include the use of chemicals, heat, or any type of wax.
- ~~23-28.~~ "Tuition" means the total cost of an individual's cosmetology studies, and does not include books or demonstration kits.

SECTION 2. AMENDMENT. Section 43-11-02 of the North Dakota Century Code is amended and reenacted as follows:

43-11-02. Exemptions from provisions of chapter.

This chapter does not apply to:

- Services provided by individuals practicing cosmetology upon members of the individual's immediate families.
- Services by nurses, undertakers, and morticians lawfully engaged in the performance of the usual and ordinary duties of their vocation.
- Educational activities conducted in connection with any regularly scheduled meeting or any educational activities of any bona fide association of licensed cosmetologists, estheticians, advanced estheticians, or manicurists from which the general public is excluded. For purposes of this subsection, a "bona fide association of cosmetologists" means any organization whose constitution, bylaws, or membership rules establish within said organization a class of membership consisting of licensed cosmetologists, estheticians, advanced estheticians, or manicurists.
- Services provided by retailers or their sales personnel trained in the demonstration of cosmetics application if the cosmetics are applied only with disposable applicators that are discarded after each customer demonstration. The board may adopt rules to ensure sanitary conditions for services provided under this exemption.
- Services provided in a licensed hospital, basic care facility, or a nursing home by an individual practicing cosmetology on a volunteer basis without compensation or by a ~~nurse's assistant~~ facility staff.

6. ~~Skin care~~Advanced esthetic procedures provided by a licensed ~~cosmetologist or esthetician outside of a licensed salon if the services are being provided under the supervision, control, and responsibility of a physician;~~
 - a. Physician or physician assistant practicing ~~within the scope of the physician's or physician assistant's license under chapter 43-17; or nurse;~~
 - b. Nurse practicing ~~within the scope of the nurse's license under chapter 43-12.1;~~
 - c. Dentist or dental surgeon practicing under chapter 43-28;
 - d. Optometrist practicing under chapter 43-13; or
 - e. Chiropractor practicing under chapter 43-06.

SECTION 3. AMENDMENT. Section 43-11-03 of the North Dakota Century Code is amended and reenacted as follows:

43-11-03. State board of cosmetology - Appointment - Term - Removal.

The state board of cosmetology consists of ~~five~~seven members appointed by the governor for three years each, with their terms of office so arranged that no more than ~~two~~three terms expire on June thirtieth of each year. Each member shall qualify by taking the oath required of civil officers and shall hold office until a successor is appointed and qualified. The governor may remove from office a member for misconduct, malfeasance, neglect of duty in office, crime in office, gross incompetency, or habitual drunkenness. A vacancy on the board must be filled by appointment by the governor for the unexpired term.

SECTION 4. AMENDMENT. Section 43-11-04 of the North Dakota Century Code is amended and reenacted as follows:

43-11-04. Members of board - Qualifications.

Each member of the board must be ~~a citizen~~an eligible voting resident of this state and have at least three years of practical experience in the occupation. ~~Three of the members of the board must each be a licensed cosmetologist who has had at least three years' practical experience in the occupation. One member of the board must have professional experience as a secondary teacher or as a postsecondary educator. One member of the board must be a licensed health care provider. The board must consist of at least three licensed cosmetologists and one licensed cosmetology instructor, secondary teacher, or postsecondary educator. Three members may be any of the following:~~

1. A licensed cosmetologist;
2. A licensed esthetician;
3. A licensed advanced esthetician; or
4. A licensed manicurist.

SECTION 5. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows:

Material changes.

Material changes to the practice act must be brought to the board before enactment.

SECTION 6. AMENDMENT. Section 43-11-05 of the North Dakota Century Code is amended and reenacted as follows:

43-11-05. Officers of board - Powers - Rulemaking.

1. The members of the board annually shall elect a president and a secretary from the members of the board.
2. The president and the secretary may administer oaths.
3. The board ~~may adopt rules necessary to implement this chapter~~ shall:
 - a. Adopt and enforce rules to administer this chapter after collaborating with affected parties;
 - b. Employ administrative staff and additional staff positions as needed;
 - c. Set fees, manage funds, and authorize expenditures necessary for board operations;
 - d. Collect and analyze data;
 - e. Maintain a registry of licensees and registered individuals;
 - f. Issue licenses for cosmetologists, estheticians, advanced estheticians, manicurists, instructors, establishments, independent licensees, and schools;
 - g. Adopt and enforce rules for continuing competence of licensees and registrants;
 - h. Regulate cosmetology practices; and
 - i. Issue practice statements regarding the interpretation and application of this chapter.

SECTION 7. AMENDMENT. Section 43-11-06 of the North Dakota Century Code is amended and reenacted as follows:

43-11-06. Compensation of members of board - How paid.

Each appointed member of the board is entitled to receive compensation in ~~the~~an amount ~~provided for members of the legislative management under section 54-35-10 for each day employed in the actual discharge of official duties, as determined by the board by rule, for services rendered in the performance of the member's duties under this chapter.~~ Expenses incurred by a board member in the performance of an official function are payable by the board pursuant to sections 44-08-04 and 54-06-09. The compensation and expenses of all members of the board must be paid from the license fees and other sources of income of the board.

SECTION 8. AMENDMENT. Section 43-11-08 of the North Dakota Century Code is amended and reenacted as follows:

43-11-08. Meetings of the board.

The board shall meet at least ~~twice each year~~ every other month at times determined by the board. The board shall publish annually the time and place of its regularly scheduled meetings. A majority of the members constitutes a quorum.

SECTION 9. AMENDMENT. Section 43-11-10 of the North Dakota Century Code is amended and reenacted as follows:

43-11-10. Records of board - Fees - Expenses - How paid.

The secretary of the board shall keep a record of the board's proceedings and a register of applicants for licensure showing the name of the applicant, the name and location of the applicant's place of occupation or business, and whether the applicant was granted or refused a license. The books and records of the board are prima facie evidence of matters therein contained and constitute public records. All fees and payments required to be paid by applicants for examinations or licenses must be deposited with the secretary of the board. The secretary shall pay all expenses incurred in the operation of maintaining an office for the purpose of carrying out this chapter from fees and other income. The secretary may delegate authority under this section to administrative support staff.

SECTION 10. AMENDMENT. Section 43-11-11 of the North Dakota Century Code is amended and reenacted as follows:

43-11-11. Rules of cleaning and disinfecting - Practice outside salon.

The board with the approval of the department of health and human services shall adopt rules of cleaning and disinfecting necessary to prevent the creating and spreading of infectious and contagious diseases. A cosmetologist, esthetician, advanced esthetician, or manicurist may practice outside of a licensed salon establishment under rules adopted by the board. The board shall inspect salon establishments and schools to assure compliance with rules of cleaning and disinfecting.

SECTION 11. AMENDMENT. Section 43-11-13 of the North Dakota Century Code is amended and reenacted as follows:

43-11-13. License required.

An individual may not:

1. Advertise, engage in, or attempt to engage in ~~the occupation of cosmetology, nor conduct a cosmetology salon or school of cosmetology unless having first obtained a license~~ the practice of cosmetology, esthetics, advanced esthetics, or manicuring, or conduct an establishment or school of cosmetology unless having first obtained the proper license.
2. Employ an unlicensed individual to perform cosmetology unless otherwise provided under this chapter.

SECTION 12. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows:

Noninvasive care limitation - Advanced esthetic exception.

1. The practice of cosmetology, manicuring, or esthetics is limited to noninvasive care. A cosmetologist, manicurist, or esthetician may not alter, cut, puncture, or damage any living cells whether superficially or through the use of laser, light, or energy.

2. Certain advanced esthetic services, as determined by rules adopted by the board, may be limited in scope or required to be performed under the supervision or direction of a physician or physician assistant licensed under chapter 43-17 or an advanced registered nurse licensed under chapter 43-12.1, who is sufficiently trained or certified in the procedure being supervised.

SECTION 13. AMENDMENT. Section 43-11-14 of the North Dakota Century Code is amended and reenacted as follows:

43-11-14. Licenses - Board to issue - Form - Displayed.

The board may issue all licenses provided for under this chapter. Each license issued must be:

1. Signed by the secretary of the board;
2. Attested by the seal of the board; and
3. Displayed in clear view to the public ~~where services are being provided.~~

SECTION 14. AMENDMENT. Section 43-11-15 of the North Dakota Century Code is amended and reenacted as follows:

43-11-15. Salon establishment ownership and operation.

1. ~~A salon~~An establishment may be owned by any person authorized to do business in this state.
 - ~~a. A cosmetology salon must be supervised by a master cosmetologist.~~
 - ~~b. A salon providing only skin care or esthetics must be supervised by a master cosmetologist or master esthetician.~~
 - ~~c. A manicuring salon must be supervised by a master cosmetologist or master manicurist.~~
2. The board shall determine the qualifications by rule for licensure and license fees for ~~a salon license~~an establishment.

SECTION 15. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows:

Inspections of establishments, independent licensees, and schools.

1. Each new establishment, independent licensee, and school must be inspected by the board or the board's designee to determine compliance with the laws, rules, and regulations of this chapter as determined by the board.
2. Each establishment, independent licensee, and school must be subject to routine inspections as determined by the board.
3. An establishment, independent licensee, or school may be subject to additional inspections if the establishment, independent licensee, or school:
 - a. Had a violation in a previous inspection;

- b. Changed ownership;
 - c. Did not timely renew the license; or
 - d. Is on probation because of disciplinary action from the board.
4. A reinspection fee, determined by the board, may be charged for additional inspections under subsection 3.
5. Inspections must be made during the establishment's regular hours of operation, or anytime the instruction or practice of cosmetology, esthetics, advanced esthetics, or manicuring is conducted, unless otherwise agreed by all interested persons.
6. Inspections may be authorized by the board or its executive director and the authorized inspection may be conducted with or without notice to the licensee.

SECTION 16. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows:

Inspection generated by a complaint.

- 1. Each establishment, independent licensee, and school may be subject to inspection by the board or its designee, in response to a specific complaint filed with the board for a violation of a law, rule, or regulation under this chapter.
- 2. Any inspection generated by a complaint may be authorized by the board or the board's executive director at any time.

SECTION 17. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows:

Refusal to allow inspection.

Refusal to allow or interference with any inspection by the board or the board's designees is cause for disciplinary action.

SECTION 18. AMENDMENT. Section 43-11-16 of the North Dakota Century Code is amended and reenacted as follows:

43-11-16. Schools of cosmetology - Qualifications for licensure.

- 1. A license must be granted to a school ~~of cosmetology~~ upon an application to the board and the payment of the license fee if the school:
 - a. Is operated and maintained in premises separate from ~~any cosmetology salon or establishment~~;
 - b. Requires training and instruction to be a minimum of ~~one~~:
 - (1) One thousand five hundred hours ~~of training and instruction~~ in cosmetology, ~~six~~;
 - (2) Six hundred hours ~~of training and instruction~~ in esthetics, ~~or three~~;

- (3) Three hundred fifty hours of training and instruction in manicuring, not to exceed eight hours per day; or
- (4) Eleven hundred hours for advanced esthetics;
- c. Employs at least two full-time equivalent licensed instructors and maintains a maximum student-to-instructor ratio of twenty-four-to-one based on current enrollment, except a school that provides training and instruction limited to esthetics, advanced esthetics, or manicuring shall maintain a maximum student-to-instructor ratio of twelve-to-one based on current enrollment;
- d. Possesses apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum;
- e. Maintains a record of the attendance and performance of each student;
- f. Maintains regular class and instruction hours to include practical demonstrations and theoretical studies supplemented by audiovisual aids, and studies in sanitation, disinfection, sterilization, infection control, and other safety measures and the use of antiseptics, cosmetics, and electrical appliances consistent with the practical and theoretical requirements as applicable to cosmetology all curriculums;
- g. Agrees not to:
- (1) Permit any student to practice on any individual who is not an instructor or registered student of the school until the student has completed at least twenty percent of the total hours of instruction required under this chapter and only if the practice is under the immediate direction and supervision of a licensed instructor; or
- (2) Compensate any of the school's basic students in any way; and
- h. At the time of application for licensure and upon the renewal of a license, furnishes to the board, and maintains in force at all times the license is in effect, a bond in the penal sum of ten thousand dollars. The bond must run in favor of the board, as agent of the state, and must be furnished by a surety company authorized to do business in this state. It must be conditioned upon the bonded school's providing its registered students with the full course of instruction required under this chapter and must provide for a refund of a proportionate amount of each student's tuition fee upon default.
2. A student enrolled in the training or who has completed the training of the esthetician or cosmetologist curriculum in part or as a whole at a board-licensed school or who is a holder of an active North Dakota license as a cosmetologist or esthetician license may receive up to six hundred hours credit toward advanced esthetics requirements as allowed by rule.
- 2-3. Any school that enrolls student instructors shall set up an adequate course of training with the approval of the board and consisting of:

- a. A minimum of two hundred forty hours for student instructors who have held a cosmetology, esthetician, advanced esthetician, or manicure license for two or more years; or
 - b. Four hundred eighty hours for student instructors who have held a cosmetology, esthetician, advanced esthetician, or manicure license less than two years.
4. A school may not have at any one time more than two student instructors for each full-time equivalent licensed instructor actively engaged in the school.

SECTION 19. AMENDMENT. Section 43-11-16.1 of the North Dakota Century Code is amended and reenacted as follows:

43-11-16.1. Internships and apprenticeship programs.

1. The board may establish internships with the schools of cosmetology and may establish apprenticeship programs. The board may adopt, and rules related to the licensure and discipline of interns and apprentices practicing in programs established under this section. Apprenticeship programs allow for direct entry of individuals into an approved training program under this chapter.
2. An apprenticeship establishment participating in the apprenticeship program must:
 - a. Be an approved apprenticeship program conducted in an approved establishment by the state office of apprenticeship; and
 - b. Provide the board with the names of all individuals acting as apprentice trainers.
3. To act as an apprentice trainer, an individual must be approved by the board. To be approved, the trainer must:
 - a. Hold a current license in the practice of which the individual is providing training for a minimum of three consecutive years; and
 - b. Complete board-approved educator training.
4. If an approved apprenticeship program or apprenticeship establishment implements changes affecting the information required to be provided to the board under this section or rules adopted under this section, the revised information must be submitted to the board before implementing the changes.
5. The board or the board's designee shall audit and inspect approved apprenticeship establishments for compliance with this chapter at least annually.
 - a. If the board determines that an approved apprenticeship establishment is not maintaining the standards required by this chapter, written notice must be given.
 - b. An approved apprenticeship establishment that fails to correct the conditions listed in the notice to the satisfaction of the board within a reasonable time may be subject to penalty.

6. An approved apprenticeship establishment shall post a notice to consumers in the reception area of the establishment stating that services may be provided by an apprentice. The notice must state: "This establishment is a participant in a state-approved apprenticeship program. Apprentices in this program are in training and have not yet received a license."

SECTION 20. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows:

Licensed nursing homes, basic care facilities, and assisted living centers.

Any licensed nursing home, basic care facility, or licensed assisted living center that permits licensed cosmetologists to perform services to residents only, and does not advertise as an establishment, is not required to have an establishment license. A licensed cosmetologist located within a licensed nursing home, basic care facility, or assisted living center who performs cosmetology services on nonresidents of the facility must obtain an establishment license.

SECTION 21. AMENDMENT. Section 43-11-19 of the North Dakota Century Code is amended and reenacted as follows:

43-11-19. Students - Registration.

1. A student must:
 - a. Adhere to the laws and rules regarding the practice of cosmetology;
 - b. ~~Have educational qualifications equivalent to completion of four years of high school~~Be at least sixteen years old;
 - c. Complete at least a tenth grade education or equivalent; and
 - ~~e-d.~~ Have enrolled in a school of cosmetology and complied with the preliminary requirements ~~thereof of the school.~~
2. ~~The names and qualifications of all students~~A student registration form for each student must be certified submitted to the board office by each school of cosmetology enrollment. The certification registration form must be accompanied by a processing fee for each student in an amount as may be determined by the board under section 43-11-28.

SECTION 22. AMENDMENT. Section 43-11-20.3 of the North Dakota Century Code is amended and reenacted as follows:

43-11-20.3. Cancellation of contract for instruction.

Any person has the unrestricted right to rescind, revoke, or cancel a contract for a course of instruction at any school ~~of cosmetology~~ after entering into the contract without incurring any tort or contract liability.

SECTION 23. AMENDMENT. Section 43-11-21 of the North Dakota Century Code is amended and reenacted as follows:

43-11-21. Cosmetologist, esthetician, advanced esthetician, manicurist license - Examination required - Application - Examination - Fees.

Each individual who desires to secure a cosmetologist, esthetician, advanced esthetician, or manicurist license shall file with the board a written application under oath on a form supplied by the board. The application must be accompanied by ~~all of the following~~:

1. An examination fee ~~as may be fixed by the board pursuant to~~ under section 43-11-28;
2. Satisfactory proof that the applicant has completed the ~~required training in a school of cosmetology~~ board-approved training requirements; and
3. A fee for original licensure as required by section 43-11-28.

SECTION 24. AMENDMENT. Section 43-11-23 of the North Dakota Century Code is amended and reenacted as follows:

43-11-23. Examination.

The examination of applicants for license to practice under this chapter must be conducted under rules adopted by the board and must include ~~both practical demonstrations and written or oral tests in reference to theoretical examinations on~~ the practices for which a license is desired and ~~in reference to related studies or subjects as the board may determine necessary for the proper and efficient performance of a practice. The board may require the practical portion of the examination be conducted by schools of cosmetology as part of graduation requirements. The examination may not be confined to any specific system or method and must be consistent with the practical and theoretical requirements of cosmetology.~~

SECTION 25. AMENDMENT. Section 43-11-24 of the North Dakota Century Code is amended and reenacted as follows:

43-11-24. Cosmetologist, esthetician, advanced esthetician, or manicurist license - When issued - Failure to pass examination - Re-examination.

1. A cosmetologist, esthetician, advanced esthetician, or manicurist license must be issued to any individual who has met all the following requirements:
 - a. Complied with section 43-11-21.
 - b. Passed to the satisfaction of the board the examination of applicants for a license to practice under this chapter.
2. If the applicant fails to pass the examination, the examination fee may not be returned. If an applicant fails to pass an examination, the applicant may be examined again with the payment of a re-examination fee as set forth in section 43-11-28.

SECTION 26. AMENDMENT. Section 43-11-25 of the North Dakota Century Code is amended and reenacted as follows:

43-11-25. Licensure by reciprocity endorsement.

The board may grant licenses under this chapter upon the payment of a fee for original licensure and the reciprocity fee if the following requirements are met:

4. The applicant has:
 - a. ~~Provided satisfactory proof of a license in good standing with the District of Columbia, or any other state, territory, foreign country, or province where the requirements are equally substantial to those in force in this state at the time the application for the license is filed; or~~
 - b. ~~Provided satisfactory proof:~~
 - (1) ~~The applicant is licensed in good standing in any other state, territory, or jurisdiction of the United States to practice cosmetology;~~
 - (2) ~~The applicant worked in the licensed profession for at least three of the past five years; and~~
 - (3) ~~A license granted to the applicant in any other state, territory, or jurisdiction of the United States is not subject to suspension or revocation, or otherwise restricted in any manner for disciplinary purposes.~~
2. The applicant passes to the satisfaction of the board an examination on North Dakota laws, rules, and regulations.
 1. As used in this section, "issuing jurisdiction" means the duly constituted authority in another state, territory, foreign country, or province that issued a license to an individual.
 2. The board shall issue a license to a cosmetologist, esthetician, advanced esthetician, or manicurist applicant:
 - a. Without an examination if the out-of-state applicant:
 - (1) Is licensed by another jurisdiction with similar scope of work through substantially similar or equivalent licensure standards of examination; the other jurisdiction verifies the out-of-state applicant met minimum education requirements to be licensed in that jurisdiction; the out-of-state applicant has maintained good standing in all jurisdictions in which the person holds a license for at least one year before making application to the North Dakota state board of cosmetology;
 - (2) Has not had a license revoked and has not voluntarily surrendered a license in any other issuing jurisdiction or country while under investigation;
 - (3) Pays all applicable fees; and
 - (4) Has not had discipline imposed by any other regulating entity in this state or another issuing jurisdiction or country. If another jurisdiction has taken disciplinary action against the applicant, the board shall determine if the cause for the action was corrected and the matter resolved. If the board determines the matter has not been resolved by the jurisdiction imposing discipline, the board shall not issue or deny a license to the person until the matter is resolved.

b. If the following conditions are met:

- (1) The out-of-state applicant is currently licensed by another jurisdiction and the jurisdiction verifies the applicant met the requirements of that jurisdiction;
- (2) Any out-of-state license held by the applicant, is and has been maintained in good standing;
- (3) The applicant provides satisfactory proof of completing the course curriculum by:
 - (a) Completion of the hours required by the board; or
 - (b) Substantially equal work experience, determined at a rate of one thousand hours as equivalent to one hundred course curriculum hours, capped at five hundred hours if gained in the three years immediately preceding the application;
- (4) The applicant's license has not been revoked or voluntarily surrendered in any other issuing jurisdiction while under investigation;
- (5) The applicant has not been disciplined by any other regulating entity in this state or another issuing jurisdiction, or the board determined the cause for the action was corrected and the matter resolved; and
- (6) The applicant pays all applicable fees.

SECTION 27. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows:

Applications to practice cosmetology - Active-duty military members - Veterans - Spouses.

1. Active-duty military members, spouses of active-duty military members, veterans and spouses of veterans, are eligible for provisional licensure under this chapter.
 2. Active-duty military members and spouses of active-duty military members are exempt from having to take an examination to practice under this chapter while on active-duty status, upon filing the following:
 - a. A board-approved application;
 - b. Proof the applicant holds an active license in good standing, or an equivalent, to practice cosmetology in another state, or territory of the United States, for the two years immediately preceding the application, and the applicant's license remains active and in good standing in the original jurisdiction; and
- c. In the case of:
- (1) An application from an active-duty military member, a copy of the member's current military orders or current military identification card; or

- (2) An application from a spouse of an active-duty military member, provide the following:
 - (a) Proof the applicant is married to an active-duty military member by providing a copy of a marriage certificate; and
 - (b) Proof the spouse is assigned to a duty station in this state by providing a copy of the official active-duty military orders or proof the spouse has been assigned to active duty in a foreign country and the applicant is relocating to the state during the spouse's deployment.
- 3. A provisional license issued under subsection 2 must be:
 - a. Valid for three years from the date of original issuance;
 - b. Renewable with proof military orders continue to be active in the state; and
 - c. Issued without a fee.
- 4. For six months following honorable discharge from active duty, veterans and spouses of veterans are exempt from having to take an examination to practice under this chapter and may be issued a provisional license upon filing the following:
 - a. A board approved application;
 - b. Proof the applicant holds an active license in good standing, or an equivalent to practice cosmetology in another state or territory of the United States, for the two years immediately preceding the application, and the applicant's license remains active and in good standing in the original jurisdiction; and
 - c. In the case of:
 - (1) An application from a veteran, a copy of the members discharge papers.
 - (2) An application from a spouse of a veteran, provide the following:
 - (a) Proof the applicant is married to the veteran by providing a copy of a marriage certificate; and
 - (b) A copy of the spouse's discharge papers.
- 5. A provisional license issued under subsection 4 must be:
 - a. Valid for three years from the date of original issuance;
 - b. Nonrenewable; and
 - c. Issued without a fee.
- 6. If discharge of the veteran occurred more than six months prior, veterans and spouses of veterans may be eligible to obtain a license to practice cosmetology in the state under section 43-11-25.

7. The board shall prioritize and expedite an application received under this section from an active-duty military member, the spouse of an active-duty military member, a veteran, spouse of a veteran, or the surviving spouse of a veteran. The board shall record, track, and monitor applications under this section.

SECTION 28. AMENDMENT. Section 43-11-26 of the North Dakota Century Code is amended and reenacted as follows:

43-11-26. Master cosmetologist, master esthetician, and master manicurist - License - Qualifications.

An individual may obtain a master cosmetologist, master esthetician, or master manicurist license upon meeting all the following requirements:

1. Furnishing to the board evidence of having practiced as a cosmetologist, esthetician, or manicurist for at least one thousand hours. Cosmetologists may obtain hours under the direction and control of a master cosmetologist. Estheticians may obtain hours under the direction and control of a master cosmetologist or master esthetician. Manicurists may obtain hours under the direction and control of a master cosmetologist or master manicurist. Cosmetologists and estheticians may obtain a master license under the direction, control, and responsibility of a licensed advanced esthetician, a physician, or a physician assistant practicing within the scope of licensure under chapter 43-17 or a nurse practicing within the scope of the nurse's license under chapter 43-12.1.
2. Paying an original licensure fee as set forth in section 43-11-28.
3. Complying with the other requirements under this chapter applicable to a master license.

SECTION 29. AMENDMENT. Section 43-11-27 of the North Dakota Century Code is amended and reenacted as follows:

43-11-27. Instructor's license - Student instructor's license - Registration - Qualifications.

1. No individual may be licensed as an instructor of cosmetology unless the individual passes a theory and a practical examination required by the board after paying the examination fee set forth in section 43-11-28 ~~and provides evidence of having a general education equivalent to the completion of four years in high school. An applicant shall:~~
 - a. ~~Shall possess~~Possess a current North Dakota license as a cosmetologist, esthetician, advanced esthetician, or manicurist; and ~~must have at least nine hundred sixty hours instructor's training in cosmetology in a school of cosmetology;~~
 - b. ~~Shall possess a current North Dakota license as a cosmetologist, esthetician, or manicurist and must have been actively engaged in the practice under the scope of the applicant's license for at least one year before application for an instructor's license, supplemented by not less than four hundred eighty hours instructor's training in a school of cosmetology or course of training approved by the board; or~~

- ~~e. Shall possess a current North Dakota license as a cosmetologist, esthetician, or manicurist and shall have been actively engaged in the practice of cosmetology for at least three years prior to application for an instructor's license supplemented by not less than one hundred sixty hours instructor's training in a school of cosmetology or course of training approved by the board. No instructor or student instructor may be permitted to practice cosmetology on a patron other than that part of practical work which pertains directly to the teaching of practical operations to students~~
 - b. Complete the required hours of instructor training in a school of cosmetology or course approved by the board.
- 2. An instructor or student instructor may not practice cosmetology on a patron at a school other than as part of practical work pertaining directly to the teaching of students.
- 2-3. Student instructors must be registered with the board. The board must record the name, age, and qualifications of the student instructor in a register. Each school of enrollment shall submit to the board a student instructor registration form for each student instructor. The registration form must be accompanied by a fee for a student instructor in an amount determined by the board under section 43-11-28. A student instructor shall possess, at the time of enrollment, a general education equivalent to the completion of four years in high school and hold a license as a cosmetologist, esthetician, advanced esthetician, or manicurist. Upon completion of the course prescribed for student instructors, the student instructor shall make an application on a form provided by the board and pay a fee as provided in section 43-11-28. The board then shall cause the applicant to be examined for an instructor's license. The examination must be given by a special examining committee comprised of the board, assisted by one person designated by the board. Upon successfully passing the examination theoretical and practical examinations, the board shall issue an instructor's license to the applicant.
- 3-4. No individual is entitled to renew an instructor's license unless the instructor has furnished to the board evidence of completion of the continuing education established by the board by rule.
- 4-5. Licensed estheticians and manicurists may only provide instruction within the scope of practice of the respective licenses determined under this chapter.

SECTION 30. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows:

License requirements - Additional certifications for advanced estheticians.

In addition to the license requirements for an advanced esthetician, a written application and proof of board-approved additional training and certifications must be made to the board before the use of:

- 1. Microneedling pens, rollers, or devices;
- 2. Nonablative devices; or
- 3. Advanced chemical peels.

SECTION 31. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows:

Advanced esthetician license - Grandfather provision.

1. A cosmetologist or esthetician licensed in this state with practical experience of at least one year immediately preceding the enactment date of this Act, may apply for an advanced esthetician license until December 31, 2027, if the applicant:
 - a. Completes a board-approved four-hour safety and infection control training;
 - b. Obtains an active occupational safety and health administration bloodborne pathogens certification;
 - c. Obtains an active board-approved first aid and cardiopulmonary resuscitation certification; and
 - d. Provides:
 - (1) A notarized affidavit from a supervising medical professional certifying the applicant worked under the direct supervision and control of a licensed physician or physician assistant practicing under chapter 43-17, or nurse under chapter 43-12.1, for a minimum of three hundred hours of actual service work within five years immediately preceding application; or
 - (2) Proof of completing one hundred fifty hours of advanced esthetic training approved by the board.
2. A cosmetologist or esthetician licensed in this state who fails to meet the requirements in subsection 1 or fails to apply by December 31, 2027, must complete five hundred hours of training in advanced esthetics in a board-approved program.

SECTION 32. AMENDMENT. Section 43-11-28 of the North Dakota Century Code is amended and reenacted as follows:

43-11-28. Fees and qualifications.

1. The board shall determine the qualifications for licensure of cosmetologists, estheticians, advanced estheticians, manicurists, instructors, establishments, independent licensees, and schools, and may issue licenses upon approval.
2. Fees to be paid by applicants for original registrations, original licenses, renewals, licenses issued upon reciprocity, and examinations as required under this chapter may not exceed the following amounts:

a. Original registrations, licenses, and annual renewals:	MAXIMUM FEE:
(1) ~~Salons, original registration~~	~~\$80.00 per year~~
(2) ~~Salons, renewal~~	~~\$30.00 per year~~
(3) ~~School of cosmetology, original registration~~	~~\$505.00 per year~~
(4) ~~School of cosmetology, annual renewal~~	~~\$205.00 per year~~
(5) ~~Cosmetologist, original license~~	~~\$15.00 per year~~
(6) ~~Cosmetologist, annual renewal~~	~~\$15.00 per year~~

(7) Master cosmetologist, original license	\$25.00 per year
(8) Master cosmetologist, annual renewal	\$20.00 per year
(9) Instructor, original license	\$35.00 per year
(10) Instructor, renewal	\$20.00 per year
(11) Reciprocity license fee	\$105.00 per year
(12) Registration fee for student	\$15.00 per year
(13) Duplicate license	\$10.00 per year
(14) Certification fee	\$20.00 per year

b. Late fees:

(1) Late renewal within one year	\$50.00
(2) Late renewal after one year but before five years	\$150.00

c. Examinations:

(1) Cosmetology practical examination	\$25.00
(2) Instructors practical examination	\$55.00
(3) Written examination fees are set and collected by the administrator of the examination and payment is the responsibility of the applicant.	

a. Fees:

MAXIMUM FEE:

(1) Establishment, original license	\$150.00
(2) Establishment, annual renewal	\$100.00 per year
(3) Independent licensee, original license	\$150.00
(4) Independent licensee, annual renewal	\$100.00 per year
(5) School, original license	\$550.00
(6) School, annual renewal	\$250.00 per year
(7) Advanced esthetician, original license	\$50.00
(8) Advanced esthetician, annual renewal	\$50.00 per year
(9) Cosmetologist, original license	\$50.00
(10) Cosmetologist, annual renewal	\$50.00 per year
(11) Master cosmetologist, original license	\$50.00
(12) Master cosmetologist, annual renewal	\$50.00 per year
(13) Esthetician, original license	\$50.00
(14) Esthetician, annual renewal	\$50.00 per year
(15) Master esthetician, original license	\$50.00
(16) Master esthetician, annual renewal	\$50.00 per year
(17) Instructor, original license	\$50.00
(18) Instructor, renewal	\$50.00 per year
(19) Manicurist, original license	\$50.00
(20) Manicurist, annual renewal	\$50.00 per year
(21) Master manicurist, original license	\$50.00
(22) Master manicurist, annual renewal	\$50.00 per year
(23) Duplicate license	\$20.00
(24) Individual or business name change	\$20.00
(25) Reciprocity license fee	\$105.00
(26) Registration fee for apprentice	\$15.00
(27) Registration fee for apprentice trainer	\$25.00
(28) Registration fee for student	\$15.00
(29) Reinspection fee	\$75.00
(30) Transcript fee	\$20.00
(31) Verification fee	\$20.00

b. Late fees

(1) <u>Individual late renewal within one year</u>	<u>\$50.00</u>
(2) <u>Individual late renewal after one year but before five years</u>	<u>\$150.00</u>
(3) <u>Establishment late renewal within one year</u>	<u>\$50.00</u>
(4) <u>Independent licensee late renewal within one year</u>	<u>\$50.00</u>
(5) <u>Establishment late renewal after one year</u>	<u>\$100.00 per year expired</u>
(6) <u>Independent licensee late renewal after one year</u>	<u>\$100.00 per year expired</u>
(7) <u>School late renewal within thirty days</u>	<u>\$50.00</u>

2-3. The examination administrator shall set and collect examination fees and the applicant shall pay the fee.

4. Fees are not prorated or returnable.

3-5. The board may establish continuing education requirements for cosmetologists, estheticians, advanced estheticians, manicurists, and instructors. The board may adopt rules related to continuing education hours for each license type under this section.

6. The board shall sponsor an educational program for licenseholders to carry out the purposes of protecting the public health and safety and maintaining capable and skilled cosmetologists, estheticians, advanced estheticians, manicurists, and instructors. The board shall use such portion of the renewal fees as the board may determine for the purpose of providing the educational program.

7. A licensee who has maintained an active license issued by this board for forty-five years or more and who is no longer engaged in the active practice of the profession may apply to the board for a legacy status of license not less than ninety days prior to the expiration of their license. Licenses with legacy status expire on December thirty-first of each year and must be renewed annually for a fee of twenty-five dollars. While in legacy status, continuing education hours are not required for renewal. Legacy status does not apply to an instructor license, establishment license, or independent licensee license. A licensee may remove legacy status by:

a. Applying to the board and paying the applicable renewal fee; and

b. Taking the required annual continuing education hours if applicable.

SECTION 33. AMENDMENT. Section 43-11-29 of the North Dakota Century Code is amended and reenacted as follows:

43-11-29. License renewal - Failure to renew.

1. A license issued by the board expires on December thirty-first. If the application for renewal is not received on or before the expiration date, the license expires.
2. The board may renew a license if:
 - a. An application for renewal is submitted as provided by the board;

- b. The renewal fee is paid; and
 - c. Grounds for denial do not exist under section 43-11-31.
3. The holder of an expired license, within one year from and after the date of the license's expiration, may obtain a reinstatement of the license upon:
- a. Payment of the required late fee; and
 - b. Payment of the current renewal fee.
4. The holder of an expired license, one year after the date of expiration but before five years, may obtain a reinstatement of the license upon:
- a. ~~Payment of the required late fee; and~~
 - b. Payment of the current renewal fee; and
- ~~b.c. Furnishing~~ Furnishment to the board of satisfactory proof of passing the North Dakota law, rules, and regulations examination.
5. The board may not reinstate a license if more than five years has lapsed since the license expired. If a license has not been renewed within five years, the individual may reapply for licensure under the requirements of initial licensure as set forth under this chapter.

SECTION 34. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows:

Establishment, independent licensee license renewal - Failure to renew.

- 1. An establishment license issued by the board expires annually on December thirty-first. If the application for renewal is not received on or before the expiration date, the license expires.
- 2. The board may renew a license if:
 - a. An application for renewal is submitted as provided by the board;
 - b. The renewal fee is paid; and
 - c. Grounds for denial do not exist under section 43-11-31.
- 3. The holder of an expired establishment or independent license, within twelve months from the date of the license's expiration, may obtain a reinstatement of the establishment license upon:
 - a. Payment of the required late fee; and
 - b. Payment of the current renewal fee.
- 4. After twelve months from the date of the license's expiration, the holder of an expired establishment or independent license seeking licensure shall pay the required late penalty fee for each year not renewed and reapply for establishment or independent licensure under this chapter.

SECTION 35. A new section to chapter 43-11 of the North Dakota Century Code is created and enacted as follows:

School license renewal - Failure to renew.

1. A school license issued by the board expires annually on December thirty-first. If the application for renewal is not received on or before the expiration date, the license expires.
2. The board may renew a license if:
 - a. An application for renewal is submitted as provided by the board;
 - b. The renewal fee is paid; and
 - c. Grounds for denial do not exist under section 43-11-31.
3. A school license not renewed within thirty days of expiration may be cause for disciplinary action.

SECTION 36. REPEAL. Sections 43-11-11.1, 43-11-17, and 43-11-27.1 of the North Dakota Century Code are repealed.

SECTION 37. EFFECTIVE DATE. This Act becomes effective on January 1, 2026.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 387

HOUSE BILL NO. 1267

(Representatives Warrey, Louser, M. Ruby, Vollmer)
(Senators Barta, Roers)

AN ACT to amend and reenact sections 43-13-01, 43-13-02, 43-13-05, 43-13-07, 43-13-08, 43-13-13, 43-13-13.2, 43-13-13.3, 43-13-15, 43-13-16, 43-13-17, and 43-13-19 of the North Dakota Century Code, relating to optometrist licensure.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-13-01 of the North Dakota Century Code is amended and reenacted as follows:

43-13-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Board" means the North Dakota state board of optometry.
2. "Diagnosis and treatment" means the determination, interpretation, and treatment of any visual, muscular, neurological, interpretative, or anatomical anomaly of the eye which may be aided, relieved, or corrected through visual training procedures or through the use of lenses, prisms, filters, ophthalmic instruments, pharmaceutical agents, or combinations thereof, held either in contact with the eye, or in frames or mountings, as further authorized by this chapter. Laser therapy and the use of invasive surgery are not permitted under this chapter, except superficial foreign bodies may be removed and primary care procedures may be performed.
3. ~~"Optometry" means a primary health care profession whose practitioners are engaged in the evaluation of disorders of the human eye and the examination, diagnosis, and treatment thereof, together with its appendages.~~
"Distant site provider" means a provider of optometric services through telemedicine from a site other than the patient's origination site. A distant site provider must hold an active license to practice optometry in this state.
4. "Optometric services" means any evaluation, examination, diagnosis, or treatment provided for a patient within the scope of practice of optometry. The term includes the prescription of pharmaceutical agents by a provider to a patient.
5. "Pharmaceutical agent" means diagnostic pharmaceutical agents or therapeutic pharmaceutical agents. The term includes nonscheduled pharmaceutical agents, except for acetaminophen with thirty milligrams of codeine, that have documented use in the treatment of ocular-related disorders or diseases. As used in this subsection:
 - a. "Diagnostic pharmaceutical agents" means pharmaceutical agents administered for the evaluation and diagnosis of disorders of the human eye including anesthetics, mydriatics, myotics, cycloplegics, diagnostic dyes, diagnostic stains, and pharmaceutical agents to evaluate abnormal pupil responses.

- b. "Therapeutic pharmaceutical agents" includes topically administered and prescribed pharmaceutical agents for treatment of ocular-related disorders or disease, locally administered pharmaceutical agents for primary eye care procedures, oral anti-infective agents, oral antihistaminic agents, and oral analgesics for the treatment of ocular-related disorders or diseases.

5-6. "Practicing optometry" means:

- a. Displaying a sign or in any way advertising as an optometrist.
- b. Employing any means for the measurement of the powers of vision or the adaptation of lenses for the aid thereof.
- c. Engaging in any manner in the practice of optometry.

SECTION 2. AMENDMENT. Section 43-13-02 of the North Dakota Century Code is amended and reenacted as follows:

43-13-02. Persons exempt from provisions of chapter.

The provisions of this chapter do not apply to the following persons:

1. Persons who sell spectacles, eyeglasses, or other articles of merchandise without attempting to practice optometry.
2. Student interns who are currently enrolled in an optometry school or college accredited by the accreditation council on optometric education of the American optometric association, or its successor agency, or who have graduated no more than ~~three~~six months prior, and are under the immediate and direct supervision of a licensed optometrist.
3. Physicians and surgeons licensed under chapter 43-17.

SECTION 3. AMENDMENT. Section 43-13-05 of the North Dakota Century Code is amended and reenacted as follows:

43-13-05. ~~Secretary~~Executive director of board - Duties - Record - Custodian of fees - Report.

The ~~secretary~~executive director of the board, or the ~~secretary's~~executive director's designee, has the following duties:

1. Keep a full record of the proceedings of the board.
2. Be custodian of all fees coming into the possession of the board.
3. At such times as may be required by the board, furnish a complete statement of receipts and disbursements under oath, together with vouchers, receipts, and such other evidence of the receipts and disbursements as may be required by the board.

SECTION 4. AMENDMENT. Section 43-13-07 of the North Dakota Century Code is amended and reenacted as follows:

43-13-07. Compensation and expenses of board members.

A member of the board shall receive as compensation for each day the member actually is engaged in performing the duties of office a per diem as established by the board, mileage and travel expenses as are provided for in section 54-06-09, ~~and additional allowance for other necessary expenses incurred in attending said meeting not to exceed five dollars per day. All funds collected or received by the board must be deposited and disbursed in accordance with section 54-44-12.~~

SECTION 5. AMENDMENT. Section 43-13-08 of the North Dakota Century Code is amended and reenacted as follows:

43-13-08. ~~Secretary~~Executive director of board - Compensation.

The ~~secretary~~ executive director of the board shall receive for clerical expenses and other expenses of the board an allowance, and a salary or other compensation, as the board shall determine.

SECTION 6. AMENDMENT. Section 43-13-13 of the North Dakota Century Code is amended and reenacted as follows:

43-13-13. Duties of board.

The board has the following duties:

1. To enforce the provisions and carry out the purposes of this chapter.
2. To make and enforce such rules and regulations consistent with law as may be necessary for the proper performance of its duties; the effective enforcement of this chapter; the reasonable regulation of the profession of optometry and the practice thereof by persons licensed under this chapter; and to protect the health, welfare, and safety of the citizens of this state.
3. To proceed in the courts of this state by injunction when considered necessary to restrain any violation of this chapter.
4. To establish the following by rule:
 - a. Application fees;
 - b. License fees;
 - c. Renewal fees;
 - d. Late fees;
 - e. Endorsement fees;
 - f. Licensure verification fee;
 - g. Decorative wall certificate fee; and
 - h. Continuing education fees.

SECTION 7. AMENDMENT. Section 43-13-13.2 of the North Dakota Century Code is amended and reenacted as follows:

**43-13-13.2. Practice of optometry - Certification requirements -
Notification Requirements to practice optometry - Informed consent.**

1. Any person engaged in visual training procedures or who employs or prescribes lenses, prisms, filters, ophthalmic instruments, or combinations thereof, held either in contact with the eye, or in frames or mounting, to aid, relieve, or correct any visual or ocular anomaly, or holds out as being able to do so, is deemed to be engaged in the practice of optometry.
2. ~~Before any optometrist may prescribe and administer pharmaceutical agents in the treatment and management of ocular diseases, the optometrist must first be certified or qualify for certification in the use of diagnostic pharmaceutical agents. For additional certification to prescribe and administer pharmaceutical agents in the treatment and management of ocular disease, the board shall require at least seventy six hours of didactic instruction and twenty four hours of clinical application of pharmaceutical agents for the treatment and management of ocular diseases. The course for therapeutic certification must be provided by an institution accredited by a regional or professional accrediting organization that is recognized and approved by the United States department of education or the council on postsecondary accreditation.~~
3. An optometrist may not dispense therapeutic pharmaceutical agents, except an optometrist may:
 - a. Provide a patient a drug sample at no cost to the patient; or
 - b. Sell contact lenses or ophthalmic devices that are classified by the federal food and drug administration as a drug.
- 4.3. The board shall provide the board of pharmacy upon request a list of licensed optometrists certified in the use of pharmaceutical agents. An optometric telemedicine provider-patient relationship is established when a patient seeks optometric services from a provider, and the provider agrees to provide optometric services to the patient, except in an emergency. The provider-patient relationship may be expressly created or created through implication; however, the provider-patient relationship is not created through receipt of patient health information by the provider unless a prior provider-patient relationship exists. The initial patient relationship must be established through an eye examination conducted by a licensed optometrist with a physical location in this state.
4. A licensed optometrist may act as a distant site provider and use telemedicine to provide care in accordance with standards of practice established by the board by rule. Telemedicine services may include consultation, diagnosis, and treatment for ocular diseases, provided that the optometrist complies with the regulations under this section. Before providing any optometric services to a patient via telemedicine, the provider first shall provide appropriate verification of the provider's identification, licensure, and current contact information.
5. Informed consent regarding the optometric services to be provided via telemedicine must include, at a minimum, information regarding the provider's technology used to provide optometric services via telemedicine and how to mitigate or resolve any technological disconnection or issue.

SECTION 8. AMENDMENT. Section 43-13-13.3 of the North Dakota Century Code is amended and reenacted as follows:

43-13-13.3. Standard of care – ~~When consultation with physician required.~~

4. An optometrist certified by the board in the use of pharmaceutical agents as provided in this chapter must be held to the same standard of care in the use of such agents as are physicians licensed by the North Dakota board of medicine.

- ~~2. Any optometrist authorized by the board to use pharmaceutical agents shall consult with a physician duly licensed to practice medicine when any diseased or pathological conditions of the eye do not respond to treatment. The consultation must be documented in the patient's record.~~

SECTION 9. AMENDMENT. Section 43-13-15 of the North Dakota Century Code is amended and reenacted as follows:

43-13-15. Unlawful to practice without license - Sale of glasses - Regulations.

Ne

1. A person may not practice optometry in this state unless the person first obtains a license and complies with the requirements of this chapter. ~~Eyeglasses, spectacles, and lenses may be vended as merchandise only:~~
4. ~~To dealers.~~
2. ~~From permanently located and established places of business in this state.~~

~~Any licensed optometrist, however, may fit and vend eyeglasses, spectacles, and lenses at any place in this state. Notwithstanding any other provision of law, it is unlawful for any person, or any entity other than a licensed optometrist or a licensed physician to dispense, fit, or prescribe to the public contact lenses, or any medical appliance having direct contact with the cornea of the eye.~~

SECTION 10. AMENDMENT. Section 43-13-16 of the North Dakota Century Code is amended and reenacted as follows:

43-13-16. Examination required - When given.

Before any person is granted a license to practice optometry in this state, the person must pass an examination required by the board by rule. ~~The examination may be conducted at such times and places as are prescribed by the board.~~

SECTION 11. AMENDMENT. Section 43-13-17 of the North Dakota Century Code is amended and reenacted as follows:

43-13-17. Application for licensure - Contents - Educational requirements - Fee.

1. Any person desiring to take the examination for or to secure a license to practice optometry in this state shall file with the secretary/executive director of the board a written application in the form prescribed by the board. ~~An application for admission by examination must be filed at least fifteen days before the date of the examination.~~ The applicant also shall furnish satisfactory proof that the applicant:

- 4- a. Is at least eighteen years of age;
- 2- b. Is a person of good moral character; and
- 3- c. Is a graduate of an optometry school or college accredited by the council on optometric education.
2. The applicant shall pay to the ~~secretary~~executive director of the board a ~~registration~~an application fee of a reasonable sum fixed by the board by rule.

SECTION 12. AMENDMENT. Section 43-13-19 of the North Dakota Century Code is amended and reenacted as follows:

43-13-19. License - When issued - Fee.

Every applicant for a license to practice optometry in this state who meets the standards required for licensure, including successfully passing the required examination, must be licensed upon payment to the ~~secretary~~executive director of the board of a reasonable sum fixed by the board.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 388

HOUSE BILL NO. 1473

(Representatives Nelson, Mitskog, Murphy, Bahl, O'Brien)
(Senators Axtman, Dever, Lee)

AN ACT to create and enact a new subsection to section 43-15.3-08 of the North Dakota Century Code, relating to prohibited acts of drug manufacturers; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 43-15.3-08 of the North Dakota Century Code is created and enacted as follows:

a. For purposes of this subsection:

- (1) "Contract pharmacy" means a pharmacy that has a contract with a covered entity to receive and dispense drugs to the covered entity's patients on its behalf.
- (2) "Covered entity" means an entity participating or authorized to participate in a federal drug discount program under 42 U.S.C. 256b.
- (3) "Drug" means a drug purchased under reduced pricing under section 340B of the federal Public Health Service Act [42 U.S.C. 201 et seq.] by a covered entity.

b. Except as otherwise provided under section 43-15.3-09, it is a class B misdemeanor for a manufacturer, an agent or affiliate of that manufacturer, virtual manufacturer, or third-party logistics provider of a manufacturer's drugs, to:

- (1) Directly or indirectly deny, restrict, prohibit, or otherwise interfere with the acquisition of a drug by a contract pharmacy on behalf of a covered entity unless receipt of the drug is prohibited by federal law.
- (2) Prohibit a contract pharmacy from dispensing a drug by denying access to the drug.
- (3) Require a covered entity or contract pharmacy to submit any claims, encounter, or utilization data as a condition for acquiring or receiving a drug, unless the claims, encounter, or utilization data sharing is required by federal law.
- (4) Interfere with the ability of a covered entity or contract pharmacy to dispense a drug to an eligible patient of the covered entity.
- (5) Offer or otherwise make available a drug in the form of a rebate, unless in the form of a discount at the time of sale and authorized under federal law.

- c. This subsection does not apply to the limited distribution of a drug as required under 21 U.S.C. 355-1.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 389

HOUSE BILL NO. 1039

(Human Services Committee)

(At the request of the North Dakota Board of Medicine)

AN ACT to amend and reenact subsection 4 of section 43-17.3-01 of the North Dakota Century Code, relating to the definition of licensee eligible for participation in the physician health program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 43-17.3-01 of the North Dakota Century Code is amended and reenacted as follows:

4. "Licensee" means a physician or other health professional under the jurisdiction of the board, and includes an applicant for licensure or regulation by the board and former licensees of the board.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 390

SENATE BILL NO. 2217

(Senator Cleary)

AN ACT to create and enact a new section to chapter 43-20 and a new section to chapter 43-28 of the North Dakota Century Code, relating to volunteer licenses; and to amend and reenact sections 43-20-01.1, 43-20-01.2, 43-20-01.3, 43-20-01.4, 43-20-03, 43-20-05, 43-20-12, 43-20-12.3, 43-20-13, 43-20-13.1, and 43-20-13.2, subsection 6 of section 43-28-02, section 43-28-03, subsection 5 of section 43-28-04, sections 43-28-05, 43-28-06, 43-28-08, 43-28-11, 43-28-13, 43-28-15, 43-28-16.2, and 43-28-18, subsection 1 of section 43-28-18.1, and sections 43-28-18.2 and 43-28-18.3 of the North Dakota Century Code, relating to the licensing and practice of dental hygienists and dentists, and the board of dental examiners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-20-01.1 of the North Dakota Century Code is amended and reenacted as follows:

43-20-01.1. Definitions.

As used in this chapter and chapter 43-28, unless the context otherwise requires:

1. "Dental anesthesia assistant" means an individual authorized to perform anesthesia-related duties under the supervision of a dentist established by rule and does not include individuals issued a permit by the board for the application of local anesthetic, such as block or infiltration anesthesia.
2. "Dental assistant" means an individual who provides dental assistance under the supervision of a dentist and within the scope of practice established by rule and section 43-20-13.
- ~~2-3.~~ "Dental hygienist" means an individual licensed to practice dental hygiene.
- ~~3-4.~~ "Qualified dental assistant" means an individual registered as a qualified dental assistant to provide dental assistance as established by rule.
5. "Qualified dental assistant limited radiology registrant" means an individual registered with the board as a qualified dental assistant limited radiology registrant who may carry out dental assisting duties, including taking radiographs, under the supervision of a dentist as established by rule.
- ~~4-6.~~ "Registered dental assistant" means an individual registered as a registered dental assistant to provide dental assistance as established by rule.

SECTION 2. AMENDMENT. Section 43-20-01.2 of the North Dakota Century Code is amended and reenacted as follows:

43-20-01.2. Dental hygienist licensing.

1. An individual seeking a license, registration, permit, credential, or endorsement related to the practice of dental hygiene in this state shall apply to the executive director of the board on forms prescribed by the board.
2. The application must ~~be verified~~:
 - a. Be verified under oath ~~to the effect that all of the statements contained in the application are true to the applicant's own knowledge, and must be received by the executive director of the board at least thirty days before the board meeting at which the application is considered. The applicant shall enclose with the application~~;
 - b. Contain a recent autographed picture of the applicant; and ~~an~~
 - c. Include the application fee established by the board ~~by rule~~.
3. The board may, by rule, create or modify fees associated with any license, registration, permit, credential, or endorsement. A fee created or modified under this section is not a new fee for purposes of subsection 7 of section 54-35-27.
4. The board may grant a license to practice dental hygiene to an applicant who has met ~~all of~~ the following requirements:
 - 1- a. The applicant is a graduate of a dental hygiene school accredited by the American dental association's commission on dental accreditation.
 - 2- b. The applicant has passed an examination administered by the joint commission on national dental examinations.
 - 3- c. The applicant has passed a clinical competency examination administered by a regional dental testing service or a licensing jurisdiction approved by the board by rule.
 - 4- d. The applicant has passed, within one year of making application, a written examination on the laws and rules governing the practice of dentistry in this state.
 - 5- e. Grounds for denial of the application under section 43-20-05 do not exist.
 - 6- f. The applicant has met any requirement for licensure established by the board by rule.

SECTION 3. AMENDMENT. Section 43-20-01.3 of the North Dakota Century Code is amended and reenacted as follows:

43-20-01.3. Licensure by credential review.

Applications for licensure to practice dental hygiene by credential review must be made on forms provided by the board ~~and submitted thirty days before the examination administered by the board~~. The board may issue a license and certificate of registration to practice dental hygiene to an applicant who meets all of the following requirements:

1. The applicant, for at least three years immediately preceding application, has been licensed in good standing and has been actively practicing dental hygiene in another jurisdiction where the requirements are at least substantially equivalent to those of this state.
2. Grounds for denial of the application under section 43-20-05 do not exist.
3. The applicant has paid to the board the fee established by the board by rule.
4. The applicant has delivered to the board a certificate from the examining or licensing board of every jurisdiction in which the individual is licensed to practice, certifying that the individual is a licensed and registered dental hygienist in good standing in that jurisdiction.
5. The applicant has passed a written examination on the laws and rules governing the practice of dentistry in this state administered by the board at a meeting.
6. The applicant has met any requirement for licensure established by the board by rule.

SECTION 4. AMENDMENT. Section 43-20-01.4 of the North Dakota Century Code is amended and reenacted as follows:

43-20-01.4. License renewal - Audit.

1. Dental hygienist licenses expire on December thirty-first of every odd-numbered year.
2. Licenses may be renewed by December thirty-first of the odd-numbered year by submitting a renewal application, a renewal fee established by the board by rule, and proof of completion of the continuing education requirements established by the board by rule, provided ~~the dental hygienist's license is not revoked or~~ grounds for denial under section 43-20-05 do not exist as determined by the board.
3. If the renewal application, renewal fee, and proof of completion of continuing education are not received by December thirty-first of the odd-numbered year, the license expires and the ~~dental hygienist~~ individual may not practice dental hygiene.
4. Within sixty days after December thirty-first of the odd-numbered year, an expired license may be renewed ~~by submitting~~ if the individual submits the renewal application, renewal fee, proof of completion of continuing education, and a late fee established by the board by rule.
5. Between sixty-one days and one year after December thirty-first of the odd-numbered year, an expired license may be renewed if the individual submits a renewal application, pays the renewal fee, pays an amount equal to twice the late renewal fee, and submits other documentation sought by the board confirming the individual retains the skills necessary to practice.
6. If the renewal application, renewal fee, proof of completion of continuing education, and late fee are not received within ~~sixty days~~ one year after December thirty-first of the odd-numbered year, the license may not be renewed, and the ~~dental hygienist~~ individual must apply for and meet the requirements for licensure to be granted a license.

- ~~6-7.~~ The board may extend the renewal deadlines for a ~~dental hygienist~~ individual providing proof of medical or other hardship rendering the ~~dental hygienist~~ individual unable to meet the deadline.
- 7-8. The board may audit continuing education credits. Each licensee shall maintain certificates or records of continuing education activities for three years. Upon receiving notice of an audit from the board, a licensee shall provide satisfactory documentation of attendance at, or participation in, the continuing education activities listed on the licensee's continuing education form. Failure to comply with the audit is grounds for nonrenewal of or disciplinary action against the license.

SECTION 5. A new section to chapter 43-20 of the North Dakota Century Code is created and enacted as follows:

Volunteer license.

The board may establish rules governing the issuance of a volunteer license to practice dental hygiene to an individual previously licensed in this state or an individual who holds a license in good standing, to practice dental hygiene issued by another state.

SECTION 6. AMENDMENT. Section 43-20-03 of the North Dakota Century Code is amended and reenacted as follows:

43-20-03. Dental hygienists - Practice by.

1. As used in this chapter, "dental hygiene" and the practice thereof means the removal of accumulated matter from the natural and restored surfaces of teeth and from restorations in the human mouth, the polishing of such surfaces, and the topical application of drugs to the surface tissues of the mouth and to the surface of teeth if ~~such acts are performed under the direct, indirect, or general supervision of a licensed dentist. General supervision may be used if the procedures are authorized in advance by the supervising dentist, except procedures which may only be used under direct supervision as established by the board by rule.~~
2. Only a person licensed as a dental hygienist may be referred to as a dental hygienist. ~~Additional~~
3. The board may outline by rule additional tasks permitted to be performed by licensed dental hygienists ~~may be outlined by the board of dental examiners by appropriate rules.~~

SECTION 7. AMENDMENT. Section 43-20-05 of the North Dakota Century Code is amended and reenacted as follows:

43-20-05. Licenses and registrations - Denial and discipline.

1. The board may deny an application for or take disciplinary action against a dental hygienist's license or a registered or qualified dental assistant's registration, upon any one or more of the following grounds:
4. a. Gross immorality or unprofessional conduct, which includes knowingly failing to comply with commonly accepted national infection control guidelines and standards.

2. b. Failure, neglect, or refusal to renew a license biennially.
3. c. Nonobservance or violation of this chapter, or of any board rule adopted under this chapter.
4. d. Gross incompetency in the practice of dental hygiene.
5. e. Conviction of an offense determined by the board to have a direct bearing on the individual's ability to serve the public as a dental hygienist or a registered or qualified dental assistant, or the board determines, following conviction for any offense, that the individual is not sufficiently rehabilitated under section 12.1-33-02.1.
6. f. Been adjudged mentally ill and not judicially restored by the regularly constituted authorities, or having a physical or mental disability materially affecting the ability to carry out the duties within the scope of practice in a competent manner.
7. ~~Abused, is dependent on, or addicted to the~~
 - g. The use of alcohol or drugs to such a degree as to interfere with the licensee's ability to safely perform the duties within the scope of practice for dental hygiene or dental assisting.
8. h. Engaged in fraud or deceit in obtaining a dental hygiene license or dental assisting registration.
9. i. Disclosed confidential information.
10. j. Received a fee for the referral of patients to a dentist or dental hygienist.
11. k. Used unethical measures to draw dental patronage from the practice of another licensee.
12. l. Fraudulently prescribed or dispensed drugs or medications.
13. m. Knowingly submitted misleading, deceptive, untrue, or fraudulent information on a claim form, bill, or statement to a third party.
14. n. Advised or directed patients to dental laboratories or dental laboratory technicians for a dental service or advised or directed patients to deal directly with laboratories or dental laboratory technicians.
15. o. Violated the code of ethics adopted by the board by rule.
16. p. Had a registration or license suspended, revoked, or disciplined in another jurisdiction.
17. q. Failed to report to the board in writing within sixty days a violation of this chapter or chapter 43-28.
18. r. Practiced outside the scope of practice established by the board by rules and this chapter.
 - s. Failed to fully and completely cooperate in any investigation initiated by the board, including the failure to promptly provide any information legally sought by the board, its investigative panel, its investigators, or its authorized agents.

t. Noncompliance with the terms of a program contracted for under section 43-28-06.

2. The procedure ~~to be followed~~ for taking disciplinary action under this section must be the same as ~~the procedure~~ required by section 43-28-18.2.

SECTION 8. AMENDMENT. Section 43-20-12 of the North Dakota Century Code is amended and reenacted as follows:

43-20-12. Dental hygienist - Scope of permitted practice.

A licensed dentist may delegate to a competent dental hygienist those procedures over which the dentist exercises full responsibility, except those procedures that require professional judgment and skill ~~such as in~~ diagnosis and, treatment planning, ~~or the cutting of hard or soft tissue, or any intraoral procedure which would lead to the fabrication of any appliance that, when worn by the patient, would come in direct contact with hard or soft tissue and which could result in tissue irritation or injury.~~ The board of dental examiners may adopt rules governing the scope of practice of dental hygienists.

SECTION 9. AMENDMENT. Section 43-20-12.3 of the North Dakota Century Code is amended and reenacted as follows:

43-20-12.3. Supervised administration of ~~anesthesia~~local anesthetic - Board rules.

A licensed dentist may delegate to a dental hygienist licensed by the board the administration of block and infiltration anesthesia to a patient ~~who is at least eighteen years old.~~ The dental hygienist administering local anesthetic under this section must be under the direct supervision of a dentist, as established by rule, and the dental hygienist must complete the educational requirements as required by the commission on dental accreditation and approved by the board. The board shall adopt rules to implement this section.

SECTION 10. AMENDMENT. Section 43-20-13 of the North Dakota Century Code is amended and reenacted as follows:

43-20-13. Dental assistant - Scope of permitted practice.

A dental assistant is an auxiliary to the practice of dentistry. To the extent applicable and to the extent they are not inconsistent with this chapter, the requirements and rules adopted by the board of dental examiners under chapter 43-28 apply to the practice of dental assistants. A dentist may delegate to a dental assistant who is under that dentist's ~~direct, indirect, or general~~ supervision procedures over which the dentist exercises full responsibility as provided by rules adopted by the board ~~of dental examiners.~~

SECTION 11. AMENDMENT. Section 43-20-13.1 of the North Dakota Century Code is amended and reenacted as follows:

43-20-13.1. Registration renewal - Continuing education audit.

1. All ~~registrations of registered and qualified dental assistants~~assistant registrations, including any permits, credentials, or endorsements issued by the board, expire on December thirty-first of every even-numbered year.

2. A registration may be renewed by submitting a renewal application, renewal fee established by the board by rule, and proof of completion of the continuing education requirements established by the board by rule, provided the registration is not revoked or grounds for denial under section 43-20-05 do not exist.
3. If the renewal application, renewal fee, and proof of completion of continuing education are not received by December thirty-first of the even-numbered year, the registration expires and the ~~registered or qualified dental assistant~~ individual may not practice as a registered or qualified dental assistant.
4. Within sixty days after December thirty-first of the even-numbered year, an expired registration may be renewed by submitting the renewal application, renewal fee, proof of completion of continuing education, and a late fee established by the board by rule.
5. Between sixty-one days and one year after December thirty-first of the odd-numbered year, an expired license may be renewed if the individual submits a renewal application, pays the renewal fee, pays an amount equal to twice the late renewal fee, and submits other documentation sought by the board confirming the individual retains the skills necessary to practice.
6. If the renewal application, renewal fee, proof of completion of continuing education, and late fee are not received within ~~sixty days~~ one year after December thirty-first of the even-numbered year, the registration may not be renewed, and the ~~registered or qualified dental assistant~~ individual must apply for and meet the requirements for registration to be granted registration.
- 6-7. The board may extend the renewal deadline for a ~~registered or qualified dental assistant~~ individual providing proof of medical or other hardship rendering the ~~registered or qualified dental assistant~~ individual unable to meet the deadline.
8. The board may audit continuing education credits. Each dental assistant who is required to be registered with the board shall maintain certificates or records of continuing education activities for three years. Upon receiving notice of an audit from the board, a dental assistant shall provide satisfactory documentation of attendance at, or participation in, the continuing education activities listed on the dental assistant's continuing education form. Failure to comply with the audit is grounds for nonrenewal or disciplinary action against the dental assistant.

SECTION 12. AMENDMENT. Section 43-20-13.2 of the North Dakota Century Code is amended and reenacted as follows:

43-20-13.2. ~~Registered and qualified dental assistant registration~~
Registration of dental assistants.

To be registered as a ~~registered or dental assistant~~, qualified dental assistant, dental anesthesia assistant, qualified dental assistant limited radiology registrant, or for any individual to be issued a permit, credential, or endorsement by the board related to dental assisting, an individual shall apply and meet the requirements established by the board by rule.

SECTION 13. AMENDMENT. Subsection 6 of section 43-28-02 of the North Dakota Century Code is amended and reenacted as follows:

6. To a registered nurse, licensed practical nurse, ~~registered~~ dental hygienist, or ~~registered~~ dental assistant who is applying topical fluoride varnish to an individual and is acting under the direct or general supervision of a physician or licensed dentist if the registered nurse, licensed practical nurse, ~~registered~~ dental hygienist, or ~~registered~~ dental assistant has successfully completed a training program approved by the board.

SECTION 14. AMENDMENT. Section 43-28-03 of the North Dakota Century Code is amended and reenacted as follows:

43-28-03. State board of dental examiners - Members - Appointment - Terms of office - Oath - Vacancies.

1. The state board of dental examiners consists of nine members appointed by the governor. The membership of the board must include ~~six~~:
 - a. Six dentist members, at least one of whom is a board-eligible or board-certified oral and maxillofacial surgeon; ~~one~~
 - b. One dental hygienist member; ~~one~~
 - c. One dental assistant member; and ~~one~~
 - d. One independent consumer member.
2. Appointment to the board is for a term of five years, with terms of office arranged so no more than two terms expire on March sixteenth of each year. Each member of the board shall hold office until a successor is appointed and qualified. An individual appointed to the board qualifies by taking the oath required of civil officers.
3. A member may not serve more than ~~ten years~~ or two full and consecutive 5-year appointed terms of office. An appointment to fill a vacancy occurring for reasons other than the expiration of a term may be made only for the remainder of the unexpired term, and does not constitute a full term or apply to term limits.
4. If a member of the board is absent from two consecutive regular meetings, the board may declare a vacancy to exist.
5. All vacancies on the board must be filled by the governor by appointment.

SECTION 15. AMENDMENT. Subsection 5 of section 43-28-04 of the North Dakota Century Code is amended and reenacted as follows:

5. The dental hygienist, dental assistant, and independent consumer member of the board shall exercise full voting privileges in all areas except that the dental hygienist may not participate in the clinical examination of dentists for licensure and the dental assistant and independent consumer member may not participate in the clinical examination of dentists or hygienists for licensure. Each appointee must continue to meet the criteria for appointment for the duration of the appointee's term.

SECTION 16. AMENDMENT. Section 43-28-05 of the North Dakota Century Code is amended and reenacted as follows:

43-28-05. Meeting of board - Officers - Bond - Compensation of members - Quorum.

1. The board shall hold a regular annual meeting at a place designated by the board and special meetings when necessary. ~~At the regular meeting of the board, the members~~ The board shall elect from ~~their number a~~ its members:
 - a. ~~A president, a member who has at least two years remaining on that member's term;~~
 - b. ~~A president-elect, a member who has at least three years remaining on that member's term;~~ and a
 - c. ~~A secretary-treasurer. The executive director shall furnish a bond in the amount fixed by the board.~~
2. Each member of the board shall receive as compensation for each day actually engaged in the duties of the office per diem at a rate established by the board and reimbursement for expenses as provided in section 54-06-09 while attending meetings of the board. The executive director may be paid an annual salary in an amount determined by the board. ~~Four members of the board constitute a quorum but a smaller number may adjourn from time to time.~~

SECTION 17. AMENDMENT. Section 43-28-06 of the North Dakota Century Code is amended and reenacted as follows:

43-28-06. Powers of board.

The board may:

1. Adopt and enforce reasonable rules to govern its proceedings and to carry out this chapter.
2. Examine applicants for licenses, or registration to practice dentistry, dental hygiene, or dental assisting in this state, either by direct examination or by accepting the results of national or regional dental testing services in which the board participates or which the board recognizes.
3. Issue, suspend, revoke, limit, cancel, restrict, and reinstate licenses registrations, permits, credentials, or endorsements related to the practice of dentistry, dental assisting, or dental hygiene and the biennial certificates of registration upon any grounds authorized by this chapter or rules adopted by the board.
4. Issue subpoenas to require the attendance of witnesses and the production of documentary evidence and may administer oaths. Any member or executive officer of the board may administer oaths to witnesses, or issue subpoenas; ~~but all subpoenas so issued must be attested by the secretary who shall affix the seal of the board thereto.~~

5. Employ and compensate an executive director, attorneys, investigative staff, and clerical assistants and may perform any other duties imposed upon the board by this chapter.
6. Establish minimum continuing professional education requirements for dentists, dental hygienists, and dental assistants.
7. Enter an agreement with the same professional organization with which the North Dakota board of medicine has entered an agreement under subsection 6 of section 43-17-07.1 and adopt rules to establish an alternative to discipline program through that contract. Records of an alternative to discipline program, including the identity of a licensee participating in the alternative to discipline program, are exempt records under section 44-04-17.1. Records of an alternative to discipline program may be disclosed by the board if the board determines disclosure of the records is necessary to protect health, safety, and welfare of the public, if ordered by a court of competent jurisdiction, or if otherwise determined by the board. Fees assessed by rule for this program are not new fees as contemplated by subsection 7 of section 54-35-27.
8. Impose fines, not to exceed five thousand dollars for each violation of section 43-28-18.2. All fines collected by the board must be deposited in the general fund.

SECTION 18. AMENDMENT. Section 43-28-08 of the North Dakota Century Code is amended and reenacted as follows:

43-28-08. Records of board - Use as evidence.

The board shall keep full and complete minutes of its proceedings and of its receipts and disbursements and a full and accurate list of all persons licensed and registered by it. ~~The records of the board, together with the list of all licensed and registered dentists, are public records and must be open to public inspection at all reasonable times. Such records, or a transcript of the same or any part thereof, under the seal of the board, duly certified by its secretary treasurer, are competent evidence of the facts therein stated. A certificate of the secretary treasurer under the seal of the board stating that any person is or is not a duly licensed and registered dentist is prima facie evidence of such fact.~~ the board, and shall maintain all records in full compliance with chapter 44-04.

SECTION 19. A new section to chapter 43-28 of the North Dakota Century Code is created and enacted as follows:

Volunteer license.

The board may establish rules governing the issuance of a volunteer license to practice dentistry to an individual previously licensed in this state or an individual who holds a license, in good standing, to practice dentistry issued by another state.

SECTION 20. AMENDMENT. Section 43-28-11 of the North Dakota Century Code is amended and reenacted as follows:

43-28-11. Application - Fees.

1. ~~An individual seeking to practice dentistry in this state shall apply to the executive director of the board on forms prescribed by the board.~~ a license, registration, permit, credential, or endorsement related to the practice of dentistry, shall apply to the executive director on forms prescribed by the board.

2. The application must ~~be verified~~;

a. ~~Be verified under oath to the effect that all of the statements contained in the application are true to the applicant's own knowledge, and must be received by the executive director of the board at least thirty days before the board meeting at which it is considered. The applicant shall enclose with the application;~~

b. ~~Contain~~ a recent autographed picture of the applicant; and ~~an~~

c. ~~Include the~~ application fee ~~as determined~~ established by the board ~~by rule~~.

3. The board may, by rule, create or modify fees associated with any license, registration, permit, credential, or renewal. A fee created or modified under this section is not a new fee for purposes of subsection 7 of section 54-35-27.

SECTION 21. AMENDMENT. Section 43-28-13 of the North Dakota Century Code is amended and reenacted as follows:

43-28-13. When re-examination required.

~~Any dentist~~An individual who does not undertake the actual practice of dentistry within five years from the date of the ~~dentist's individual's~~ license and registration; ~~or any holder of any privilege related to the practice of dentistry~~ shall, before engaging in the practice of dentistry in this state, notify the board of the intention in writing. The board, after a full investigation, may re-examine the ~~dentist individual~~ as to the ~~dentist's individual's~~ qualifications to practice dentistry in this state, if the board deems such re-examination necessary. The failure of the ~~dentist individual~~ to give the written notice to the board before engaging in the practice of dentistry in this state is grounds for disciplinary action.

SECTION 22. AMENDMENT. Section 43-28-15 of the North Dakota Century Code is amended and reenacted as follows:

43-28-15. Licensure by credential review.

1. The board may issue a license and certificate of registration to practice dentistry in this state to an applicant who meets ~~all of~~ the following requirements:

4. a. The applicant, for at least five years immediately preceding application, has been licensed in good standing and has been actively practicing dentistry in another jurisdiction where the requirements are at least substantially equivalent to those of this state-;

2. b. Grounds for denial of the application under section 43-28-18 do not exist-;

3. c. The applicant pays to the board the fee determined by the board by rule-;

4. d. The applicant delivers to the board a certificate from the examining or licensing board of every jurisdiction in which the individual is practicing or is licensed to practice, certifying that the individual is a licensed and registered dentist in good standing in that jurisdiction-;

- ~~5- e.~~ The applicant passes a written examination on the laws and rules governing the practice of dentistry in this state administered by the board at a meeting-; and
- ~~6- f.~~ The applicant meets any requirement for licensure established by the board by rule.
2. The board may issue a license and certificate of registration to practice dentistry in this state to an applicant who is in good standing under the laws of another jurisdiction, has passed a hand skills examination approved by the board, and possesses qualifications, education, and experience substantially similar to the requirements in subsection 1.

SECTION 23. AMENDMENT. Section 43-28-16.2 of the North Dakota Century Code is amended and reenacted as follows:

43-28-16.2. License renewals.

1. Licenses expire on December thirty-first of every odd-numbered year.
2. Licenses may be renewed by December thirty-first of the odd-numbered year by submitting a renewal application, a renewal fee established by the board by rule, and proof of completion of the continuing education requirements established by the board by rule, provided ~~the dentist's license is not revoked~~ or grounds for denial under section 43-28-18 do not exist as determined by the board.
3. If the renewal application, renewal fee, and proof of completion of continuing education are not received by December thirty-first of the odd-numbered year, the license expires and the ~~dentist~~individual may not practice dentistry.
4. Within sixty days after December thirty-first of the odd-numbered year, an expired license may be renewed by submitting the renewal application, renewal fee, proof of completion of continuing education, and a late fee established by the board by rule.
5. Between sixty-one days and one year after December thirty-first of the odd-numbered year, an expired license may be renewed if the individual submits a renewal application, pays the renewal fee, pays an amount equal to twice the late renewal fee, and submits other documentation sought by the board confirming the individual retains the skills necessary to practice.
- ~~6.~~ If the renewal application, renewal fee, proof of completion of continuing education, and late fee are not received within ~~sixty days~~one year after December thirty-first of the odd-numbered year, the license may not be renewed, and the ~~dentist~~individual must apply for and meet the requirements for licensure to be granted a license.
- ~~6-7.~~ The board may extend the renewal deadlines for a ~~dentist~~an individual providing proof of medical or other hardship rendering the ~~dentist~~individual unable to meet the deadline.

SECTION 24. AMENDMENT. Section 43-28-18 of the North Dakota Century Code is amended and reenacted as follows:

43-28-18. Grounds for denial of or disciplinary action against license and certificate.

The board may deny an application or take disciplinary action against the license and the certificate of registration of any applicant or dentist who has:

1. Engaged in dishonorable, unprofessional, or immoral conduct.
2. Been convicted of an offense determined by the board to have a direct bearing upon the individual's ability to serve the public as a dentist, or the board determines, following conviction for any offense, that the individual is not sufficiently rehabilitated under section 12.1-33-02.1.
3. Been adjudged mentally ill and not judicially restored by the regularly constituted authorities or have a physical or mental disability materially affecting the ability to carry out the duties within the scope of practice in a competent manner.
4. ~~Abused, is dependent on, or addicted to the use of~~ Used alcohol or drugs to such a degree as to interfere with the licensee's ability to safely perform the duties within the scope of practice for dentistry.
5. Employed or permitted an unlicensed individual to practice dentistry in the office under the dentist's control.
6. Been grossly negligent in the practice of dentistry.
7. Engaged in fraud or deceit in obtaining the license or in the practice of dentistry.
8. Disclosed confidential information.
9. Shared any professional fee with anyone or paid anyone for sending or referring patients to the dentist. However, this does not prohibit dentists from practicing in a partnership and sharing one another's professional fees, nor prohibit a dentist from employing any other dentist or dental hygienist.
10. Used any advertising of any character tending to mislead and deceive the public, including advertising the public could reasonably interpret as indicating the dentist is qualified to practice a dental specialty, if the practice of that dental specialty would be outside the scope of practice for which the dentist is qualified to practice.
11. Failed to meet minimum standards of professional competence.
12. Prescribed, administered, or dispensed medications for reasons or conditions outside the scope of dental practice.
13. Fraudulently, carelessly, negligently, or inappropriately prescribed drugs or medications.
14. Directed others to perform acts or provide dental services for which they were not licensed or qualified or were prohibited by law or rule from performing or providing.
15. Submitted fraudulent insurance claims.

16. Made any false, fraudulent, deceptive, or untrue statements in connection with the practice of dentistry, or in an application for an examination to obtain a license to practice dentistry.
17. Made any false representations that the individual is the holder of a license or certificate of registration to practice dentistry.
18. Made any false claims that the individual is a graduate of a dental college or the holder of any diploma or degree from a dental college.
19. Failed to comply with commonly accepted national infection control guidelines and standards.
20. Abandoned the dentist's practice in violation of rules adopted by the board.
21. Failed to report to the board as required under section 43-28-18.1.
22. Failed to practice within the scope of that dentist's education or advanced training as recognized by the board, the American dental association, or other professional entity recognized by the board.
23. Failed to release, within a reasonable time, copies of dental or medical records requested by a patient of record or violated section 23-12-14, or failure to provide a complying written statement to a patient, the board, or other requester. Dental records may include any document, charting, study models, doctor's notations, billing information, insurance document or combination of documents that pertains to a patient's medical history, diagnosis, prognosis, or medical condition, which is generated and maintained in the process of the patient's dental health care treatment. Within ten days after receipt of request, a dentist who fails to release patient records shall provide a written statement, detailing the cause of delay and an estimation of when records will be produced, to the patient or requester.
24. Advised or directed patients to dental laboratories or dental laboratory technicians for any dental service or advised or directed patients to deal directly with laboratories or dental laboratory technicians without first having furnished the dental laboratory or dental laboratory technician a written prescription.
25. Worked or cooperated with dental laboratories that advertise for public patronage by delegating work to such laboratories in return for the referral of laboratory patrons for professional services.
26. Used the services of a person or entity not licensed to practice dentistry in this state, or constructed, altered, repaired, or duplicated a denture, plate, partial plate, bridge, splint, or orthodontic or prosthetic appliance, except as provided by rule adopted by the board.
27. Violated the code of ethics adopted by the board by rule.
28. Violated this chapter or rules adopted by the board.
29. Had the applicant's or dentist's license suspended, revoked, or disciplined in another jurisdiction.

30. Maintained a lack of appropriate documentation in dental records for diagnosis, testing, or treatment of patients.
31. Failed to fully and completely cooperate in an investigation by the board, including failure to promptly provide legally sought information to the board or any investigative panel, investigator, or authorized agent of the board.
32. Failed to comply with the terms of a program contracted for under section 43-28-06.

SECTION 25. AMENDMENT. Subsection 1 of section 43-28-18.1 of the North Dakota Century Code is amended and reenacted as follows:

1. A dentist shall report to the board in writing within sixty days of the event any illegal, unethical, or errant behavior or conduct of the dentist, including the following events, proceedings, or formal or informal actions:
 - a. A dental malpractice judgment or malpractice settlement or a final judgment by a court in favor of any party and against the licensee.
 - b. A final disposition regarding the surrender of a license, or adverse action taken against a license by a licensing agency in another state, territory, or country; a governmental agency; a law enforcement agency; or a court for an act or conduct that would constitute grounds for discipline under this chapter.
 - c. A mortality or other incident occurring in an outpatient facility of the dentist which results in temporary or permanent physical or mental injury requiring hospitalization of the patient during or as a direct result of a dental procedure or related use of general anesthesia, deep sedation, conscious sedation with a parenteral drug, or enteral sedation.
 - d. An arrest by a law enforcement officer or criminal charges filed by a prosecutor.

SECTION 26. AMENDMENT. Section 43-28-18.2 of the North Dakota Century Code is amended and reenacted as follows:

43-28-18.2. Disciplinary procedure.

1. A person may file a written and signed complaint with the board alleging a dentist engaged in conduct identified as grounds for disciplinary action under section 43-28-18. The board may also initiate a complaint and investigation on the board's motion.
2. The board may direct a complaint committee to investigate a complaint and recommend whether the board should initiate a disciplinary action against the dentist.
3. The board or complaint committee shall notify the dentist of the complaint, and require a written response from the dentist. The board or complaint committee may examine and copy records, including patient records, examine witnesses, obtain expert opinions, require the dentist to be physically or mentally examined, or both, by qualified professionals selected by the board, and take any other action necessary to investigate the complaint. A request by the board or complaint committee ~~is authorized~~ provides sufficient authorization to

disclose patient information and records to the board or complaint committee. Patient information and records disclosed to the board or complaint committee are confidential. The dentist shall cooperate with the board or the complaint committee in the investigation, including responding promptly, truthfully, and completely to a request or requirement.

4. The complaint, response, and any record received by the board ~~in investigating the~~ during the investigation of a complaint or other allegation are exempt records, as defined in section 44-04-17.1, until the board determines to proceed with a disciplinary action.
5. The board shall determine if there is a reasonable basis to believe the dentist engaged in conduct identified as grounds for disciplinary action under section 43-28-18. If the board determines there is not a reasonable basis to believe, the board shall notify the complainant and the dentist. If the board determines there is a reasonable basis to believe, the board shall proceed with a disciplinary action in accordance with chapter 28-32.
6. The board, at any time, may offer or accept a proposal for informal resolution of the complaint or disciplinary action.
7. The board may impose a fee on the dentist for all or part of the costs of an investigation or action resulting in discipline, including administrative costs, investigation costs, attorney's fees, witness fees, the cost of the office of administrative hearings' services, and court costs.
8. In any agreement, order, or decision arising out of any disciplinary investigation or action undertaken by the board, the board may direct the licensee or registrant to pay the board a sum not to exceed the reasonable and actual costs, including reasonable attorneys fees incurred by the board or investigative panels of the board in the investigation or prosecution. The board may suspend a license or registration until costs are paid to the board. Within thirty days of the issuance of an agreement, order, or decision, a licensee or registrant may challenge the reasonableness of any cost item by requesting a hearing under chapter 28-32. An administrative law judge may approve, deny, or modify any cost item, and the determination of the judge is final. The hearing must occur before the license or registration may be suspended for nonpayment.

SECTION 27. AMENDMENT. Section 43-28-18.3 of the North Dakota Century Code is amended and reenacted as follows:

43-28-18.3. Temporary suspension - Appeal.

1. When, based on verified evidence, the board determines by a clear and convincing standard that the evidence presented to the board indicates that the continued practice by the dentist would create a significant risk of serious and ongoing harm to the public while a disciplinary proceeding is pending, and that immediate suspension of the dentist's license is required to reasonably protect the public from that risk of harm, the board may order a temporary suspension ex parte. For purposes of this section, "verified evidence" means testimony taken under oath and based on personal knowledge. The board shall give prompt written notice to the dentist of the ex parte temporary suspension to the dentist, which must include a copy of the order and complaint, the date set for a full hearing on the merits of the evidence that resulted in the ex parte temporary suspension, and a specific description of

the nature of the evidence, including a list of all known witnesses and a description of any documents relied upon by the board in ordering the ex parte temporary suspension which, upon request, must be made available to the dentist.

2. ~~An~~ Unless the ex parte temporary suspension is otherwise terminated by the board, an ex parte temporary suspension remains in effect until a final order is issued after following a full hearing on the merits conducted under chapter 28-32 or following an appeal under this section or until the suspension is otherwise terminated by the board.
3. ~~The board shall conduct a full~~ hearing on the merits of the allegations to determine what disciplinary action, if any, must be taken against the dentist who is the subject of the ex parte temporary suspension. ~~That hearing~~ must be held not later than thirty days from the issuance of the ex parte temporary suspension order or as soon as practicable as determined by the hearing officer. The dentist is entitled to a continuance of the thirty-day period upon request for a period determined by the hearing officer.
4. The dentist may appeal the ex parte temporary suspension order before the full hearing. ~~For purposes of appeal, on the merits occurs. The appeal must be filed with the district court of Burleigh County. The district court shall decide whether the board acted reasonably or arbitrarily when ordering the ex parte temporary suspension. The district court shall give priority to the appeal for prompt disposition.~~
5. A dental or medical record of a patient, or other document containing personal information relating to a patient, ~~which is~~ obtained by the board is confidential.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 391

HOUSE BILL NO. 1125

(Representative Louser)

AN ACT to amend and reenact sections 43-23-06.1, 43-23-08, 43-23-13.1, and 43-23-24 of the North Dakota Century Code, relating to real estate licensing.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-23-06.1 of the North Dakota Century Code is amended and reenacted as follows:

43-23-06.1. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Appointed agent" means a licensee appointed by a designated broker of the licensee's real estate brokerage firm to act solely for a client of that brokerage firm to the exclusion of other licensees of that brokerage firm.
2. "Client" means a person that has entered a written agency agreement with a real estate brokerage firm.
3. "Commission" means the North Dakota real estate commission.
4. "Customer" means a buyer, prospective buyer, seller, lessee, or lessor that is not represented by that real estate brokerage firm in a real property transaction.
5. "Designated broker" means a licensee designated by a real estate brokerage firm to act on behalf of the brokerage firm.
6. "Dual agency" means a situation in which a real estate brokerage firm or the real estate brokerage firm's licensees owe a duty to more than one party in a real estate transaction. Dual agency is established only as follows:
 - a. When one licensee represents both the buyer and the seller in a real estate transaction; or
 - b. When two or more licensees, licensed to the same broker, each represents a party to the real estate transaction.

"Dual agency" does not exist unless both the seller and the buyer in a real estate transaction have written agency agreements with the same real estate brokerage firm. For purposes of "dual agency" a subagency arrangement is not a written agency agreement.
7. "Licensee" means a real estate broker, an associate real estate broker, or a real estate salesperson who is associated with a real estate brokerage firm.

8. "Real estate", "real property", "realty", or words of like import, means any interest or estate in land, including leaseholds, whether such interest or estate is corporeal, incorporeal, freehold, or nonfreehold, and whether situated in this state or elsewhere; provided, however, that the meaning as used in this chapter does not include oil, gas, or mineral leases, nor does it include any other mineral leasehold, mineral estate, or mineral interest of any nature whatsoever.
9. "Real estate broker", or "broker", means any person that, for another, for a fee, commission, salary, or other consideration, or with the intention or expectation of receiving or collecting such compensation from another, engages in or offers or attempts to engage in, either directly or indirectly by a continuing course of conduct or by a single act or transaction, any of the following acts:
 - a. Lists, offers, attempts, or agrees to list real estate or any interest in that real estate, or any improvements affixed on that real estate for sale, exchange, or lease.
 - b. Sells, exchanges, purchases, or leases real estate or any interest in that real estate, or any improvements affixed on that real estate.
 - c. Offers to sell, exchange, purchase, or lease real estate or any interest in that real estate, or any improvements affixed on that real estate.
 - d. Negotiates or offers, attempts, or agrees to negotiate the sale, exchange, purchase, or leasing of real estate or any interest in that real estate, or any improvements affixed on that real estate.
 - e. Buys, sells, offers to buy or sell, or otherwise deals in options on real estate or any interest in that real estate, or any improvements on that real estate.
 - f. Who is a licensee under this chapter and performs any of the acts set out in this subsection while acting in the licensee's own behalf.
 - g. Advertises or holds out as being engaged in the business of buying, selling, exchanging, or leasing of real estate or any interest in that real estate, or any improvements on that real estate.
 - h. Assists or directs in the procuring of prospects or refers a prospect, calculated to result in the sale, exchange, or leasing of real estate or any interest in that real estate, or any improvements on that real estate. A licensed broker in this state may divide or share a real estate commission with a licensed broker in another state if the out-of-state broker does not carry on any of the negotiations on behalf of the referred client or prospect in this state, either by physically entering the state or by communicating with the broker electronically or through other means.
 - i. Publicly markets for sale an equitable interest in a contract for the purchase of real property between a property owner and a prospective purchaser.

10. "Real estate brokerage firm" means a person that is providing real estate brokerage services through that person's licensees and which is licensed by the commission as a real estate brokerage firm.
11. "Real estate salesperson" means any person that for a fee, compensation, salary, or other consideration, or in the expectation or upon the promise of that compensation, is employed or engaged by a licensed real estate broker to do any act or deal in any transaction as provided in subsection 9 for or on behalf of such licensed real estate broker.

SECTION 2. AMENDMENT. Section 43-23-08 of the North Dakota Century Code is amended and reenacted as follows:

43-23-08. License standards.

1. Licenses and license renewals may be granted only to persons who bear a good reputation for honesty, truthfulness, and fair dealing and who are competent to transact the business of a real estate broker or a real estate salesperson in such manner as to safeguard the interest of the public, and whose real estate license has not been revoked in this or any other state within two years before the date of application. To determine the competency of applicants, the commission shall prescribe and hold examinations at designated times and places.
2. In addition to the requirements established by subsection 1, an applicant for a broker's or salesperson's license must be at least eighteen years of age.
3. Every applicant for a license as a real estate broker:
 - a. Must have been actively engaged as a licensed real estate salesperson for a period of at least two years preceding the date of application; or
 - b. Must have had experience as determined by the commission to be substantially equal to that which a licensed real estate salesperson would ordinarily receive during a period of two years.
4. As a prerequisite for licensure, an applicant for a salesperson's license shall furnish to the commission evidence the applicant has successfully completed at least ninety hours in courses of study approved by the commission. An applicant for a broker's license must have successfully completed an additional sixty hours in courses of study approved by the commission. An applicant for a salesperson's or broker's license may take the licensing examination before fulfillment of the prerequisite educational requirement; however, the commission may not issue a ~~salesperson's~~ license to an applicant unless satisfactory evidence of completion of this prerequisite educational requirement is furnished to the commission. ~~An applicant for a broker's license must have satisfactorily fulfilled the educational requirement before taking the broker's licensing examination.~~
5. If the commission finds an applicant could not acquire employment as a licensed real estate salesperson because of conditions existing in the area where the salesperson resides, the experience requirements established in subdivisions a and b of subsection 3 may be waived by the commission. The educational requirements of subsection 4 may not be waived by the commission, but guidelines may be established by which applicants who have engaged in certain educational courses of study which are closely related to the real estate profession may be deemed to have satisfied this requirement.

6. The commission may adopt reasonable rules and regulations pursuant to the provisions of chapter 28-32 relative to procedures for licensing, approval of coursework, and for the type of certification or proof of coursework completion that must be submitted.

SECTION 3. AMENDMENT. Section 43-23-13.1 of the North Dakota Century Code is amended and reenacted as follows:

43-23-13.1. License renewal.

1. Every person licensed to practice as a real estate broker or real estate salesperson shall register ~~annually~~ with the commission at a regular interval set by the commission not less than annually and pay the appropriate ~~annual~~ renewal fee as provided in section 43-23-13. The application for renewal must be accompanied by such certification as required by this chapter and rules of the commission to show compliance with the educational requirements of sections 43-23-08 and 43-23-08.2, and must be submitted to the commission with the appropriate fee no later than the application deadline set by the commission. A licensee that fails to file a timely application for the renewal of any license and pay the renewal fee on or before the application deadline set by the commission may file a late renewal application, together with the required educational certification, ~~before January fifteenth of the subsequent year or before a date set by the commission~~ and shall pay, in addition to the renewal fee, a late fee as set by the commission for each month or fraction of a month after the application deadline. Any license not renewed by ~~January fifteenth~~ the late renewal date set by the commission must be canceled. The cancellation must be performed without any notice or opportunity for hearing. Any person whose license has been canceled and which desires relicensure must be required to satisfy the application and examination requirements for prospective licensees in accordance with this chapter and rules of the commission.
2. A licensee may not engage in any activity after ~~December thirty first~~ the license renewal date set by the commission of any year for which a license is required under this chapter unless that person's license has been renewed by the commission.

SECTION 4. AMENDMENT. Section 43-23-24 of the North Dakota Century Code is amended and reenacted as follows:

43-23-24. Wholesale buyers and sellers - Disclosure.

1. As used in this section:
 - a. ~~"Residential real property" means real property with fewer than five dwelling units.~~
 - b. ~~"Wholesaler/wholesaler"~~ means a person that enters an agreement to make income or profit from the transfer of or equitable interest in ~~residential~~ real property.
2. A wholesaler of ~~residential~~ real property shall disclose in writing to all parties to the agreement that the wholesaler holds an equitable interest in the property, may not be able to convey title to the property, and intends to make a profit or income from the transfer of the equitable interest.

3. Notwithstanding any other provision contained in a contract for sale of ~~residential~~ real property, if a wholesaler violates this section, the seller may cancel the contract for sale at any time before the close of escrow without penalty and may retain any earnest money paid by the wholesaler.
4. Notwithstanding any other provision contained in the contract for sale, if a wholesaler violates this section, the buyer may cancel the contract for sale at any time before the close of escrow without penalty and must be refunded all earnest money paid by the buyer.

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 392

HOUSE BILL NO. 1354

(Representatives D. Ruby, Swiontek, Wolff, Vetter)
(Senators Barta, Meyer, Thomas)

AN ACT to create and enact a new section to chapter 43-23.3 of the North Dakota Century Code, relating to evaluations conducted by appraisers; and to amend and reenact sections 43-23.3-01, 43-23.3-04, and 43-23.3-18 of the North Dakota Century Code, relating to the definitions of agency and evaluation, an exemption from appraisal permit requirements, and the standards of professional appraisal practice.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-23.3-01 of the North Dakota Century Code is amended and reenacted as follows:

43-23.3-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Agency" means the:

- a. Board of governors of the federal reserve system;
- b. Consumer financial protection bureau;
- c. Farm credit administration;
- d. Federal deposit insurance corporation;
- e. National credit union administration;
- f. Office of the comptroller of the currency; and
- g. State financial regulator.

2. "Analysis" means a study of real estate other than estimating value.

~~2-3.~~ "Appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, real estate. An appraisal may be classified by subject matter into either a valuation or an analysis. The term does not include an evaluation.

~~3-4.~~ "Appraisal assignment" means an engagement for which a person is employed or retained to act, or would be perceived by the public as acting, as a disinterested party in rendering an unbiased supportable appraisal.

~~4-5.~~ "Appraisal foundation" means the appraisal foundation incorporated as an Illinois corporation on November 30, 1987.

- ~~5-6.~~ "Appraisal report" means any communication of an appraisal.
- ~~6-7.~~ "Appraisal subcommittee" means the appraisal subcommittee of the federal financial institutions examination council.
- ~~7-8.~~ "Appraiser" means a person who engages in appraisal activity for valuable consideration.
- ~~8-9.~~ "Apprentice appraiser" means a person who holds a valid permit as an apprentice appraiser.
- ~~9-10.~~ "Board" means the North Dakota real estate appraiser qualifications and ethics board.
- ~~10-11.~~ "Certified appraiser" means a person who holds a valid permit as a certified residential or general appraiser.
- ~~11-12.~~ "Certified general appraiser" means a person who holds a valid permit as a certified general appraiser.
- ~~12-13.~~ "Certified residential appraiser" means a person who holds a valid permit as a certified residential appraiser.
14. "Evaluation" means an estimate of the value of real property and real estate made in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [Pub. L. 101-73, 103 Stat. 183] and provided to an entity regulated by an agency for use in a real estate-related financial transaction for which an appraisal is not required by federal law.
- ~~13-15.~~ "Licensed appraiser" means a person who holds a valid permit as a licensed appraiser.
- ~~14-16.~~ "Permit" means the document issued by the board, verifying that the person named on the permit has fulfilled all prerequisites to practice either as an apprentice appraiser, a licensed appraiser, or a certified appraiser.
- ~~15-17.~~ "Real estate" means an identified parcel or tract of land including improvements, ~~and interests, benefits, and rights inherent in the ownership of real estate if any.~~
- ~~16-18.~~ "Real property" means one or more defined interests, benefits, and rights inherent in the ownership of real estate.
19. "Uniform standards of professional appraisal practicespractice" means standards of appraisal promulgated by the appraisal standards board of the appraisal foundation as adopted by the board.
- ~~17-20.~~ "Valuation" means an estimate of the value of real estate or real property.

SECTION 2. AMENDMENT. Section 43-23.3-04 of the North Dakota Century Code is amended and reenacted as follows:

43-23.3-04. Permit required - Exemptions.

1. Except as provided in this section, a person may not directly or indirectly engage in, advertise, conduct the business of, or act in any capacity as an apprentice, licensed, or certified appraiser without first obtaining a permit as provided in this chapter.

2. An appraiser, ~~that is~~ apprenticed, licensed, or certified in another state may not engage in, advertise, conduct the business of, or act in any capacity as an appraiser in this state without first obtaining a temporary permit under section 43-23.3-11 or a permit under section 43-23.3-04.1.
3. This chapter does not apply to a:
 - a. ~~A licensed real estate broker or salesperson who, in the ordinary course of business, gives an opinion to a potential seller or third party as to the recommended listing price of real estate or an opinion to a potential purchaser or third party as to the recommended purchase price of real estate. However, the opinion as to the listing price or the purchase price may not be referred to as an appraisal.~~
4. ~~This chapter does not apply to a~~
 - b. A person who, in the ordinary course of business, gives an opinion of the value of real estate to that person's employer.
5. ~~This chapter does not apply to a~~
 - c. A person employed by the Bank of North Dakota when providing evaluations or reviews of appraisals for federally insured depository institutions under federal financial institution regulatory agency appraisal exemptions.
 - d. A person, who is not an apprentice, licensed, or certified appraiser, who prepares or provides an evaluation.

SECTION 3. AMENDMENT. Section 43-23.3-18 of the North Dakota Century Code is amended and reenacted as follows:

43-23.3-18. Standards of professional appraisal practice - Exception.

An apprentice, licensed, or certified appraiser shall comply with the standards of professional appraisal practice and ethical rules specified by the uniform standards of professional appraisal practice and all other standards and ethical requirements adopted by the appraisal standards board of the appraisal foundation, except as authorized under section 4 of this Act.

SECTION 4. A new section to chapter 43-23.3 of the North Dakota Century Code is created and enacted as follows:

Evaluation by appraiser.

1. An apprentice, licensed, or certified appraiser may provide an evaluation if the evaluation is permitted by law, regulation, or regulatory guidelines. An evaluation performed by an appraiser under this section must be conducted in accordance with federal and state laws and rules, regulatory guidelines, and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [Pub. L. 101-73, 103 Stat.183].
2. An evaluation prepared or provided by an appraiser under this section must be identified conspicuously as an evaluation and not an appraisal.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 393

HOUSE BILL NO. 1080

(Industry, Business and Labor Committee)

(At the request of the North Dakota Real Estate Appraiser Qualifications and Ethics Board)

AN ACT to amend and reenact sections 43-23.5-01, 43-23.5-07, 43-23.5-08, and 43-23.5-15 and subsection 6 of section 43-23.5-21 of the North Dakota Century Code, relating to the regulation of appraisal management companies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-23.5-01 of the North Dakota Century Code is amended and reenacted as follows:

43-23.5-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Appraisal firm" means any person or entity that exclusively employs persons on an employer and employee basis for the performance of real estate appraisal services in the normal course of its business and the real estate appraisal services being performed are in accordance with the uniform standards of professional appraisal practices.
2. "Appraisal management company" means, in connection with valuing properties collateralizing mortgage loans or mortgages incorporated into a securitization, any external third party that oversees a network or panel of more than fifteen certified or licensed appraisers in this state or twenty-five or more nationally within a given year, that is authorized either by a creditor of a consumer credit transaction secured by a consumer's principal dwelling or by an underwriter or other principal in the secondary mortgage markets that engages in appraisal management services.
3. "Appraisal management services" means to, directly or indirectly, perform any of the following functions on behalf of a lender, financial institution, client, or any other person in conjunction with a consumer credit transaction that is secured by a consumer's primary dwelling:
 - a. Administer an appraiser panel.
 - b. Recruit, retain, or select appraisers.
 - c. Qualify, verify licensing or certification, and negotiate fees and service level expectations with persons who are part of an appraiser panel.
 - d. Contract with appraisers to perform appraisal assignments.
 - e. Receive an order for an appraisal from one person, and deliver the order for the appraisal to an appraiser that is part of an appraiser panel for completion.

- f. Manage the process of having an appraisal performed, including providing administrative duties, such as receiving appraisal orders and reports, submitting completed appraisal reports to creditors and underwriters, collecting fees from creditors and underwriters for services provided, and reimbursing appraisers for services performed.
 - g. Track and determine the status of appraisal orders.
 - h. Conduct an appraisal review or other quality control of a completed appraisal prior to the delivery of the appraisal to the person that ordered the appraisal.
 - i. Provide a completed appraisal performed by an appraiser to one or more clients.
- 4. "Appraisal review" means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal assignment related to the appraiser's data collection, analysis, opinions, conclusions, estimate of value, or compliance with the uniform standards of professional appraisal practice. This term does not include:
 - a. A general examination for grammatical, typographical, or other similar errors.
 - b. A general examination for completeness, including regulatory client requirements, or both, as specified in the agreement process that does not communicate an opinion.
- 5. "Appraiser panel" means a network of licensed or certified appraisers who have:
 - a. Responded to an invitation, request, or solicitation from an appraisal management company, in any form, to perform appraisals for persons that have ordered appraisals through the appraisal management company, or to perform appraisals for the appraisal management company directly, on a periodic basis, as requested and assigned by the appraisal management company.
 - b. Been selected and approved by an appraisal management company to perform appraisals for any client of the appraisal management company that has ordered an appraisal through the appraisal management company, or to perform appraisals for the appraisal management company directly, on a periodic basis, as assigned by the appraisal management company.
- 6. "Board" means the North Dakota real estate appraiser qualifications and ethics board.
- 7. "Controlling person" means:
 - a. An officer, director, or owner of greater than a ten percent interest of a corporation, partnership, or other business entity seeking to act as an appraisal management company in this state.

- b. An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter a contractual relationship with other persons for performance of services requiring registration as an appraisal management company and has the authority to enter agreements with appraisers for the performance of appraisals.
 - c. An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company.
8. "Federal financial institutions regulatory agencies" includes the board of governors of the federal reserve system, the federal deposit insurance corporation, the office of the comptroller of the currency, and the national credit union administration.
9. "Federally regulated appraisal management company" means an appraisal management company that is owned and controlled by an insured depository institution, as defined in 12 U.S.C. 1813 and regulated by the office of the comptroller of the currency, the board of governors of the federal reserve system, or the federal deposit insurance corporation.
10. "Federally related transaction" means any real estate-related financial transaction which a federal financial institutions regulatory agency or the resolution trust corporation engages in, contracts for, or regulates, and requires the services of an appraiser.
- ~~40-11.~~ "Real estate-related financial transaction" means any transaction involving:
- a. The sale, lease, purchase, investment in, or exchange of real property, including interests in property or the financing thereof.
 - b. The refinancing of real property or interests in real property.
 - c. The use of real property or interests in property as security for a loan or investment, including mortgage-backed securities.

SECTION 2. AMENDMENT. Section 43-23.5-07 of the North Dakota Century Code is amended and reenacted as follows:

43-23.5-07. Exemptions.

The provisions of this chapter do not apply to:

- 1. An appraisal firm.
- 2. A federally regulated appraisal management company or a financial institution, including a department or unit within the institution, that is regulated by an agency of this state or the United States government.
- 3. A person that enters an agreement with an appraiser for the performance of an appraisal that upon completion results in a report signed by both the appraiser who completed the appraisal and the appraiser who requested completion of the appraisal.

4. An appraisal management company with an appraisal panel of fewer than sixteen certified or licensed appraisers in this state or fewer than twenty-five nationally within a given year.
5. An appraisal management company that is a subsidiary owned and controlled by a financial institution that is subject to appraisal independence standards at least as stringent as those under chapter 43-23.5-21, if regulated by an agency of this state, or the Truth in Lending Act [15 U.S.C. 1601 et seq.], if regulated by the United States government.

SECTION 3. AMENDMENT. Section 43-23.5-08 of the North Dakota Century Code is amended and reenacted as follows:

43-23.5-08. Owner requirements.

1. An appraisal management company applying for, holding, or renewing a registration under this chapter may not be, in whole or in part, directly or indirectly, owned by:
 - a. ~~An an individual who has had an appraiser license or certification in this state or in any other state refused, denied, canceled, surrendered in lieu of revocation, or revoked, or surrendered in lieu of a pending disciplinary proceeding in any jurisdiction and not subsequently granted or reinstated for a substantive cause, as determined by the board.~~
 - b. ~~An entity that is owned by any individual who has had an appraiser license or certification in this state or any other state refused, denied, canceled, revoked, or surrendered in lieu of a pending disciplinary proceeding in any jurisdiction and not subsequently granted or reinstated.~~
2. Each person that owns more than ten percent of an appraisal management company applying for, holding, or renewing a registration under this chapter:
 - a. Must be of good moral character.
 - b. Shall submit to a criminal background investigation for an initial application or as required by the board.
3. Each appraisal management company applying for a registration or for renewal of a registration under this chapter shall certify to the board on a form prescribed by the board that the company has reviewed each entity that owns the appraisal management company and that no entity that owns the appraisal management company is owned by ~~any person an individual~~ that has had an appraiser license or certification in this state or any other state refused, denied, canceled, surrendered in lieu of revocation, or revoked, ~~or surrendered in lieu of a pending disciplinary proceeding in any jurisdiction and not subsequently granted or reinstated for a substantive cause, as determined by the board.~~
4. An appraisal management company is not barred from registration if the license or certificate of the appraiser with an ownership interest was not revoked for a substantive cause and has not been reinstated by the jurisdiction in which the appraiser was licensed or certified.

SECTION 4. AMENDMENT. Section 43-23.5-15 of the North Dakota Century Code is amended and reenacted as follows:

43-23.5-15. Retention of records.

1. Each appraisal management company seeking to be registered or to renew an existing registration in this state shall certify to the board on a form prescribed by the board that the company maintains a detailed record of each service request that the company receives for appraisal of real property located in this state.
2. An appraisal management company registered in this state shall retain for five years all records required to be maintained under this chapter as described in rules. This five-year period shall commence on the date of the final action by the appraisal management company for each individual transaction or, if the appraisal management company is notified that the transaction is involved in litigation, the five-year period shall commence on the date the litigation is finally disposed.
3. All records required to be maintained by the registered appraisal management company ~~may~~must, upon request by the board, be made available for inspection and copying by the board on reasonable notice to the appraisal management company.

SECTION 5. AMENDMENT. Subsection 6 of section 43-23.5-21 of the North Dakota Century Code is amended and reenacted as follows:

6. ~~Except within the first ninety days after an independent appraiser is added to an appraiser panel, remove~~Remove an independent appraiser from an appraiser panel without prior written notice to the appraiser, with the prior written notice including evidence of the following, if applicable:
 - a. The appraiser's illegal conduct.
 - b. A violation of the uniform standards of professional appraisal practice, this chapter, or the rules adopted by the board.
 - c. Improper or unprofessional conduct.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 394

SENATE BILL NO. 2273

(Senators Bekkedahl, Boschee, Lee)
(Representatives Koppelman, Satrom)

AN ACT to amend and reenact subsection 14 of section 43-26.1-01 and section 43-26.1-11.1 of the North Dakota Century Code, relating to diagnostic imaging by physical therapists.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 14 of section 43-26.1-01 of the North Dakota Century Code is amended and reenacted as follows:

14. "Practice of physical therapy" means:

- a. Examining, evaluating, and testing individuals with mechanical, physiological, and developmental impairments, functional limitations in movement and mobility, and disabilities or other health and movement-related conditions to determine a diagnosis for physical therapy, prognosis, and plan of therapeutic intervention, and to assess the ongoing effects of intervention. The term includes ordering ~~musculoskeletal diagnostic imaging consisting of plain film radiographs to be performed by a professional authorized by chapter 43-62 and interpreted by a licensed physician trained in radiology interpretation, and using these results to determine if a referral to another health care provider is necessary or indicates the necessary treatment is within the physical therapist's scope of practice.~~
- b. Alleviating impairments, functional limitations in movement and mobility, and disabilities by designing, implementing and modifying therapeutic interventions that may include therapeutic exercise; neuromuscular education; functional training related to positioning, movement, and mobility in self-care and in-home, community, or work integration or reintegration; manual therapy; therapeutic massage; prescription, application and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective, and supportive devices and equipment related to positioning, movement, and mobility; airway clearance techniques; integumentary protection and repair techniques; debridement and wound care; physiotherapy; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction.
- c. Engaging as a physical therapist in reducing the risk of injury, impairment, functional limitation and disability, including the promotion and maintenance of fitness, health, and wellness in populations of all ages.
- d. Engaging as a physical therapist in administration, consultation, education, and research.

SECTION 2. AMENDMENT. Section 43-26.1-11.1 of the North Dakota Century Code is amended and reenacted as follows:

43-26.1-11.1. Ordering imaging.

1. A physical therapist may order ~~musculoskeletal diagnostic imaging consisting of plain film radiographs~~ if the physical therapist ~~holds~~:
 - a. ~~Holds~~ a clinical doctorate degree in physical therapy; or ~~has completed~~
 - b. Completed a board-approved formal medical imaging training program.
2. A physical therapist ordering diagnostic imaging shall report the results to the patient's designated specialty or primary care provider within seven days of receipt of the image to ensure coordination of care, unless:
 - a. The patient does not have a specialty or primary care provider; or
 - b. The specialty or primary care provider received the images from the health care professional who performed or interpreted the images.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 395

SENATE BILL NO. 2169

(Senators Burckhard, Barta, Boschee)
(Representative Karls)

AN ACT to amend and reenact subsection 6 of section 43-26.1-11 of the North Dakota Century Code, relating to physical therapy patient management.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 43-26.1-11 of the North Dakota Century Code is amended and reenacted as follows:

6. The physical therapist shall communicate the overall plan of care with and obtain informed consent from, the patient or the patient's legally authorized representative.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 396

SENATE BILL NO. 2375

(Senators Castaneda, Bekkedahl, Lee, Barta)
(Representatives Vigesaa, Ostlie)

AN ACT to create and enact a new section to chapter 43-28 of the North Dakota Century Code, relating to joint negotiations by dental providers with dental insurers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 43-28 of the North Dakota Century Code is created and enacted as follows:

Joint negotiations by dental providers with dental insurers.

1. As authorized under this section, a dental provider and a dental insurer may enter into voluntary non-fee-related joint negotiations. Before commencing voluntary joint negotiations, a joint negotiation representative shall notify the attorney general of its intent to engage in voluntary joint negotiations. The notice must be in writing and include:
 - a. The matters, including terms and conditions, to be negotiated;
 - b. The identity and location of all dental providers participating in the voluntary joint negotiations;
 - c. The identity, location, and market share of the dental insurer the dental providers seek to engage in voluntary joint negotiations;
 - d. A statement explaining the circumstances create the need for voluntary joint negotiations and the benefits anticipated from the voluntary joint negotiations; and
 - e. The joint negotiation representative's procedures to ensure compliance with this section.
2. At the time of the filing with the attorney general, the joint negotiation representative shall provide a copy to the dental insurer of its notice and any other materials submitted to the attorney general. The dental insurer may provide additional information to the attorney general regarding matters described in this section.
3. The attorney general shall review the notice to determine whether the proposed voluntary joint negotiations comply with law and public policy, and shall, within ninety days, unless a thirty day extension is approved by the parties, notify the joint negotiation representative and the dental insurer whether voluntary joint negotiations are authorized under this section. The attorney general, in determining whether voluntary joint negotiations are authorized, shall consider the following factors:

- a. The stated necessity and anticipated benefits of voluntary joint negotiations;
 - b. The market and bargaining power of the parties;
 - c. A party's ability to control or steer consumers, dictate terms of contracts, impose final or nonnegotiable terms, or dictate or limit products or services available or offered to consumers;
 - d. The contract terms to be negotiated, and the contract terms' potential effect on the ability to provide quality care or medically appropriate care without delay and difficulty;
 - e. The risk of anticompetitive effects; and
 - f. The potential effect on price, quality, choice, or access to products or services for consumers or others.
4. The attorney general may request additional information from the parties at any point during the process or during the parties' negotiations.
5. Upon a determination by the attorney general that voluntary joint negotiation is authorized under this section, and after a duly authorized officer of the dental insurer and all dental providers seeking voluntary joint negotiations have granted written consent, two or more dental providers practicing in the service area of the dental insurer may jointly engage in voluntary negotiations with the dental insurer regarding the following non-fee-related matters:
 - a. Definition of medical necessity and other conditions of coverage.
 - b. Utilization management criteria and procedures.
 - c. Clinical practice guidelines.
 - d. Preventative care and other medical management policies.
 - e. Patient referral standards and procedures.
 - f. Drug formularies and standards for prescribing off-formulary drugs.
 - g. Quality assurance programs.
 - h. Liability terms for a dental provider and dental insurer.
 - i. Administrative procedures.
 - j. Credentialing standards and procedures for selection, retention, and termination of participating dentists.
 - k. Mechanisms for resolving disputes between the dental insurer and dental providers.
 - l. Inclusion or alteration of a contractual term or condition, unless the inclusion or alteration is otherwise required by federal or state law.

6. As used in this section, "fee-related matters" includes the amount of payment, the amount of discount, procedure codes or descriptions of services covered by payment, appropriate grouping of procedure codes, and any other matter directly relating to the amount of reimbursements paid to or revenue received by dental providers.
7.
 - a. Upon a determination by the attorney general that voluntary joint negotiations are authorized under this section, dental providers may communicate with each other and a joint negotiation representative authorized to negotiate on behalf of the dental providers with the dental insurer concerning any contractual term or condition to be negotiated, subject to any limitations imposed by the attorney general. As used in this section, a "joint negotiation representative" means a representative selected by two or more independent dental providers to engage in voluntary joint negotiations with a dental insurer on behalf of the dental providers.
 - b. The dental providers may agree to be bound by the terms and conditions negotiated by the joint negotiation representative.
8. A person may not act as a joint negotiation representative without express permission from the office of the attorney general.
9.
 - a. Upon the joint negotiation representative and dental insurer determining a voluntary agreement has been reached on contractual terms or conditions that are the subject matter of the negotiations, the joint negotiation representative shall submit to the attorney general, for its determination, a copy of the proposed contract or agreed upon terms between the dental providers and the dental insurer. At the time of the submission to the attorney general, the joint negotiation representative shall provide a copy of the proposed materials submitted to the attorney general to the dental insurer, which may provide additional information to the attorney general regarding the matters in this section.
 - b. Within ninety days of receipt of the proposed contract or agreed upon terms, the attorney general shall review the proposed contract or agreed upon terms and provide a determination.
 - c. The attorney general may consider the following factors in reviewing a proposed contract or term, a negotiated contract or term, and the plan of action for implementing a negotiated contract or term under this section:
 - (1) Fairness of the contract and whether the contract terms are consistent with applicable laws and regulations;
 - (2) Details provided about the negotiation process;
 - (3) The market and bargaining power of the parties;
 - (4) The contract terms and the benefits achieved by the parties;
 - (5) Potential benefit to consumers and other purchasers of dental insurance;

- (6) Risk of harm to consumers and others, including the likelihood of increase in prices or reduction in quality, choice, or access to dental care or dental insurance;
 - (7) Risk of anticompetitive effects and potential effects on third parties, including creation of barriers to entry for new market participants, unfair competition, or exclusionary effects; and
 - (8) Promotion of increased infrastructure and innovation in a market.
 - d. Upon request from the attorney general, the joint negotiation representative, a participating dental provider, and the dental insurer shall provide additional information to inform the attorney general's determination under this section.
 - 10. The attorney general may adopt rules and procedures as necessary to carry out the responsibilities of this section.
 - 11. This section does not apply to dental benefit plans providing covered services exclusively or primarily to individuals who are eligible for medical assistance.
 - 12. This section may not be construed to:
 - a. Permit a coordinated cessation, reduction, or limitation of dental services.
 - b. Affect government approval of, or otherwise restrict activity by, dental providers which is not prohibited under federal antitrust law or require approval or contract terms to the extent the terms are exempt from state regulation under federal law.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 397

SENATE BILL NO. 2129

(Workforce Development Committee)

(At the request of the State Board of Veterinary Medical Examiners)

AN ACT to create and enact ten new sections to chapter 43-29 of the North Dakota Century Code, relating to the practice of veterinary medicine, veterinary technology, and recognized animal services; to amend and reenact section 43-29-01.1, subsection 1 of section 43-29-02, sections 43-29-03, 43-29-04, 43-29-05, 43-29-05.1, 43-29-06, 43-29-07, 43-29-07.1, 43-29-07.2, 43-29-07.3, 43-29-08.1, 43-29-13, 43-29-14, and 43-29-15, subsection 2 of section 43-29-16, sections 43-29-16.1 and 43-29-17, and subsection 2 of section 43-29-19 of the North Dakota Century Code, relating to the practice of veterinary medicine and veterinary technology; to repeal sections 43-29-09, 43-29-10, 43-29-11, and 43-29-12.1 of the North Dakota Century Code, relating to the practice of veterinary medicine and veterinary technology; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-29-01.1 of the North Dakota Century Code is amended and reenacted as follows:

43-29-01.1. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Accepted livestock management practice" means a procedure that is commonly performed as part of the routine management of livestock which includes vaccination, implantation of growth hormones, branding, castration, dehorning, docking, earmarking, semen collection, nonsurgical artificial insemination, and assisting in a nonsurgical birthing process.
2. "Animal" means a member of the animal kingdom other than a human being whether living or dead.
3. "~~Accredited~~Approved college of veterinary medicine" means ~~any~~a veterinary college or division of a university or college which offers the degree of doctor of veterinary medicine or its equivalent and which conforms to the standards required for accreditation by the council on education of the American veterinary medical associationan accrediting entity approved by the board, if the entity is nationally recognized and develops and maintains accreditation standards for veterinary education.
- ~~2-4.~~ "~~Accredited~~Approved program in veterinary technology" means any postsecondary educational program of two or more academic years that is accredited by the committee on veterinary technician education and activities of the American veterinary medical associationthat offers a degree in veterinary technology or its equivalent and has been approved by the board by rule.

3. "Animal" means any animal other than a human being. The term includes any mammal, bird, fish, reptile, or fowl, whether wild or domestic, living or dead.
- 4-5. "Board" means the board of veterinary medical examiners.
- 5-6. "Certificate" means a certificate issued by the educational commission for foreign veterinary graduates or the educational equivalence program of the American association of veterinary state boards, indicating the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.
6. "Licensed veterinarian" means a person who is licensed by the board to practice veterinary medicine.
7. "Licensed veterinary technician" means a person who has graduated from an accredited program in veterinary technology or an equivalent program as determined by the board, and who has passed an examination prescribed by the board.
8. "Client" means the patient's owner, owner's agent, or other individual presenting the patient for care.
7. "Complementary, integrative, and alternative therapies" means a heterogeneous group of preventative, diagnostic, and therapeutic philosophies and practices not considered part of conventional veterinary medicine practiced by most veterinarians.
8. "Consent" means the veterinarian has informed the client of the diagnostic and treatment options, risk assessment, and prognosis, and the client has authorized the recommended services.
9. "Consultation" means advice or assistance received by a veterinarian in person, or by any method of communication, from a veterinarian or other individual whose expertise, in the opinion of the veterinarian, would benefit a patient.
10. "Direct supervision" means supervision by a veterinarian who is readily available on the premises where the patient is being treated and has assumed responsibility for the veterinary care given to the patient by an individual working under the direction of the veterinarian.
11. "Foreign practitioner" has the same meaning as defined under section 43-51-01.
12. "Immediate supervision" means supervision by a veterinarian who is in the immediate area and within audible and visual range of the patient and the individual treating the patient and has assumed responsibility for the veterinary care given to the patient by an individual working under the direction of the veterinarian.
13. "Impaired veterinarian" means a veterinarian who is unable to practice veterinary medicine with reasonable skill and safety because of a physical or mental disability or the use of alcohol, drugs, or other habit-forming chemicals.

14. "Impaired veterinary technician" means a veterinary technician who is unable to practice veterinary technology with reasonable skill and safety because of a physical or mental disability or the use of alcohol, drugs, or other habit-forming chemicals.
15. "Indirect supervision" means the supervision by a veterinarian who is not on the premises where the patient is being treated but has given written or oral instructions for the treatment of the patient, is readily available for communication, and has assumed responsibility for the veterinary care given to the patient by an individual working under the direction of the veterinarian.
16. "Jurisdiction" means any commonwealth, state, or territory of the United States of America, including the District of Columbia, or any province of Canada.
17. "Patient" means an animal or group of animals examined or treated by a veterinarian.
18. "Practice of veterinary medicine" means to the:
 - a. Diagnose, treat, correct, change, relieve, or prevent animalDiagnosis, prognosis, correction, supervision, recommendation, or performance of any medical or surgical treatment, including complementary, integrative or alternative therapies, for the diagnosis, prevention, cure, or relief of a wound, disease, deformity, defect, fracture, bodily injury, or other dental, physical, behavioral, or mental conditions. The term includes the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility or infertility, or to render advice or recommendation with regard to any of the above condition of an animal;
 - b. RepresentPrescription, distribution, or administration of a drug, medicine, anesthetic, biologic, appliance, apparatus, application, or treatment to an animal;
 - c. Provision of any manual or mechanical procedure for the diagnosis or treatment of pregnancy, sterility, or infertility of an animal;
 - d. Determination of the health, fitness, or soundness of an animal;
 - e. Representation of oneself, directly or indirectly, publicly or privately, an ability and willingness to do an act described in subdivision a as engaging in the practice of veterinary medicine; or
 - e.f. Use of any title, word, abbreviation, or letter in a manner or under circumstances that induce the belief the person that the individual using the such title, word, abbreviation, or letter is qualified to do any act described in subdivision a authorized to practice veterinary medicine under this chapter.
 - d. Apply principles of environmental sanitation, food inspection, environmental pollution control, animal nutrition, zoonotic disease control, and disaster medicine in the promotion and protection of public health.

19. a. "Practice of veterinary technology" means the:

- (1) Provision of professional medical care, monitoring, or treatment on the basis of written or oral instructions from a veterinarian;
- (2) Representation of oneself, directly or indirectly, as engaging in the practice of veterinary technology; or
- (3) Use of any title, word, abbreviation, or letter in a manner or under circumstances inducing the belief the individual using such title is authorized to practice veterinary technology under this chapter.

b. This section may not be construed to permit a veterinary technician to do the following:

- (1) Surgery, except when acting as a surgical assistant to a veterinarian;
- (2) Diagnose;
- (3) Prognose; or
- (4) Prescribe.

20. "State board examination" means the jurisprudence examination administered by the board.

21. "Supervising veterinarian" means a veterinarian who has a valid veterinarian-client-patient relationship and assumes responsibility for the veterinary care provided to the patient by an individual working under the direction of the veterinarian.

22. "Teleadvice" means the provision of any health information, opinion, or guidance that is not specific to a particular animal's health, illness, or injury and is not intended to diagnose, prognose, or treat an animal.

23. "Telehealth" means the use of technology to gather and deliver health information, advice, education, or patient care remotely.

24. "Triage" means electronic communication with the client to determine urgency and need for immediate referral to a veterinarian.

25. "Veterinarian" means an individual who is licensed to practice veterinary medicine under this chapter.

9-26. "Veterinarian-client-patient relationship" means:

- a. A relationship in which the veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal and the need for medical treatment, a patient and the client, who is the owner or other caretaker, has agreed to follow the instructions of the veterinarian.
- b. There is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal.

- e. ~~The practicing veterinarian is readily available for followup in the case of adverse reactions or failure of the regimen of therapy. This relationship exists only when the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal and by medically appropriate and timely visits to the premises where the animal is kept.~~

~~40-27. "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, chiropractic, acupuncture, and all other branches or specialties of veterinary medicine.~~

28. "Veterinary premises" means any premises or facility where the practice of veterinary medicine is performed but may not include the premises of a client, research facility, military base, or an approved college of veterinary medicine.

29. "Veterinary technician" means an individual who is licensed to practice veterinary technology under this chapter.

30. "Veterinary technology" includes all branches or specialties of veterinary technology.

31. "Veterinary telemedicine" means the virtual practice of veterinary medicine over the telecommunications infrastructure.

SECTION 2. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Requirements of a veterinarian-client-patient relationship.

1. A veterinarian-client-patient relationship may not be established unless the veterinarian has sufficient knowledge of the patient to initiate a general or preliminary diagnosis of the medical condition of the patient. To establish a veterinarian-client-patient relationship, the veterinarian must be personally acquainted with the keeping and care of the patient by virtue of a medically appropriate and timely in-person examination of the patient by the veterinarian, or by a timely in-person visit to the premises where the patient is managed or resides.
2. The veterinarian must be reasonably available for patient followup care after a veterinarian-client-patient relationship is established.
3. The veterinarian shall provide oversight of patient treatment.
4. Patient records must be maintained according to rules promulgated by the board.
5. A veterinarian-client-patient relationship may not be established solely through veterinary telemedicine.
6. A veterinarian seeking consultation shall maintain the veterinarian-client-patient relationship.
7. A veterinarian may terminate a veterinarian-client-patient relationship by notifying the client that the veterinarian no longer wishes to serve the patient and client.

8. The veterinarian shall provide medical records to the client, another veterinarian, or a foreign practitioner designated by the client if the veterinarian-client-patient relationship has been terminated. The veterinarian shall allow the client a reasonable amount of time to arrange care with another veterinarian unless the circumstance, patient, or client threatens the safety of the veterinarian or the staff.
9. A veterinarian who in good faith engages in the practice of veterinary medicine by rendering or attempting to render emergency care may not be subject to penalty based solely on the inability to establish a veterinarian-client-patient relationship.
10. The veterinarian-client-patient relationship may extend to all veterinarians within the same practice with access to the patient records.

SECTION 3. AMENDMENT. Subsection 1 of section 43-29-02 of the North Dakota Century Code is amended and reenacted as follows:

1. The state board of veterinary medical examiners consists of five gubernatorially appointed members. In appointing the board members, the governor shall appoint three veterinarians, one ~~veterinarian~~ veterinary technician, and one individual representing the public. In appointing the veterinarian members of the board, the governor shall make an effort to appoint:
 - a. One veterinarian whose practice has a predominant focus on large animals;
 - b. One veterinarian whose practice has a predominant focus on small animals; and
 - c. One veterinarian whose practice focuses on both large and small animals.

SECTION 4. AMENDMENT. Section 43-29-03 of the North Dakota Century Code is amended and reenacted as follows:

~~43-29-03. Officers of board - Seal - Meetings - Limitations on meetings - ExaminationsDuties of board - Rules - Code of ethics - Inspection of facilities - Educational requirements - ReciprocityFees.~~

1. The board shall elect a president and a ~~secretary~~. ~~The board shall have a seal, and the president and the secretary may administer oaths~~ vice president. The board shall hold meetings semiannually in the spring and fall of each year for the ~~examinationapproval of candidates at a time and place specified by the board~~ approval of candidates at a time and place specified by the board ~~applicants for licensure~~. The board may hold any other meeting it determines necessary at the time and place it designates. No session of the board may exceed two days. A quorum ~~of the board consists of two members and such quorum is sufficient~~ must be present to conduct the business and proceedings of the board, ~~except that any changes in the rules must be taken at a meeting at which all the members are present.~~
2. The board may adopt and enforce reasonable rules, and orders that it determines to be necessary to the performance of its duties and the regulation of the practice of veterinary medicine; ~~establish standards for professional conduct, inspection of facilities, and educational requirements for renewal and granting of licenses; prescribe forms for application for examination; prepare~~

~~and supervise examination of applicants for license to practice veterinary medicine; obtain the services of professional examination agencies in lieu of its own preparation of such examinations; and issue and revoke licenses as provided in this chapter. All rules must be submitted to the attorney general in accordance with chapter 28-32, veterinary technology, and veterinary telemedicine, including to:~~

- ~~a. Establish standards for professional conduct and inspection of veterinary premises;~~
- ~~b. Establish requirements for granting of licenses and temporary licenses;~~
- ~~c. Establish requirements for renewal of licenses and continuing education;~~
- ~~d. Prepare application forms for licensure and renewal;~~
- ~~e. Administer the state board examination for qualified applicants;~~
- ~~f. Obtain the services of professional examination agencies to administer national examinations; and~~
- ~~g. Issue, suspend, revoke, or place on probationary status licenses and temporary licenses as provided in this chapter.~~

~~3. All rules must be submitted to the attorney general in accordance with chapter 28-32.~~

~~3-4. The board may, in its discretion, enter reciprocal agreements with the examining boards of other states and nations, governing the granting of licenses to practice veterinary medicine and surgery in this state without the applicant taking a written examination. Under no circumstances, however, may any reciprocal agreement be entered with the board of another state or nation unless the requirements for the granting of licenses in the other state or nation are on an equal or higher standard to the requirements of this state. The board may prescribe by rule any other terms or conditions to be contained in the agreements. The board shall determine the fee for license by reciprocity agreement shall set the following by rule:~~

- ~~a. Application fee;~~
- ~~b. License fee;~~
- ~~c. Temporary license fee;~~
- ~~d. Renewal fee;~~
- ~~e. Late renewal fee; and~~
- ~~f. Continuing education fee.~~

SECTION 5. AMENDMENT. Section 43-29-04 of the North Dakota Century Code is amended and reenacted as follows:

43-29-04. Record of proceedings of board - Register of applicants kept by board - Records and register as evidence.

The ~~state board of veterinary medical examiners~~ shall keep a record of all its proceedings and a register of applicants for licenses showing the name of each applicant, the time spent by each applicant in the study and practice of veterinary medicine, ~~surgery, or dentistry or veterinary technology~~, and the name and location of the ~~school, college, or university program~~ which granted the applicant a degree or diploma. Such books and records are prima facie evidence of the matters recorded therein.

SECTION 6. AMENDMENT. Section 43-29-05 of the North Dakota Century Code is amended and reenacted as follows:

43-29-05. Compensation and expenses of members of board.

Members of the board may receive for each day ~~during which they~~the members are ~~actually~~ engaged in the performance of the duties of their office ~~such~~the per diem ~~as must be fixed by the board. They may also~~The members also may be reimbursed for necessary travel expenses and meals and lodging expenses at the same rate and in the same manner as are elected officials and employees of the state.

~~The board may select one of its members to attend the annual meeting of the national organization of state examining boards. The member so selected may be reimbursed for necessary travel expenses and meals and lodging expenses at the same rate and in the same manner as are elected officials and employees of the state.~~

~~The board may incur no expense exceeding the sum received as fees, as hereinafter provided.~~

SECTION 7. AMENDMENT. Section 43-29-05.1 of the North Dakota Century Code is amended and reenacted as follows:

43-29-05.1. Executive ~~secretary~~director.

The board may employ an executive ~~secretary~~director and ~~such other persons~~individuals as it deems advisablenecessary to carry out the purpose of this chapter at such salaries as it may determine.

~~Each biennium the executive secretary shall prepare the budget of the board for presentation to the executive office of the budget. The executive secretary shall also carry out all routine secretarial and other duties as directed by the board.~~

SECTION 8. AMENDMENT. Section 43-29-06 of the North Dakota Century Code is amended and reenacted as follows:

~~43-29-06. Graduation from recognized school and certificate or permit from board~~License required.

~~Only a graduate of the veterinary course offered in a veterinary school, college, or university recognized by the board, and who possesses a certificate of registration~~An individual must have a license or temporary license issued by the board which is in effect, may engage in the to practice of veterinary medicine or veterinary technology.

SECTION 9. AMENDMENT. Section 43-29-07 of the North Dakota Century Code is amended and reenacted as follows:

43-29-07. Application for license — ~~Change of address — Display of certificate of registration~~ Requirements for veterinarian licensure.

1. A person desiring

~~The board may grant a license to practice veterinary medicine in this state shall make written application to the board. The application must show the applicant is a graduate of an accredited college of veterinary medicine or the holder of a certificate. The application must also show the applicant is a person of good moral character and any other information and proof the board may require. The application must be accompanied by a fee in the amount established by the board. If the board determines an applicant possesses the proper qualifications, the board shall admit the applicant to the next examination. If the applicant is eligible for license without examination under section 43-29-07.2, the board may grant the applicant a license. If an applicant is found not qualified to take the examination or for a license without examination, the board shall immediately notify the applicant in writing of this finding and the grounds of this finding. An applicant found unqualified may request a hearing on the question of the applicant's qualifications.~~

2. Each veterinarian licensed by the board, whether a resident or not, shall notify the secretary of any change in that person's office address or employment within sixty days after the change has taken place. Any person licensed to practice veterinary medicine after the fifteenth day of April, or any person issued a temporary permit to practice veterinary medicine after that date, is exempt from this requirement to pay the annual registration fee until the first day of July of the year following licensure.

3. Registration is a condition precedent to the practice of veterinary medicine and surgery in this state, and a certificate of registration currently in effect must be on display at all times in the office of each veterinarian engaged in active practice to an applicant who:

- 1. Is a graduate of an approved college of veterinary medicine or has completed an equivalency program of veterinary medicine as established by the board by rule;**
- 2. Passes the national board examination and clinical competency test, or the North American veterinary licensing examination;**
- 3. Passes the state board examination;**
- 4. Has no grounds for license refusal under section 43-29-14; and**
- 5. Meets any additional requirements for licensure established by the board by rule.**

SECTION 10. AMENDMENT. Section 43-29-07.1 of the North Dakota Century Code is amended and reenacted as follows:

43-29-07.1. ~~Veterinary technicians —~~ Examinations Requirements for veterinary technician licensure.

1. An

The board may grant a license to practice veterinary technology to an applicant for licensure as a veterinary technician must have an examination date offered at least annually at a time, place, and date determined by the board at least ninety days before the scheduled examination.

- ~~2. An applicant for licensure as a veterinary technician must pass the veterinary technician national examination with a score approved by the board.~~
- ~~3. An applicant for licensure as a veterinary technician who has successfully passed the veterinary technician national examination shall request that the applicant's examination scores be forwarded to the board. An applicant is eligible for licensure upon meeting the licensure requirements set by the board who:~~
 1. Is a graduate of an approved program of veterinary technology or completed an equivalency program of veterinary technology as established by the board by rule;
 2. Passes the veterinary technician national examination;
 3. Passes the state board examination;
 4. Has no grounds for license refusal under section 43-29-14; and
 5. Meets any additional requirements for licensure established by the board by rule.

SECTION 11. AMENDMENT. Section 43-29-07.2 of the North Dakota Century Code is amended and reenacted as follows:

43-29-07.2. Examination — License without examination — Temporary permit license.

- ~~1. The board shall hold at least two examinations a year. The board shall adopt rules governing preparation, administration, and grading of examinations. Examinations must be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove competency to practice veterinary medicine in the judgment of the board. An examinee must be tested by written examination, supplemented by any oral interview and practical demonstration the board determines necessary. The board may adopt and use the examination prepared by the national board of veterinary medical examiners. After each examination, the board shall notify each examinee of the result of the examination, and the board shall issue a license to each person who passed the examination. The board shall record each new license and issue a certificate of registration to each new licensee. Any person failing an examination may be admitted to any subsequent examination on approval by the board and payment of the application fee.~~
- ~~2. The board may issue a license without a written examination to a qualified applicant who furnishes satisfactory proof of graduation from an accredited or approved college of veterinary medicine, or holds a certificate, and who:~~
 - ~~a. Has for the five years immediately before filing of the application been a practicing veterinarian licensed in a state having license requirements at the time the applicant was first licensed which were substantially equivalent to the requirements of this chapter;~~

- b. ~~Has within the three years immediately before filing the application successfully completed the examinations provided by the national board of veterinary medical examiners; or~~
 - e. ~~Currently holds a license to practice in at least one state, has active diplomat status in a specialty organization recognized by the American veterinary medical association, and whose practice is limited to the certified specialty in the state in which the specialist is licensed without examination.~~
3. The board may issue ~~without examination~~ a temporary ~~permit~~license to practice veterinary medicine in this state to:
- a. ~~A qualified applicant for license pending examination, if the temporary permit expires the day after the notice of results of the first examination given after the permit is issued. A temporary permit may not be issued to an applicant who previously has failed the examination in this or any other state or a foreign country.~~
 - b. ~~A nonresident veterinarian validly licensed in another state or a foreign country who pays the fee established and published by the board if the temporary permit is issued for a period of no more than sixty days and no more than one permit is issued to a person during each calendar year.~~
 - c. ~~A senior veterinary student who practices in the office of and under the direct supervision of a licensed veterinarian. A temporary student permit may not exceed six months from its date of issuance and is granted without payment of a fee.~~
 - d. ~~A graduate of a nonaccredited college of veterinary medicine, who has satisfactorily completed the fourth year of clinical study at an accredited or approved college of veterinary medicine, has successfully passed the examination provided by the national board of veterinary medical examiners, and is enrolled in the educational commission for foreign veterinary graduates program. The holder of a temporary permit issued under this subdivision must practice under the supervision of a licensed veterinarian. A temporary permit issued under this subdivision is valid until the holder obtains a certificate or for two years a qualified applicant who has met the requirements established by the board.~~

SECTION 12. AMENDMENT. Section 43-29-07.3 of the North Dakota Century Code is amended and reenacted as follows:

43-29-07.3. License~~Veterinarian~~ - License renewal - Continuing education requirements.

1. ~~All licenses expire~~A veterinarian license expires annually as of July first but may be renewed by registration with the board and payment of the registration renewal fee established by the board. On June first of each year, the board shall mail a notice to each licensed veterinarian that the licensee's license will expire as of July first and provide the licensee with a form for registration. The board shall issue a new certificate of registration to a person reregistering under this section. Any person who willfully or by neglect fails to renew a license and who practices veterinary medicine after the expiration of the license is practicing in violation of this chapter on June thirtieth.

2. A veterinarian license may be renewed by submission of the following to the board, no later than June thirtieth:
 - a. A complete renewal application;
 - b. Payment of the renewal fee established by the board; and
 - c. Proof of completion of board required continuing education.
3. An individual who neglects or willfully fails to renew a license and practices veterinary medicine after the expiration of the license, is practicing veterinary medicine in violation of this chapter.
- ~~2.4. Any qualified person~~An individual may renew an expired license within ~~two~~five years of the date of its expiration by ~~making written~~completing an application for renewal ~~and, paying the current renewal fee plus all delinquent renewal fees, and completing all required continuing education.~~ After ~~two~~five years have elapsed since the date of expiration, a license may not be renewed, but the holder may ~~make application~~apply for a new license and ~~take the license examination.~~ The board may by rule waive the payment of the registration renewal fee of a licensed veterinarian during the period when the veterinarian is on active duty with any branch of the armed services of the United States, not to exceed the longer of three years or the duration of active duty.
- ~~3.5. The board may adopt rules establishing requirements for the continuing education of veterinarians and veterinary technicians. The board may refuse to renew or may suspend, revoke, or place on probationary status any license issued under this chapter upon proof the licensee~~veterinarian has failed to meet the applicable continuing education requirements. ~~Applicants for accreditation of continuing education courses, classes, or activities may be charged a reasonable fee determined by the board.~~

SECTION 13. AMENDMENT. Section 43-29-08.1 of the North Dakota Century Code is amended and reenacted as follows:

43-29-08.1. Veterinary technician - Renewal of license - Continuing education requirements.

- ~~1. A license issued to a veterinary technician under this chapter expires~~license expires annually on December thirty-first.
- ~~2. A veterinary technician shall submit renewal fees and current mailing address before license may be renewed by submission of the following to the board, no later than December thirty-first on an application form provided and mailed to the licenseholder by the board:~~
 - a. A complete renewal application;
 - b. Payment of a renewal fee established by the board; and
 - c. Proof of completion of board required continuing education.
- ~~3. A veterinary technician shall submit evidence of completion of required continuing education credits in the veterinary field during the calendar year in order to apply for a license renewal.~~An individual who neglects or willfully fails to renew a license and practices veterinary technology after the expiration of the license, is practicing veterinary technology in violation of this chapter.

4. ~~Failure to submit the appropriate renewal fee every year results in forfeiture of all rights and privileges under this chapter and the veterinary technician may not perform veterinary technician services unless the veterinary technician pays a delinquency fee in addition to the license within five years of the date of its expiration by completing an application for renewal, paying the current renewal fee plus all delinquent renewal fees, and completing all required continuing education. After five years have elapsed since the date of expiration, a license may not be renewed, but the holder may apply for a new license.~~ An individual may renew an expired license within five years of the date of its expiration by completing an application for renewal, paying the current renewal fee plus all delinquent renewal fees, and completing all required continuing education. After five years have elapsed since the date of expiration, a license may not be renewed, but the holder may apply for a new license.
5. The board may refuse to renew or may suspend, revoke, or place on probationary status any license issued under this chapter upon proof the veterinary technician has failed to meet the applicable continuing education requirements.

SECTION 14. AMENDMENT. Section 43-29-13 of the North Dakota Century Code is amended and reenacted as follows:

43-29-13. Practices excepted from chapter ~~Practices excepted from chapter~~ **Exceptions to the practice of veterinary medicine.**

1. The following ~~persons~~ individuals may not be considered to be engaging in the practice of veterinary medicine in this state:
 1. ~~Those~~ An individual who ~~administer to livestock~~ treats animals, ~~the title to which rests in owned by themselves, or in their~~ the individual's regular employer, except ~~when their~~ ownership of the animal was transferred or otherwise manipulated to avoid the requirements of this chapter, or those who perform gratuitous services.
 2. ~~Anyone~~ An individual who conducts experiments in scientific research in the development of methods, techniques, or treatment, directly or indirectly applicable to the problems of medicine, and who in connection with these activities uses animals.
 3. ~~Anyone who is a regular~~ A student ~~enrolled in an accredited or approved college of veterinary medicine performing duties or actions assigned by an instructor or working under the direct supervision of a licensed veterinarian during a school vacation period.~~ enrolled in an accredited or approved college of veterinary medicine performing duties or actions assigned by an instructor or working under the direct supervision of a licensed veterinarian during a school vacation period.
 4. ~~Anyone licensed in another state or nation when~~ An individual engaged in this state in consultation with veterinarians legally practicing herein.
 5. ~~A senior student who is in an approved school of veterinary medicine and who obtains from the board a student permit to practice in the office and under the direct supervision of any veterinarian practicing within this state.~~
 6. ~~Any~~ An employee of the United States or this state while in the performance of duties as ~~employees~~ an employee.
 7. ~~Any~~ A merchant or manufacturer selling nonprescription medicine, feed, an appliance, or any other product ~~used for use as labeled~~ in the prevention or treatment of animal diseases.
 8. ~~Any veterinary technician or other~~ An employee of a ~~licensed~~ veterinarian performing duties under the direction ~~and~~ or supervision of the veterinarian responsible for the ~~technician's or other~~ employee's performance, except the following duties:

- (1) Performing surgery;
 - (2) Diagnosing;
 - (3) Prognosing; or
 - (4) Prescribing.
9. h. Any member of the faculty of an accredited college of veterinary medicine performing regular functions or a personAn individual lecturing or giving instructions or demonstrations within the individual's area of professional expertiseat an accredited college of veterinary medicine or in connection with a continuing education course or seminar.
10. i. Any personAn individual selling or applying any pesticide, insecticide, or herbicide.
11. j. AnyAn individual who is not a graduate of a foreignan approved college of veterinary medicine who, and is in the process of obtaining a certificate and is enrolled in an equivalency program of veterinary medicine as approved by the board, performing duties or actions assigned by the graduate's instructorsan instructor in an accreditedapproved college of veterinary medicine.
12. k. Any personAn individual performing a direct embryo transfer procedure on a recipient cow. Except as provided in this subsection, a personan individual performing a direct embryo transfer procedure on a recipient cow may not administer prescription drugs to the cow during, or as part of, the procedure. The owner of the recipient cow, however, may administer or cause the administration of prescription drugs to the recipient cow during, or as part of, the procedure if a veterinarian-client patient relationship existsas prescribed by a veterinarian.
- l. An individual who administers medication or treatment as prescribed by a veterinarian.
- m. An individual who performs gratuitous services for an animal in a life-threatening situation.
2. This section may not be construed to protect individuals from animal cruelty laws in this state.

SECTION 15. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Exceptions to practice of veterinary technology.

1. The following individuals may not be considered to be engaging in the practice of veterinary technology in this state:
- a. An individual who treats an animal owned by the individual or the individual's regular employer, except if ownership of the animal was transferred or otherwise manipulated to avoid the requirements of this chapter.

- b. An individual who conducts experiments in scientific research in the development of methods, techniques, or treatment, directly or indirectly applicable to the problems of medicine, and who in connection with these activities uses animals.
 - c. A student enrolled in an approved program of veterinary technology performing duties or actions assigned by an instructor or working under the direct supervision of a veterinarian.
 - d. An employee of the United States or this state while in the performance of duties as employees.
 - e. An employee of a veterinarian performing duties under the direction or supervision of the veterinarian responsible for the employee's performance.
 - f. An individual lecturing or giving instructions or demonstrations within the individual's area of professional expertise in connection with a continuing education course or seminar.
 - g. An individual who is not a graduate of an approved program of veterinary technology, enrolled in an equivalency program of veterinary technology as approved by the board, performing duties or actions assigned by an instructor in an approved program of veterinary technology.
 - h. An individual who administers medication or treatment as prescribed by a veterinarian.
 - i. An individual who performs gratuitous services for an animal in a life-threatening situation.
2. This section may not be construed to protect individuals from animal cruelty laws in this state.

SECTION 16. AMENDMENT. Section 43-29-14 of the North Dakota Century Code is amended and reenacted as follows:

43-29-14. Refusal, suspension, and revocation of license and ~~certificate~~ - Reinstatement and relicense.

1. ~~The state board of veterinary medical examiners may refuse to issue a license or certificate of registration, temporary license, or may suspend or revoke a license and certificate of registration or temporary license, upon any of the following grounds:~~
 - a. ~~Fraud or deception in procuring the license, including conduct that violates the security or integrity of any licensing examination.~~
 - b. ~~The use of advertising or solicitation that is false, misleading, or otherwise determined unprofessional under rules adopted by the board.~~
 - c. ~~Habitual intemperance in the use of intoxicating liquors, or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs. The determination that an individual is an impaired veterinarian as defined by section 43-29.01.1 or an impaired veterinary technician as defined by section 43-29-01.1.~~

- d. ~~Immoral, unprofessional, or dishonorable~~Unprofessional conduct manifestly disqualifying the licensee from practicing veterinary medicine ~~as defined by the rules adopted by the board, or violating the code of ethics adopted by the board by rule.~~
 - e. Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine or veterinary technology.
 - f. Employment of unlicensed ~~persons~~individuals to perform work that under this chapter can lawfully be done only by ~~persons~~individuals licensed to practice veterinary medicine or veterinary technology.
 - g. Fraud or dishonest conduct in applying or reporting diagnostic biological tests, inspecting foodstuffs, or in issuing ~~health certificates~~regulatory documents.
 - h. Failure ~~of the licensee~~ to keep the premises and equipment used ~~in the licensee's practice~~ in a reasonably clean and sanitary condition and failure to use reasonably sanitary methods in the practice of veterinary medicine or veterinary technology.
 - i. Violation of the rules adopted by the board.
 - j. Conviction of an offense determined by the board to have a direct bearing upon ~~a person's~~the ability of an individual to serve the public as a veterinarian or veterinary technician, or when the board determines, following conviction of any offense, that ~~a person~~an individual is not sufficiently rehabilitated under section 12.1-33-02.1.
 - k. Willful or repeated violations of this chapter or any rule adopted by the board.
 - l. Failure to report, as required by law, or making false report of, any contagious or infectious disease.
 - m. Cruelty to animals as defined under chapter 36-21.2.
 - n. Revocation of a license to practice veterinary medicine or veterinary technology by another state jurisdiction on grounds other than nonpayment of a ~~registration~~renewal fee.
 - o. The use, prescription, or dispensing of any veterinary prescription drug, or the prescription or extra-label use of any over-the-counter drug, in the absence of a valid veterinarian-client-patient relationship, except as provided by section 43-29-19.
2. ~~Any person~~An individual whose license has been revoked may apply to the board for reinstatement and relicensure one year after the date of revocation. The board may reissue a license if the board is satisfied the applicant is qualified to practice veterinary medicine or veterinary technology, meets the existing requirements for licensure, and will comply with the rules regarding the practice of veterinary medicine or veterinary technology.

SECTION 17. AMENDMENT. Section 43-29-15 of the North Dakota Century Code is amended and reenacted as follows:

43-29-15. Complaints - Investigations.

1. ~~Any person~~An individual may file a written complaint with the board setting forth the specific charges upon which the complaint is made. Upon receiving a complaint, the board shall notify the veterinarian or veterinary technician of the complaint and request a written response from the veterinarian or veterinary technician. The board may adopt rules establishing a peer review committee for the purpose of investigating complaints and providing recommendations to the board. A veterinarian or veterinary technician who is the subject of an investigation by the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any reasonable question raised by or on behalf of the board relating to the subject of the investigation and providing copies of records when reasonably requested by the board. Failure to cooperate in the investigative process may be grounds for disciplinary action against the veterinarian or veterinary technician.
2. To pursue the investigation, the board may ~~subpoena and examine witnesses and records, including medical records, copy, photograph, or take samples. The board may require the veterinarian to give statements under oath, to submit to a physical or psychological examination, or both, by a physician or other qualified evaluation professional selected by the board if it appears to be in the best interest of the public that this evaluation be secured. After review of the complaint, the veterinarian's response, and information obtained in the investigation, the board shall determine if there is a reasonable basis to believe the allegations are true and that the allegations constitute a violation of this chapter or the rules of the board. If the board determines there is a reasonable basis to believe the allegations are true and the allegations constitute a violation of this chapter or the rules of the board, the board shall take appropriate action. If a reasonable basis is not found by the board, the board shall notify the complaining party and the veterinarian in writing:~~
 - a. Subpoena and examine witnesses, records, medical records, copy, photograph, or take samples;
 - b. Require the veterinarian or veterinary technician to give statements under oath;
 - c. Require the veterinarian or veterinary technician to submit to a physical examination, chemical dependency evaluation, or psychological examination by a physician or other qualified evaluation professional selected by the board if there is reasonable cause to believe the veterinarian or veterinary technician is impaired as defined by section 43-29-01.1; and
 - d. Require the veterinarian or veterinary technician to enroll in a treatment or monitoring program approved by the board if the board determines in good faith enrollment would be beneficial to the veterinarian or veterinary technician or to protect the public.
3. After review of the complaint, the response from the veterinarian or veterinary technician, and information obtained in the investigation, the board shall determine if there is a reasonable basis to believe the allegations are true and if the allegations constitute a violation of this chapter or the rules of the board. If the board determines there is a reasonable basis to believe the allegations are true and the allegations constitute a violation of this chapter or the rules of the board, the board shall take appropriate action. If a reasonable basis is not found by the board, the board shall notify the complaining party and the veterinarian or veterinary technician in writing.

4. Unless the board proceeds with a disciplinary action, the complaint, the response, and any records received by the board during an investigation of a complaint under this section are exempt records, as defined in section 44-04-17.1.
5. A veterinarian or veterinary technician shall report in good faith any impaired veterinarian or impaired veterinary technician as defined by section 43-29-01.1.
6. The board may adopt rules as necessary to carry out this section.

SECTION 18. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Self-reporting and self-referral.

1. A veterinarian or veterinary technician may voluntarily self-report or self-refer to a treatment or monitoring program approved or contracted by the board to seek assistance for a potential or existing impairment due to a mental health or substance use disorder.
2. A veterinarian or veterinary technician who under this section voluntarily seeks assistance from a treatment or monitoring program in assessing or treating a potential or existing impairment will not be reported to the board solely on the basis of self-reporting or self-referral.
3. The identity of the veterinarian or veterinary technician and findings of the evaluation only may be reported to the board when:
 - a. A veterinarian or veterinary technician refuses to undergo an evaluation by the program;
 - b. The evaluation reveals evidence of an impairment that could affect the ability of the veterinarian or veterinary technician to practice, or constitutes a threat to the safety of a patient or the public; or
 - c. The veterinarian or veterinary technician refuses to cooperate with a treatment plan, monitoring and followup, or aftercare directed by the program, including a recommendation about continuing practice.
4. Participation in the program does not protect a veterinarian or veterinary technician from disciplinary action resulting from a complaint.
5. A veterinarian or veterinary technician who self-reports or self-refers to the board for a potential or existing impairment may be referred by the board to a treatment or monitoring program in a manner prescribed by the board by rule, and subsequent reporting by the program to the board is at the discretion of and in the manner prescribed by the board.
6. A veterinarian or veterinary technician who has completed a treatment or monitoring program and is in full compliance with all parts of the treatment or monitoring plan and aftercare, may answer in the negative to a question on an application to the board for licensure or licensure renewal regarding current impairment by the condition for which the veterinarian or veterinary technician completed treatment. However, any recurrence of the impairment or the existence of other potential impairments that are not currently known to the program must be reported on the application.

7. Notwithstanding section 44-04-18, except as otherwise provided in this chapter, all records related to participation in a treatment or monitoring program established under this section containing identifying information about a veterinarian or veterinary technician are confidential and only may be disclosed when:
 - a. Disclosure is reasonably necessary for the accomplishment of the purposes of intervention, rehabilitation, referral assistance, or supportive services;
 - b. Disclosure is required by law in a legal or administrative hearing or requested by the board for a formal disciplinary action;
 - c. Disclosure is necessary regarding a veterinarian's or veterinary technician's noncompliance with the program;
 - d. A staff member is handling records for administrative purposes as provided under this section; and
 - e. A person is participating in treatment or program monitoring, evaluations, or followup.
8. A person in attendance at any meeting of a treatment or monitoring program is not required to testify as to the content of any findings, committee discussions, or proceedings, unless requested by the board for a disciplinary proceeding or regarding noncompliance with the program.

SECTION 19. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Immunity from liability.

The following individuals are immune from liability in any civil or criminal proceeding brought against the individual for any action occurring while the individual was acting in good faith within the scope of the individual's respective capacity:

1. A member of the board;
2. A member of a peer review committee;
3. A witness testifying in a proceeding or hearing authorized under this chapter or administrative proceeding held under chapter 28-32;
4. A treating professional;
5. An individual who files a complaint pursuant to this Act; and
6. An individual reporting an impaired veterinarian or impaired veterinary technician as defined by section 43-29-01.1.

SECTION 20. AMENDMENT. Subsection 2 of section 43-29-16 of the North Dakota Century Code is amended and reenacted as follows:

2. In any order or decision issued by the board in which disciplinary action is imposed against a ~~licensee~~ veterinarian or veterinary technician, the board may direct the ~~licensee~~ veterinarian or veterinary technician to pay the board a

sum not to exceed the reasonable and actual costs, including attorney's fees, incurred by the board in the investigation and prosecution of the case. ~~When applicable, the licensee's license may be suspended until the costs are paid to the board.~~

SECTION 21. AMENDMENT. Section 43-29-16.1 of the North Dakota Century Code is amended and reenacted as follows:

43-29-16.1. Abandonment of animals by owner/client - Disposal of remains.

1. Any animal placed in the custody of a ~~licensed doctor of veterinary medicineveterinarian~~ for treatment, boarding, or other care, which is abandoned by ~~its owner or its owner's agentthe client~~ for a period of more than ten days after a written notice, by registered or certified letter, return receipt requested, is ~~givenmailed~~ to the ~~owner or its owner's agentclient~~ at the last-known address, may be turned over to the custody of the nearest humane society or ~~dog~~ pound in the area or disposed of as such custodian may deem proper.
2. The ~~giving~~service of notice to the ~~owner, or the agent of the ownerclient~~, of such animal by the ~~doctor of veterinary medicineveterinarian~~, as provided in subsection 1, shall relieve the ~~doctor of veterinary medicineveterinarian~~ and any custodian to whom such animal may be given of any further liability for disposal; ~~it is further provided that such~~. Such procedure by the ~~licensed doctor of veterinary medicineveterinarian~~ does not constitute grounds for disciplinary procedure under this chapter.
3. For the purpose of this section, the term "abandoned" means to forsake entirely or to neglect or refuse to provide or perform the care and support of an animal by ~~its owner or its owner's agentthe client~~; such abandonment constitutes the relinquishment of all rights and claim by the owner of such animal.
4. Any animal remains that are left in the possession of a veterinarian and have not been claimed by the client for a period of more than ten days after a written notice, by registered or certified letter, return receipt requested, is mailed to the client at the last-known address, may be disposed of by the veterinarian as deemed proper.

SECTION 22. AMENDMENT. Section 43-29-17 of the North Dakota Century Code is amended and reenacted as follows:

43-29-17. Unlawful practice of veterinary medicine - Penalty - Civil remedy.

Any person who

1. An individual is guilty of a class B misdemeanor if the individual:
4. a. Practices veterinary medicine, ~~surgery, or dentistry~~ in this state without compliance with the provisions of this chapter;
2. b. Willfully and falsely claims or pretends to have or hold a ~~certificate of registrationlicense or temporary license~~ issued by the ~~state~~ board of ~~veterinary medical examiners~~; or

- 3- c. ~~Willfully and falsely, with intent to deceive the public, claims or pretends to be a graduate of, or to hold a degree or diploma showing the satisfactory completion of a course in veterinary science in a school, college, or university recognized from a program of veterinary medicine approved by the board;~~

~~is guilty of a class B misdemeanor.~~

2. ~~In addition to the criminal penalty provided, the civil remedy of injunction is available to restrain and enjoin violations of any provisions of this chapter without proof of actual damages sustained by any person an individual, upon application and unanimous vote of all members of the state board of veterinary medical examiners.~~

SECTION 23. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Unlawful practice of veterinary technology - Penalty - Civil remedy.

1. An individual is guilty of a class B misdemeanor if the individual:
- a. Practices veterinary technology in this state without compliance with the provisions of this chapter;
 - b. Willfully and falsely claims or pretends to have or hold a license issued by the board; or
 - c. Willfully and falsely, with intent to deceive the public, claims or pretends to be a graduate of, or to hold a degree or diploma from, a program of veterinary technology approved by the board.
2. In addition to the criminal penalty provided, the civil remedy of injunction is available to restrain and enjoin violations of any provisions of this chapter without proof of actual damages sustained by an individual, upon application and unanimous vote of all members of the board.

SECTION 24. AMENDMENT. Subsection 2 of section 43-29-19 of the North Dakota Century Code is amended and reenacted as follows:

2. Other than a controlled substance, a ~~licensed~~ veterinarian may dispense a veterinary prescription drug without establishing a veterinarian-client-patient relationship if:
- a. The drug is prescribed by a ~~licensed~~ veterinarian or by a ~~veterinarian licensed in another jurisdiction~~ foreign practitioner who has established a veterinarian-client-patient relationship;
 - b. The prescribing veterinarian or foreign practitioner has an inadequate supply of the drug, failure to dispense the drug would interrupt a therapeutic regimen, or failure to dispense the drug would cause an animal to suffer; ~~and~~
 - c. The dispensing veterinarian verifies the prescription with the prescribing veterinarian or foreign practitioner; and

- d. The dispensing veterinarian is not presumptively aware of any disciplinary action against the prescribing veterinarian or foreign practitioner.

SECTION 25. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Veterinary telemedicine - Teleadvice and teletriage.

1. A veterinarian shall establish a veterinarian-client-patient relationship by virtue of a medically appropriate and timely in-person examination of a patient by the veterinarian, or by a timely in-person visit to the premises where the patient is managed or resides before the provision of veterinary telemedicine services.
2. The provision of teleadvice or teletriage by a veterinarian does not require the prior establishment of a veterinarian-client-patient relationship.
3. A veterinary technician may perform teleadvice and teletriage without instructions from a veterinarian.
4. The board may adopt rules as necessary to carry out this section.

SECTION 26. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Source of data.

The board shall be authorized to rely upon the expertise of and verified data gathered and stored by not-for-profit organizations that share in the public protection mission of the board including the American association of veterinary state boards to make determinations under this chapter and to promote uniformity and administrative efficiencies.

SECTION 27. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Location of the practice of veterinary medicine.

The provision of veterinary services to a patient in this state which fall within the standard of practice of veterinary medicine regardless of the means by which the services are provided or the physical location of the person providing those services, constitutes the practice of veterinary medicine in this state and is subject to regulation by the board.

SECTION 28. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Indirect practice without a license for foreign practitioners.

A foreign practitioner may provide veterinary services in this state which fall within the scope of practice designated by the foreign practitioner's license and by this chapter without obtaining a license from the board if the services are provided through telehealth and are a continuation of an existing veterinarian-client-patient relationship as established under this chapter.

SECTION 29. A new section to chapter 43-29 of the North Dakota Century Code is created and enacted as follows:

Recognized animal services - Exceptions.

1. The provision of a recognized animal service does not constitute the practice of veterinary medicine if provided by an individual who is not a veterinarian or veterinary technician and not otherwise excepted from the practice of veterinary medicine under section 43-29-13.
2. For purposes of this section, "recognized animal service" means:
 - a. Grooming;
 - b. Training or conditioning;
 - c. Horseshoeing or farrier work;
 - d. Massage therapy or acupressure;
 - e. Microchip implantation; and
 - f. An accepted livestock management practice.
3. This section does not permit an individual who is not a veterinarian to diagnose, prescribe, or perform surgical procedures, other than surgical procedures considered to be an accepted livestock management practice.
4. The exceptions provided under this section do not extend to any other animal services.

SECTION 30. REPEAL. Sections 43-29-09, 43-29-10, 43-29-11, and 43-29-12.1 of the North Dakota Century Code are repealed.

Approved April 29, 2025

Filed April 30, 2025

CHAPTER 398

HOUSE BILL NO. 1045

(Industry, Business and Labor Committee)
(At the request of the Private Investigative and Security Board)

AN ACT to create and enact two new subsections to section 43-30-16 of the North Dakota Century Code, relating to application fees for a non-live remote or online classroom instruction course for apprentice security officers and renewal and late fees for all nonlicensed officers and owners of at least a ten percent interest in a private security or detective agency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁶⁹ **SECTION 1.** Two new subsections to section 43-30-16 of the North Dakota Century Code are created and enacted as follows:

The application fee for a non-live remote or online classroom instruction course for apprentice security officers may not exceed sixty dollars.

The fee for the renewal of all nonlicensed officers and owners of at least a ten percent interest in a private security or detective agency may not exceed sixty dollars. A late fee not to exceed twenty dollars may be charged for each month the renewal fee is due and unpaid.

Approved March 14, 2025

Filed March 14, 2025

¹⁶⁹ Section 43-30-16 was also amended by section 1 of Senate Bill No. 2051, chapter 399.

CHAPTER 399

SENATE BILL NO. 2051

(Industry and Business Committee)

(At the request of the Private Investigative and Security Board)

AN ACT to amend and reenact section 43-30-16 of the North Dakota Century Code, relating to fees charged by the North Dakota private investigative and security board; to provide for a performance audit of the North Dakota private investigative and security board; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁷⁰ **SECTION 1. AMENDMENT.** Section 43-30-16 of the North Dakota Century Code is amended and reenacted as follows:

43-30-16. Examination, license, and registration fees.

The board may ~~establish by rule and~~ charge the following fees:

1. The fee to be paid by an applicant for an examination to determine the applicant's fitness to receive a license as a private investigator or a license to provide private security services ~~may not exceed one hundred~~ is one hundred fifty dollars.
2. The fee to be paid by an applicant for the initial issuance or the renewal of a license as a private investigator or a license to provide private security services ~~may not exceed one hundred fifty~~ is two hundred twenty-five dollars. A late fee ~~not to exceed fifty~~ of seventy-five dollars may be charged for each month the renewal fee is due and unpaid.
3. The fee to be paid by an applicant to apply for a license to conduct a private security or detective agency ~~may not exceed one hundred~~ is one hundred fifty dollars.
4. The fee for the issuance or the renewal of a license to conduct a private security or detective agency ~~may not exceed three hundred~~ is four hundred fifty dollars. A late fee ~~not to exceed one hundred~~ of one hundred fifty dollars may be charged for each month the renewal fee is due and unpaid.
5. The ~~one-time initial~~ fee to be paid by an applicant for the issuance of a private security training certificate ~~may not exceed twenty-five~~ is forty dollars. The fee for the renewal of a private security training certificate is forty dollars. A late fee of fifteen dollars may be charged for each month the renewal fee is due and unpaid.
6. The annual fee to be paid by an applicant for the issuance of an armed certificate ~~may not exceed thirty~~ is forty-five dollars. A late fee ~~not to exceed ten of fifteen~~ of fifteen dollars may be charged for each month the renewal fee is due and unpaid.

¹⁷⁰ Section 43-30-16 was also amended by section 1 of House Bill No. 1045, chapter 398.

7. The fee to be paid for the issuance of a duplicate license ~~may not exceed twenty~~ is thirty dollars.
8. The initial registration fee to provide private investigative service or private security service ~~may not exceed thirty~~ is forty-five dollars. The fee for the renewal of a registration to provide private investigative service or private security service ~~may not exceed thirty~~ is forty-five dollars. A late fee ~~not to exceed ten of fifteen~~ dollars may be charged for each month the renewal fee is due and unpaid.
9. The initial application fee for a certified course instructor for an armed first responder training certification ~~may not exceed four hundred~~ is six hundred dollars. A fee for renewal of a course instructor certification for an armed first responder program ~~may not exceed three hundred~~ is four hundred fifty dollars.

SECTION 2. PERFORMANCE AUDIT - NORTH DAKOTA PRIVATE INVESTIGATIVE AND SECURITY BOARD. The state auditor shall conduct a performance audit of the North Dakota private investigative and security board, in accordance with chapter 54-10, during the biennium beginning July 1, 2025, and ending June 30, 2027. The performance audit must be in addition to the requirements under section 54-10-27.

SECTION 3. EMERGENCY. Section 1 of this Act is declared to be an emergency measure.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 400

SENATE BILL NO. 2058

(Workforce Development Committee)
(At the request of the Department of Water Resources)

AN ACT to amend and reenact subsection 5 of section 43-35-13, section 43-35-14, subsection 1 of section 43-35-17, and sections 43-35-21 and 43-35-23 of the North Dakota Century Code, relating to the operations of the board of water well contractors; and to repeal section 43-35-16 of the North Dakota Century Code, relating to the operations of the board of water well contractors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁷¹ **SECTION 1. AMENDMENT.** Subsection 5 of section 43-35-13 of the North Dakota Century Code is amended and reenacted as follows:

5. A person applying to take a certification examination shall pay to the board treasurer a nonrefundable examination fee in the an amount of one hundred dollars set by the board by rule. If upon examination the applicant is found to be qualified as a water well contractor, a water well pump and pitless unit installer, a monitoring well contractor, or a geothermal system driller, the board shall issue to that person an appropriate certificate upon the applicant's executing and filing with the board a bond as required in this chapter. The board may offer a combined examination for certification of a person as a water well contractor and a water well pump and pitless unit installer and may issue a single certificate for successful completion of the combined examination. Certificates issued under this chapter are not transferable.

¹⁷² **SECTION 2. AMENDMENT.** Section 43-35-14 of the North Dakota Century Code is amended and reenacted as follows:

43-35-14. Bond required.

Before receiving a certificate under this chapter, a qualified applicant shall execute and deposit with the board a surety bond conditioned for the faithful performance of all water well, monitoring well, pump and pitless unit, or geothermal system installation contracts undertaken by the applicant and the strict compliance with this chapter. The required amount of a surety bond is fifteen thousand dollars for a water well contractor and is two thousand dollars for a monitoring well, pump and pitless unit, or geothermal system installation contractor must be set by the board by rule.

¹⁷¹ Section 43-35-13 was repelaed by section 39 of Senate Bill No. 2308, chapter 479.

¹⁷² Section 43-35-14 was repelaed by section 39 of Senate Bill No. 2308, chapter 479.

¹⁷³ **SECTION 3. AMENDMENT.** Subsection 1 of section 43-35-17 of the North Dakota Century Code is amended and reenacted as follows:

1. A certificate issued under this chapter is valid for up to one year and expires on the thirty-first day of December in the year of issuance. To renew a certificate, a certificate holder shall submit to the board a completed renewal application. The completed renewal application must be:
 - a. Submitted to the board before April first in the year following the certificate's expiration;
 - b. Accompanied by a fee in an amount set by the board ~~not to exceed two hundred dollars by rule;~~
 - c. Accompanied by any continuing education reporting information as required under this section by the board by rule; and
 - d. Accompanied by a bond as provided ~~in section 43-35-14 by the board by rule.~~

¹⁷⁴ **SECTION 4. AMENDMENT.** Section 43-35-21 of the North Dakota Century Code is amended and reenacted as follows:

43-35-21. Certification to nonresidents - Reciprocity.

To the extent other states providing for the certification of water well contractors, monitoring well contractors, water well pump and pitless unit installers, or geothermal system drillers provide for similar action, the board may grant certification to water well contractors, monitoring well contractors, water well pump and pitless unit installers, and geothermal system drillers certified by other states, upon payment by the applicant of the required fee and the furnishing of a bond as ~~provided by section 43-35-14 set by the board by rule,~~ after being furnished with proof that the qualifications of the applicant are equal to the qualifications of holders of such certificates in this state.

¹⁷⁵ **SECTION 5. AMENDMENT.** Section 43-35-23 of the North Dakota Century Code is amended and reenacted as follows:

43-35-23. Continuing education - Preapproval requirements.

1. ~~As provided under section 43-35-17, each~~Each certificate holder shall earn board-approved continuing education during every two-year reporting cycle to qualify for certificate renewal, except a new certificate holder is not required to earn continuing education until the second renewal year following initial certification. The board shall establish by rule an approval process for continuing education courses.
2. ~~Continuing education coursework may be provided by the national ground water association, the North Dakota well drillers association, incorporated, a board-sponsored workshop, the department of environmental quality, the state water commission, or by any board-approved course provider.~~

¹⁷³ Section 43-35-17 was repelaed by section 39 of Senate Bill No. 2308, chapter 479.

¹⁷⁴ (400) Section 43-35-21 was repelaed by section 39 of Senate Bill No. 2308, chapter 479.

¹⁷⁵ Section 43-35-23 was repelaed by section 39 of Senate Bill No. 2308, chapter 479.

- ~~3. A continuing education course must be preapproved by the board unless otherwise provided under this section. A continuing education course provider or a certificate holder shall request preapproval of continuing education coursework by submitting to the board a course outline, the instructor's name, the length of the training, and an explanation of how the training relates to the construction and service of water wells.~~
- ~~4. A certificate holder may request approval of education that was not preapproved by submitting to the board verification of attendance, a course outline, and an explanation of why preapproval was not obtained. The board shall determine on a case by case basis whether to approve education that was not preapproved.~~

¹⁷⁶ **SECTION 6. REPEAL.** Section 43-35-16 of the North Dakota Century Code is repealed.

Approved April 21, 2025

Filed April 22, 2025

¹⁷⁶ Section 43-35-16 was also repealed by section 39 of Senate Bill No. 2308, chapter 479.

CHAPTER 401

HOUSE BILL NO. 1049

(Human Services Committee)

(At the request of the Board of Examiners on Audiology and Speech-Language Pathology)

AN ACT to amend and reenact subsection 2 of section 43-37-02 and sections 43-37-04 and 43-37-13 of the North Dakota Century Code, relating to licensure requirements of a speech-language pathology licensed assistant, temporary licensure, and investigation of an alleged violation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 43-37-02 of the North Dakota Century Code is amended and reenacted as follows:

2. "Audiology" means the application of principles, methods, and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, or rehabilitation related to hearing and disorders of hearing including vestibular testing, for the purpose of evaluating, identifying, managing, preventing, ameliorating, or modifying such disorders and conditions in individuals or groups of individuals.

SECTION 2. AMENDMENT. Section 43-37-04 of the North Dakota Century Code is amended and reenacted as follows:

43-37-04. Eligibility for licensure.

To be eligible for licensure by the board as an audiologist, speech-language pathologist, or speech-language pathology assistant, an applicant shall meet all the following requirements:

1. ~~Be of good moral character.~~
2. Possess an appropriate degree from an educational institution recognized by the board.
 - a. An applicant for a speech-language pathologist license must possess at least a master's degree in speech-language pathology.
 - b. An applicant for an audiologist license must possess at least a doctorate degree in audiology.
 - c. An applicant for a speech-language pathology assistant license must possess ~~at least one hundred hours of supervised clinical experience or fieldwork and:~~
 - (1) A certificate of completion for speech-language pathology paraprofessionals issued by the superintendent of public instruction prior to August 1, 2026;

(2) A bachelor's degree in speech-language pathology or communication disorders; or

(3) A two-year degree in speech-language pathology assistants program or a bachelor's degree in another field with coursework in the following areas:

(a) Introduction to communication disorders;

(b) Phonetics;

(c) Speech sound disorders;

(d) Language development;

(e) Language disorders; and

(f) Anatomy and physiology of speech and hearing mechanisms.

d. An applicant for a temporary license must show proof of active licensure within the past five years in the state or another jurisdiction. Limitations on temporary licensure length and qualifications to obtain full licensure must be prescribed by rules of the board.

~~3-2.~~ Submit evidence showing qualifications prescribed by rules of the board.

~~4-3.~~ Within one year of application an applicant for licensure as a speech-language pathologist, speech-language pathology assistant, or audiologist must pass any applicable examination prescribed by rules adopted by the board.

~~5-4.~~ Pay the prescribed fee.

SECTION 3. AMENDMENT. Section 43-37-13 of the North Dakota Century Code is amended and reenacted as follows:

43-37-13. Disciplinary actions.

1. The board may refuse to issue or renew a license, suspend or revoke a license, or take other disciplinary action against a licensee if the licensee or applicant for license engaged in unprofessional conduct. Unprofessional conduct includes:
 - a. Obtaining a license by means of fraud, misrepresentation, or concealment of material facts.
 - b. Engaging in unprofessional conduct, as defined by the rules adopted by the board, or violating the code of ethics adopted by the board by rule.
 - c. Being convicted of an offense if the acts for which that individual is convicted are determined by the board to have a direct bearing on that applicant's or licensee's ability to serve the public in the capacity of a speech-language pathologist, speech-language pathology assistant, or audiologist; or the board determines that applicant or licensee, following conviction of any other offense, is not sufficiently rehabilitated under section 12.1-33-02.1.

- d. Violating an order or rule adopted by the board.
 - e. Violating this chapter.
 - f. Receiving remuneration of any kind from the sale of any type of hearing aid, unless licensed under chapter 43-33.
2. When conducting an investigation of an alleged violation of this chapter, the board may subpoena and examine records, including client or patient records, and may copy, photograph, or take samples of the records. The board may require a licensee to give statements under oath, submit to a physical or psychological examination, or both if the board reasonably believes an examination is in the best interests of the public. The client and patient records released to the board are not public records.
3. One year from the date of revocation of a license, the licensee may make application to the board for reinstatement. The board may accept or reject an application for reinstatement or may require an examination for reinstatement.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 402

SENATE BILL NO. 2146

(Senators Roers, Barta)
(Representatives Frelich, Holle, M. Ruby, O'Brien)

AN ACT to create and enact chapter 43-40.1 of the North Dakota Century Code, relating to the occupational therapy licensure compact.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 43-40.1 of the North Dakota Century Code is created and enacted as follows:

43-40.1-01. Purpose.

1. The purpose of this compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. The practice of occupational therapy occurs in the state where the patient is located at the time of the patient encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.
2. This compact is designed to:
 - a. Increase public access to occupational therapy services by providing for the mutual recognition of other member state licenses;
 - b. Enhance the states' ability to protect the public's health and safety;
 - c. Encourage the cooperation of member states in regulating multistate occupational therapy practice;
 - d. Support spouses of relocating military members;
 - e. Enhance the exchange of licensure, investigative, and disciplinary information between member states;
 - f. Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards; and
 - g. Facilitate the use of telehealth technology to increase access to occupational therapy services.

43-40.1-02. Definitions.

As used in this compact:

1. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders under 10 U.S.C. chapter 1209 and 10 U.S.C. chapter 1211.

2. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an occupational therapist or occupational therapy assistant, including actions against an individual's license or compact privilege, including censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.
3. "Alternative program" means a nondisciplinary monitoring process approved by an occupational therapy licensing board.
4. "Compact privilege" means the authorization, which is equivalent to a license, granted by a remote state to allow a licensee from another member state to practice as an occupational therapist or practice as an occupational therapy assistant in the remote state under its laws and rules. The practice of occupational therapy occurs in the member state where the patient is located at the time of the patient encounter.
5. "Continuing education" means a requirement, as a condition of license renewal, to provide evidence of participation in, or completion of, educational and professional activities relevant to practice or area of work.
6. "Current significant investigative information" means investigative information a licensing board, after an inquiry or investigation that includes notification and an opportunity for the occupational therapist or occupational therapy assistant to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.
7. "Data system" means a repository of information about licensees, including license status, investigative information, compact privileges, and adverse actions.
8. "Encumbered license" means a license in which an adverse action restricts the practice of occupational therapy by the licensee or the adverse action has been reported to the national practitioner data bank.
9. "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.
10. "Home state" means the member state that is the licensee's primary state of residence.
11. "Impaired practitioner" means an individual whose professional practice is adversely affected by substance abuse, addiction, or other health-related condition.
12. "Investigative information" means information, records, or documents received or generated by an occupational therapy licensing board pursuant to an investigation.
13. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of occupational therapy in a state.

14. "Licensee" means an individual who currently holds an authorization from the state to practice as an occupational therapist or as an occupational therapy assistant.
15. "Member state" means a state that has enacted this compact.
16. "Occupational therapist" means an individual who is licensed by a state to practice occupational therapy.
17. "Occupational therapy", "occupational therapy practice", and the "practice of occupational therapy" mean the care and services provided by an occupational therapist or an occupational therapy assistant as provided under the member state's statutes and regulations.
18. "Occupational therapy assistant" means an individual who is licensed by a state to assist in the practice of occupational therapy.
19. "Occupational therapy compact commission" or "commission" means the national administrative body whose membership consists of all states that have enacted this compact.
20. "Occupational therapy licensing board" or "licensing board" means the agency of a state that is authorized to license and regulate occupational therapists and occupational therapy assistants.
21. "Primary state of residence" means the state in which an occupational therapist or occupational therapy assistant who is not active duty military declares a primary residence for legal purposes as verified by a driver's license, federal income tax return, lease, deed, mortgage, or voter registration, or other verifying documentation as provided under commission rules.
22. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.
23. "Rule" means a regulation adopted by the commission which has the force of law.
24. "Single-state license" means an occupational therapist or occupational therapy assistant license issued by a member state that authorizes practice only within the issuing state and does not include a compact privilege in any other member state.
25. "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of occupational therapy.
26. "Telehealth" means the application of telecommunication technology to deliver occupational therapy services for assessment, intervention, or consultation.

43-40.1-03. State participation in the compact.

1. To participate in the compact, a member state shall:
 - a. License occupational therapists and occupational therapy assistants:
 - b. Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules of the commission:

- c. Have a mechanism in place for receiving and investigating complaints about licensees;
 - d. Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee;
 - e. Implement or use procedures for considering the criminal history records of applicants for an initial compact privilege. The procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records.
 - (1) A member state shall, within a time frame established by the commission, require a criminal background check for a licensee applying for a compact privilege whose primary state of residence is that member state, by receiving the results of the federal bureau of investigation criminal record search, and shall use the results in making licensure decisions.
 - (2) Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact may not include any information received from the federal bureau of investigation relating to a federal criminal records check performed by a member state under Public Law 92-544;
 - f. Comply with the rules of the commission;
 - g. Use only a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and
 - h. Have continuing education requirements as a condition for license renewal.
- 2. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.
 - 3. Member states may charge a fee for granting a compact privilege.
 - 4. A member state shall provide for the state's delegate to attend all occupational therapy compact commission meetings.
 - 5. An individual not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. The single-state license granted to the individual may not be recognized as granting the compact privilege in any other member state.
 - 6. This compact does not affect the requirements established by a member state for the issuance of a single-state license.

43-40.1-04. Compact privilege.

- 1. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

- a. Hold a license in the home state;
 - b. Have a valid United States social security number or national practitioner identification number;
 - c. Have no encumbrance on any state license;
 - d. Be eligible for a compact privilege in any member state in accordance with subsections 4, 6, 7, and 8;
 - e. Have paid all fines and completed all requirements resulting from any adverse action against any license or compact privilege, and two years have elapsed from the date of completing the requirements;
 - f. Notify the commission that the licensee is seeking the compact privilege within a remote state;
 - g. Pay any applicable fee, including any state fee, for the compact privilege;
 - h. Complete a criminal background check in accordance with subdivision e of subsection 1 of section 43-40.1-03. The licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check;
 - i. Meet any jurisprudence requirement established by the remote state in which the licensee is seeking a compact privilege; and
 - j. Report adverse action taken by any nonmember state to the commission within thirty days from the date the adverse action is taken.
2. The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of subsection 1 to maintain the compact privilege in the remote state.
 3. A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.
 4. Occupational therapy assistants practicing in a remote state must be supervised by an occupational therapist licensed or holding a compact privilege in that remote state.
 5. A licensee providing occupational therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of the remote state's citizens. The licensee may be ineligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.
 6. If a home state license is encumbered, the licensee loses the compact privilege in any remote state until:
 - a. The home state license is no longer encumbered; and

- b. Two years have elapsed from the date on which the home state license is no longer encumbered in accordance with subdivision a.
- 7. If an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection 1 to obtain a compact privilege in any remote state.
- 8. If a licensee's compact privilege in any remote state is removed, the licensee may lose the compact privilege in any other remote state until:
 - a. The specific period of time for which the compact privilege was removed has ended;
 - b. All fines have been paid and all conditions have been met;
 - c. Two years have elapsed from the date of completing the requirements under subdivisions a and b; and
 - d. The compact privileges are reinstated by the commission, and the compact data system is updated to reflect reinstatement.
- 9. If a licensee's compact privilege in any remote state is removed due to an erroneous charge, privileges must be restored through the compact data system.
- 10. If the requirements of subsection 8 have been met, the licensee must meet the requirements in subsection 1 to obtain a compact privilege in a remote state.

43-40.1-05. Obtaining a new home state license by virtue of compact privilege.

- 1. An occupational therapist or occupational therapy assistant may hold a home state license, which allows for compact privileges in member states, in only one member state at a time.
- 2. If an occupational therapist or occupational therapy assistant changes primary state of residence by moving between two member states:
 - a. The occupational therapist or occupational therapy assistant shall file an application for obtaining a new home state license by virtue of a compact privilege, pay all applicable fees, and notify the current and new home state in accordance with applicable rules adopted by the commission.
 - b. Upon receipt of an application for obtaining a new home state license by virtue of compact privilege, the new home state shall verify the occupational therapist or occupational therapy assistant meets the pertinent criteria outlined in section 43-40.1-04 through the data system, without need for primary source verification except for:
 - (1) A federal bureau of investigation fingerprint-based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with Public Law 92-544;

- (2) Any other criminal background check as required by the new home state; and
 - (3) Submission of any requisite jurisprudence requirements of the new home state.
- c. The former home state shall convert the former home state license into a compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the commission.
- d. Notwithstanding any other provision of this compact, if the occupational therapist or occupational therapy assistant cannot meet the criteria in section 43-40.1-04, the new home state shall apply its requirements for issuing a new single-state license.
- e. The occupational therapist or the occupational therapy assistant shall pay all applicable fees to the new home state in order to be issued a new home state license.
- 3. If an occupational therapist or occupational therapy assistant changes primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria applies for issuance of a single-state license in the new state.
- 4. Nothing in this compact shall interfere with a licensee's ability to hold a single-state license in multiple states. For the purposes of this compact, a licensee only may have one home state license.
- 5. This compact does not affect the requirements established by a member state for the issuance of a single-state license.

43-40.1-06. Active duty military personnel or their spouses.

Active duty military personnel, or their spouses, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual only shall change their home state through application for licensure in the new state or through the process described in section 43-40.1-05.

43-40.1-07. Adverse actions.

- 1. A home state has exclusive power to impose adverse action against an occupational therapist's or occupational therapy assistant's license issued by the home state.
- 2. In addition to the other powers conferred by state law, a remote state may:
 - a. Take adverse action against an occupational therapist's or occupational therapy assistant's compact privilege within that member state.
 - b. Issue a subpoena for hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. A subpoena issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence

- from another member state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before the court. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.
3. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.
 4. The home state shall complete any pending investigation of an occupational therapist or occupational therapy assistant who changes primary state of residence during the course of the investigation. The home state, where the investigation was initiated may take appropriate action and shall promptly report the conclusion of the investigation to the occupational therapy compact commission data system. The occupational therapy compact commission data system administrator shall promptly notify the new home state of any adverse action.
 5. A member state, if otherwise permitted by state law, may recover from the affected occupational therapist or occupational therapy assistant the cost of an investigation and disposition of a case resulting from any adverse action taken against that occupational therapist or occupational therapy assistant.
 6. A member state may take adverse action based on the factual findings of the remote state, provided the member state follows its own procedures for taking the adverse action.
 7. Joint investigations:
 - a. In addition to the authority granted to a member state by its respective state occupational therapy laws and regulations or other applicable state law, any member state may participate with other member states in joint investigations of licensees.
 - b. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.
 8. If an adverse action is taken by the home state against an occupational therapist's or occupational therapy assistant's license, the occupational therapist's or occupational therapy assistant's compact privilege in all other member states must be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an occupational therapist's or occupational therapy assistant's license must include a statement that the occupational therapist's or occupational therapy assistant's compact privilege is deactivated in all member states during the pendency of the order.
 9. If a member state takes adverse action, the member state shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse action by a remote state.

10. This compact does not override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

43-40.1-08. Establishment of the occupational therapy compact commission.

1. The compact member states hereby create and establish a joint public agency known as the occupational therapy compact commission.
 - a. The commission is an instrumentality of the compact states.
 - b. Venue is proper and judicial proceedings by or against the commission must be brought exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent the commission adopts or consents to participate in alternative dispute resolution proceedings.
 - c. This compact may not be construed to be a waiver of sovereign immunity.
2. Membership, voting, and meetings.
 - a. Each member state has and is limited to one delegate selected by that member state's licensing board.
 - b. The delegate must be:
 - (1) A current member of the licensing board, who is an occupational therapist, occupational therapy assistant, or public member; or
 - (2) An administrator of the licensing board.
 - c. A delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.
 - d. The member state board shall fill any vacancy occurring in the commission within ninety days.
 - e. Each delegate is entitled to one vote with regard to the adoption of rules and creation of bylaws and must have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by any other means provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.
 - f. The commission shall meet at least once during each calendar year. Additional meetings must be held as provided in the bylaws.
 - g. The commission shall establish by rule a term of office for delegates.
3. The commission has the power and duty to:
 - a. Establish a code of ethics for the commission.
 - b. Establish the fiscal year of the commission.
 - c. Establish bylaws.

- d. Maintain financial records in accordance with the bylaws.
 - e. Meet and take actions consistent with the provisions of this compact and the bylaws.
 - f. Adopt uniform rules to facilitate and coordinate implementation and administration of this compact. The rules have the force and effect of law and are binding in all member states.
 - g. Bring and prosecute legal proceedings or actions in the name of the commission, provided the standing of any state occupational therapy licensing board to sue or be sued under applicable law is not affected.
 - h. Purchase and maintain insurance and bonds.
 - i. Borrow, accept, or contract for services of personnel, including employees of a member state.
 - j. Hire employees, elect or appoint officers, fix compensation, define duties, grant the individuals appropriate authority to carry out the purposes of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.
 - k. Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and receive, use and dispose of the same; provided that at all times the commission avoids any appearance of impropriety and conflict of interest.
 - l. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use any property; real, personal, or mixed; provided the commission avoids any appearance of impropriety.
 - m. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property; real, personal, or mixed.
 - n. Establish a budget and make expenditures.
 - o. Borrow money.
 - p. Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and other interested persons as designated in this compact and the bylaws.
 - q. Provide and receive information from, and cooperate with, law enforcement agencies.
 - r. Establish and elect an executive committee.
 - s. Perform other functions as necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of occupational therapy licensure and practice.
4. The executive committee.

- a. The executive committee has the power to act on behalf of the commission according to the terms of this compact.
- b. The executive committee is composed of nine members:
 - (1) Seven voting members who are elected by the commission from the current membership of the commission;
 - (2) One ex-officio, nonvoting member from a recognized national occupational therapy professional association; and
 - (3) One ex-officio, nonvoting member from a recognized national occupational therapy certification organization.
- c. The ex-officio members will be selected by their respective organizations.
- d. The commission may remove any member of the executive committee as provided in bylaws.
- e. The executive committee shall:
 - (1) Meet at least annually;
 - (2) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states including, annual dues, and any commission compact fee charged to licensees for the compact privilege;
 - (3) Ensure compact administration services are appropriately provided, contractual or otherwise;
 - (4) Prepare and recommend the budget;
 - (5) Maintain financial records on behalf of the commission;
 - (6) Monitor compact compliance of member states and provide compliance reports to the commission;
 - (7) Establish additional committees as necessary; and
 - (8) Perform other duties as provided in rules or bylaws.
- 5. Meetings of the commission.
 - a. All meetings must be open to the public, and public notice of meetings must be given in the same manner as required under the rulemaking provisions in section 43-40.1-10.
 - b. The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:
 - (1) Noncompliance of a member state with its obligations under the compact;

- (2) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;
 - (3) Current, threatened, or reasonably anticipated litigation;
 - (4) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
 - (5) Accusing any individual of a crime or formally censuring any individual;
 - (6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
 - (7) Disclosure of information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - (8) Disclosure of investigative records compiled for law enforcement purposes;
 - (9) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
 - (10) Matters specifically exempted from disclosure by federal or member state statute.
 - c. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.
 - d. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons for taking the actions, including a description of the views expressed. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.
- 6. Financing of the commission.
 - a. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
 - b. The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.
 - c. The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved by the commission each year for which revenue is not provided by other sources.

The aggregate annual assessment amount must be allocated based on a formula determined by the commission, which shall adopt a rule binding on all member states.

- d. The commission may not incur obligations before securing adequate funds to meet the obligations or pledge the credit of any of the member states, except by and with the authority of the member state.
- e. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission must be audited yearly by a certified or licensed public accountant, and the report of the audit must be included in and become part of the annual report of the commission.

7. Qualified immunity, defense, and indemnification.

- a. The members, officers, executive director, employees, and representatives of the commission are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities. This subdivision may not be construed to protect any such individual from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that individual.
- b. The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities. This subdivision may not be construed to prohibit that individual from retaining counsel or that the actual or alleged act, error, or omission did not result from that individual's intentional, willful, or wanton misconduct.
- c. The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that individual arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the individual had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that individual.

43-40.1-09. Data system.

- 1. The commission shall provide for the development, maintenance, and use of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

2. A member state shall submit a uniform data set to the data system on all individuals to whom this compact applies, as required by the rules of the commission using a unique identifier that includes:
 - a. Identifying information;
 - b. Licensure data;
 - c. Adverse actions against a license or compact privilege;
 - d. Nonconfidential information related to alternative program participation;
 - e. Any denial of application for licensure, and the reason for the denial;
 - f. Other information that may facilitate the administration of this compact, as determined by the rules of the commission; and
 - g. Current significant investigative information.
3. Current significant investigative information and other investigative information pertaining to a licensee in any member state only will be available to other member states.
4. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.
5. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.
6. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information must be removed from the data system.

43-40.1-10. Rulemaking.

1. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments become binding as of the date specified in each rule or amendment.
2. The commission shall adopt rules in order to effectively and efficiently achieve the purposes of the compact. Notwithstanding the foregoing, if the commission exercises its rulemaking authority in a manner beyond the scope of the purposes of the compact, or the powers granted under the compact, then the action by the commission is invalid and has no force and effect.
3. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, the rule has no further force and effect in any member state.
4. Rules or amendments to the rules must be adopted at a regular or special meeting of the commission.

5. Before adoption of a final rule by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:
 - a. On the website of the commission or other publicly accessible platform; and
 - b. On the website of each member state occupational therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.
6. The notice of proposed rulemaking must include:
 - a. The proposed time, date, and location of the meeting in which the rule will be considered and voted on;
 - b. The text of the proposed rule or amendment and the reason for the proposed rule;
 - c. A request for comments on the proposed rule from any interested person; and
 - d. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.
7. Before adoption of a proposed rule, the commission shall allow an individual to submit written data, facts, opinions, and arguments, which must be made available to the public.
8. The commission shall grant an opportunity for a public hearing before the commission adopts a rule or amendment if a hearing is requested by:
 - a. At least twenty-five individuals;
 - b. A state or federal governmental subdivision or agency; or
 - c. An association or organization having at least twenty-five members.
9. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held through electronic means, the commission shall publish the mechanism for access to the electronic hearing.
 - a. Any individual wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.
 - b. Hearings must be conducted in a manner providing an individual who wishes to comment a fair and reasonable opportunity to comment orally or in writing.
 - c. All hearings must be recorded. A copy of the recording must be made available on request.

- d. This section may not be construed to require a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.
- 10. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.
- 11. If written notice of intent to attend the public hearing by interested parties is not received, the commission may proceed with adoption of the proposed rule without a public hearing.
- 12. The commission shall, by majority vote of all members, take final action on the proposed rule and determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.
- 13. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided the usual rulemaking procedures provided in the compact and in this section must be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For purposes of this provision, an emergency rule is one that must be adopted immediately in order to:
 - a. Meet an imminent threat to public health, safety, or welfare;
 - b. Prevent a loss of commission or member state funds;
 - c. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
 - d. Protect public health and safety.
- 14. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions must be posted on the website of the commission. The revision is subject to challenge by any individual for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the chair of the commission before the end of the notice period. If a challenge is not made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

43-40.1-11. Oversight, dispute resolution, and enforcement.

1. Oversight.

- a. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules adopted hereunder have standing as statutory law.

- b. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.
 - c. The commission is entitled to receive service of process in any such proceeding, and has standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission renders a judgment or order void as to the commission, this compact, or adopted rules.
2. Default, technical assistance, and termination.
- a. If the commission determines a member state has defaulted in the performance of its obligations or responsibilities under this compact or the adopted rules, the commission shall:
 - (1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, and any other action to be taken by the commission; and
 - (2) Provide remedial training and specific technical assistance regarding the default.
 - b. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
 - c. Termination of membership in the compact must be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.
 - d. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.
 - e. The commission may not incur any costs related to a state that is found to be in default or has been terminated from the compact, unless agreed on in writing between the commission and the defaulting state.
 - f. The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member must be awarded all costs of litigation, including reasonable attorney's fees.
3. Dispute resolution.

- a. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.
 - b. The commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes as appropriate.
4. Enforcement.
- a. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.
 - b. By majority vote, the commission may initiate legal action in the United States district court for the District of Columbia, or the federal district where the commission has its principal offices, against a member state in default to enforce compliance with the provisions of the compact and its rules and bylaws. The relief sought may include injunctive relief and damages. If judicial enforcement is necessary, the prevailing member must be awarded all costs of litigation, including reasonable attorney's fees.
 - c. The remedies herein are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

43-40.1-12. Date of implementation of the interstate compact for occupational therapy practice and associated rules, withdrawal, and amendment.

1. The compact becomes effective on the date the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, are limited to the powers granted to the commission relating to assembly and the adoption of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.
2. Any state that joins the compact subsequent to the commission's initial adoption of the rules is subject to the rules as they exist on the date the compact becomes law in that state. Any rule that has been previously adopted by the commission has the full force and effect of law on the day the compact becomes law in that state.
3. Any member state may withdraw from this compact by enacting a statute repealing the compact.
 - a. A member state's withdrawal may not take effect until six months after enactment of the repealing statute.
 - b. Withdrawal may not affect the continuing requirement of the withdrawing state's occupational therapy licensing board to comply with the investigative and adverse action reporting requirements of this compact before the effective date of withdrawal.
4. The compact may not be construed to invalidate or prevent any occupational therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state which does not conflict with the provisions of this compact.

5. This compact may be amended by the member states. An amendment to this compact may not become effective and binding on any member state until the amendment is enacted into the laws of all member states.

43-40.1-13. Construction and severability.

This compact must be liberally construed to effectuate the purposes of the compact. The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact and the applicability of this compact to any government, agency, individual, or circumstance are not affected thereby. If this compact is held contrary to the constitution of any member state, the compact remains in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

43-40.1-14. Binding effect of compact and other laws.

1. A licensee providing occupational therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.
2. This compact does not prevent the enforcement of any other law of a member state which is not inconsistent with the compact.
3. A law in a member state in conflict with the compact is superseded to the extent of the conflict.
4. Any lawful actions of the commission, including all rules and bylaws adopted by the commission, are binding on the member states.
5. All agreements between the commission and the member states are binding in accordance with the terms of the agreement.
6. If a provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision is ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 403

HOUSE BILL NO. 1035

(Legislative Management)
(Workforce Committee)

AN ACT to create and enact chapter 43-41.1 of the North Dakota Century Code, relating to adoption of the social work licensure compact.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 43-41.1 of the North Dakota Century Code is created and enacted as follows:

43-41.1-01. Social work licensure compact.

The social work licensure compact is entered with all states legally joining the compact, in the form substantially as follows:

ARTICLE I - PURPOSE

1. The purpose of this compact is to facilitate interstate practice of regulated social workers by improving public access to competent social work services.
2. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.
3. This compact is designed to:
 - a. Increase public access to social work services;
 - b. Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;
 - c. Enhance the member states' ability to protect the public's health and safety;
 - d. Encourage the cooperation of member states in regulating multistate practice;
 - e. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other member state licenses;
 - f. Support military families;
 - g. Facilitate the exchange of licensure and disciplinary information among member states;
 - h. Authorize all member states to hold a regulated social worker accountable for abiding by a member state's laws, regulations, and applicable professional standards in the member state in which the client is located at the time care is rendered; and

- i. Allow for the use of telehealth to facilitate increased access to regulated social work services.

ARTICLE II - DEFINITIONS

As used in this compact:

1. "Active military member" means any individual with full-time duty status in the active armed forces of the United States, including members of the national guard and reserve.
2. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a regulated social worker, including actions against an individual's license or multistate authorization to practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a regulated social worker's authorization to practice, including issuance of a cease and desist action.
3. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a licensing authority to address practitioners with an impairment.
4. "Charter member states" means member states that have enacted legislation to adopt this compact where the legislation predates the effective date of this compact as described in article XIV.
5. "Compact commission" or "commission" means the government agency whose membership consists of all states that have enacted this compact, which is known as the social work licensure compact commission, as described in article X, and which operates as an instrumentality of the member states.
6. "Current significant investigative information" means:
 - a. Investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the regulated social worker to respond, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as defined by the commission; or
 - b. Investigative information that indicates the regulated social worker represents an immediate threat to public health and safety, as defined by the commission, regardless of whether the regulated social worker has been notified and has had an opportunity to respond.
7. "Data system" means a repository of information about licensees, including continuing education, examination, licensure, current significant investigative information, disqualifying event, multistate licenses, and adverse action information or other information as required by the commission.
8. "Disqualifying event" means any adverse action or incident which results in an encumbrance that disqualifies or makes the licensee ineligible to either obtain, retain, or renew a multistate license.

9. "Domicile" means the jurisdiction where the licensee resides and intends to remain indefinitely.
10. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of social work licensed and regulated by a licensing authority.
11. "Executive committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to the delegates by, the compact and commission.
12. "Home state" means the member state that is the licensee's primary domicile.
13. "Impairment" means a condition that may impair a practitioner's ability to engage in full and unrestricted practice as a regulated social worker without some type of intervention and may include alcohol and drug dependence, mental health impairment, and neurological or physical impairments.
14. "Licensee" means an individual who holds a license from a state to practice as a regulated social worker.
15. "Licensing authority" means the board or agency of a member state, or equivalent, which is responsible for the licensing and regulation of regulated social workers.
16. "Member state" means a state, commonwealth, district, or territory of the United States that has enacted this compact.
17. "Multistate authorization to practice" means a legally authorized privilege to practice, which is equivalent to a license, associated with a multistate license permitting the practice of social work in a remote state.
18. "Multistate license" means a license to practice as a regulated social worker issued by a home state licensing authority that authorizes the regulated social worker to practice in all member states under multistate authorization to practice.
19. "Qualifying national exam" means a national licensing examination approved by the commission.
20. "Regulated social worker" means any clinical, master's, or bachelor's social worker licensed by a member state regardless of the title used by that member state.
21. "Remote state" means a member state other than the licensee's home state.
22. "Rules" or "rules of the commission" means a regulation adopted by the commission, as authorized by the compact, which has the force of law.
23. "Single state license" means a social work license issued by any state that authorizes practice only within the issuing state and does not include multistate authorization to practice in any member state.
24. "Social work" or "social work services" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore

or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a regulated social worker as provided by the member state's statutes and regulations in the state where the services are being provided.

25. "State" means any state, commonwealth, district, or territory of the United States that regulates the practice of social work.
26. "Unencumbered license" means a license that authorizes a regulated social worker to engage in the full and unrestricted practice of social work.

ARTICLE III - STATE PARTICIPATION IN THE COMPACT

1. To be eligible to participate in the compact, a potential member state shall:
 - a. License and regulate the practice of social work at either the clinical, master's, or bachelor's category;
 - b. Require an applicant for licensure to graduate from a program that:
 - (1) Is operated by a college or university recognized by the licensing authority;
 - (2) Is accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either:
 - (a) The council for higher education accreditation, or its successor; or
 - (b) The United States department of education; and
 - (3) Corresponds to the licensure sought as provided in article IV;
 - c. Require an applicant for clinical licensure to complete a period of supervised practice; and
 - d. Have a mechanism in place for receiving, investigating, and adjudicating complaints about a licensee.
2. To maintain membership in the compact, a member state shall:
 - a. Require an applicant for a multistate license pass a qualifying national exam for the corresponding category of multistate license sought as provided in article IV;
 - b. Fully participate in the commission's data system, including using the commission's unique identifier as defined in rules;
 - c. Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;
 - d. Implement a procedure for considering the criminal history record of an applicant for a multistate license. The procedure must include the submission of fingerprints or other biometric-based information by an applicant for the purpose of obtaining the applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records;

- e. Comply with the rules of the commission;
 - f. Require an applicant to obtain or retain a license in the applicant's home state and meet the home state's qualifications for licensure or renewal of licensure, and all other applicable home state laws;
 - g. Authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of the compact and rules of the commission; and
 - h. Designate a delegate to participate in the commission meetings.
3. A member state meeting the requirements of subsections 1 and 2 shall designate the categories of social work licensure that are eligible for issuance of a multistate license for applicants in the member state. To the extent a member state does not meet the requirements for participation in the compact at any particular category of social work licensure, the member state may issue a multistate license to an applicant who otherwise meets the requirements of article IV for issuance of a multistate license in the category or categories of licensure.
4. The home state may charge a fee for granting the multistate license.

ARTICLE IV - SOCIAL WORKER PARTICIPATION IN THE COMPACT

1. To be eligible for a multistate license under this compact, an applicant, regardless of category shall:
- a. Hold or be eligible for an active, unencumbered license in the home state;
 - b. Pay any applicable fees, including any state fee, for the multistate license;
 - c. Submit, in connection with an application for a multistate license, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records;
 - d. Notify the home state of any adverse action, encumbrance, or restriction on any professional license taken by any member state or nonmember state within thirty days from the date the action is taken;
 - e. Meet any continuing competence requirements established by the home state; and
 - f. Abide by the laws, regulations, and applicable standards in the member state where the client is located at the time care is rendered.
2. An applicant for a clinical-category multistate license shall:
- a. Fulfill a competency requirement, which must be satisfied by:
 - (1) Passage of a clinical-category qualifying national exam;
 - (2) Licensure of the applicant in the applicant's home state at the clinical category, beginning before the time a qualifying national exam was

- (b) The United States department of education.
4. An applicant for a bachelor's-category multistate license shall:
- a. Fulfill a competency requirement, which must be satisfied by:
- (1) Passage of a bachelor's-category qualifying national exam;
- (2) Licensure of the applicant in the applicant's home state at the bachelor's category, beginning before the time a qualifying national exam was required by the home state and accompanied by a period of continuous social work licensure thereafter, which may be further governed by the rules of the commission; or
- (3) The substantial equivalency of the requirements in paragraph 1 or 2, which the commission may determine by rule; and
- b. Attain at least a bachelor's degree in social work from a program that is:
- (1) Operated by a college or university recognized by the licensing authority; and
- (2) Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by:
- (a) The council for higher education accreditation or its successor; or
- (b) The United States department of education.
5. The multistate license for a regulated social worker is subject to the renewal requirements of the home state. The regulated social worker must maintain compliance with the requirements of subsection 1 to be eligible to renew a multistate license.
6. The regulated social worker's services in a remote state are subject to the member state's regulatory authority. A remote state may, in accordance with due process and the member state's laws, remove a regulated social worker's multistate authorization to practice in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of the state's citizens.
7. If a multistate license is encumbered, the regulated social worker's multistate authorization to practice must be deactivated in all remote states until the multistate license is no longer encumbered.
8. If a multistate authorization to practice is encumbered in a remote state, the regulated social worker's multistate authorization to practice may be deactivated in that state until the multistate authorization to practice is no longer encumbered.

ARTICLE V - ISSUANCE OF A MULTISTATE LICENSE

1. Upon receipt of an application for a multistate license, the home state licensing authority shall determine the applicant's eligibility for a multistate license in accordance with article IV.

2. If an applicant is eligible under article IV, the home state licensing authority shall issue a multistate license that authorizes the applicant or regulated social worker to practice in all member states under a multistate authorization to practice.
3. Upon issuance of a multistate license, the home state licensing authority shall designate whether the regulated social worker holds a multistate license in the bachelor's, master's, or clinical category of social work.
4. A multistate license issued by a home state to a resident in that state must be recognized by all compact member states as authorizing social work practice under a multistate authorization to practice corresponding to each category of licensure regulated in each member state.

ARTICLE VI - AUTHORITY OF INTERSTATE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES

1. This compact or any rule of the commission may not be construed to limit, restrict, or reduce the ability of a member state to enact and enforce laws, regulations, or other rules related to the practice of social work in that state, where those laws, regulations, or other rules are not inconsistent with the provisions of this compact.
2. This compact may not affect the requirements established by a member state for the issuance of a single state license.
3. This compact or any rule of the commission may not be construed to limit, restrict, or reduce the ability of a member state to take adverse action against a licensee's single state license to practice social work in that state.
4. This compact or any rule of the commission may not be construed to limit, restrict, or reduce the ability of a remote state to take adverse action against a licensee's multistate authorization to practice in that state.
5. This compact or any rule of the commission may not be construed to limit, restrict, or reduce the ability of a licensee's home state to take adverse action against a licensee's multistate license based on information provided by a remote state.

ARTICLE VII - REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

1. A licensee can hold a multistate license, issued by the licensee's home state, in only one member state at any given time.
2. If a licensee changes the licensee's home state by moving between two member states:
 - a. The licensee immediately shall apply for the reissuance of the licensee's multistate license in the licensee's new home state. The licensee shall pay all applicable fees and notify the previous home state in accordance with the rules of the commission.
 - b. Upon receipt of an application to reissue a multistate license, the new home state shall verify the multistate license is active, unencumbered, and

eligible for reissuance under the terms of the compact and the rules of the commission. The multistate license issued by the previous home state will be deactivated and all member states notified in accordance with the rules adopted by the commission.

- c. Before the reissuance of the multistate license, the new home state shall conduct a criminal history records check of the licensee. The criminal history record check procedure must include the submission of fingerprints or other biometric-based information by an applicant for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records.
 - d. If required for initial licensure, the new home state may require completion of jurisprudence requirements in the new home state.
 - e. Notwithstanding any other provision of this compact, if a licensee does not meet the requirements of this compact for the reissuance of a multistate license by the new home state, the licensee is subject to the new home state's requirements for the issuance of a single state license in that state.
3. If a licensee changes the licensee's primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the licensee is subject to the state requirements for the issuance of a single state license in the new home state.
4. This compact may not interfere with a licensee's ability to hold a single state license in multiple states. For the purposes of this compact, a licensee may have only one home state, and only one multistate license.
5. This compact may not interfere with the requirements established by a member state for the issuance of a single state license.

ARTICLE VIII - MILITARY FAMILIES

An active military member or an active military member's spouse shall designate a home state where the individual has a multistate license. The individual may retain the individual's home state designation during the period the military member is on active duty.

ARTICLE IX - ADVERSE ACTIONS

1. In addition to the other powers conferred by state law, a remote state may:
 - a. Take adverse action against a regulated social worker's multistate authorization to practice only within that member state, and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. A subpoena issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state must be enforced in the latter state by a court of competent jurisdiction, according to the practice and procedure of that court applicable to a subpoena issued in proceedings pending before the court. The issuing licensing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located.

- b. Only the home state has the power to take adverse action against a regulated social worker's multistate license.
- 2. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as the home state would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state law to determine appropriate action.
- 3. The home state shall complete any pending investigation of a regulated social worker who changes their home state during the course of the investigation. The home state also has the authority to take appropriate action and promptly shall report the conclusion of the investigation to the administrator of the data system. The administrator of the data system promptly shall notify the new home state of any adverse actions.
- 4. A member state may recover the costs of an investigation and disposition of a case resulting from an adverse action taken against a regulated social worker from the regulated social worker against which the action was taken, if otherwise allowed by state law.
- 5. A member state may take adverse action based on the factual findings of another member state, if the member state follows its own procedures for taking the adverse action.
- 6. Joint investigations.
 - a. In addition to the authority granted to a member state by its respective social work practice act or other applicable state law, any member state may participate with another member state in joint investigations of licensees.
 - b. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.
- 7. If adverse action is taken by the home state against the multistate license of a regulated social worker, the regulated social worker's multistate authorization to practice in all other member states must be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against the license of a regulated social worker must include a statement that the regulated social worker's multistate authorization to practice is deactivated in all member states until all conditions of the decision, order, or agreement are satisfied.
- 8. If a member state takes adverse action, the member state promptly shall notify the administrator of the data system. The administrator of the data system promptly shall notify the home state and all other member states of any adverse actions by remote states.
- 9. This compact does not override a member state's decision that participation in an alternative program may be used in lieu of adverse action.
- 10. This compact does not authorize a member state to demand the issuance of a subpoena for attendance and testimony of witnesses or the production of evidence from another member state for lawful actions within that member state.

11. This compact does not authorize a member state to impose discipline against a regulated social worker who holds a multistate authorization to practice for lawful actions within another member state.

ARTICLE X - ESTABLISHMENT OF SOCIAL WORK LICENSURE COMPACT COMMISSION

1. The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the social work licensure compact commission. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission must come into existence on or after the effective date of the compact as provided in article XIV.
2. Membership, voting, and meetings.
 - a. Each member state has one delegate who is selected by that member state's state licensing authority.
 - b. The delegate must be:
 - (1) A current member of the state licensing authority at the time of appointment, who is a regulated social worker or public member of the state licensing authority; or
 - (2) An administrator of the state licensing authority or the state licensing authority's designee.
 - c. The commission shall establish a term of office for delegates by rule or bylaw and may establish term limits by rule or bylaw.
 - d. The commission may recommend removal or suspension of any delegate from office.
 - e. A member state's state licensing authority shall fill any delegate vacancy on the commission within sixty days of the vacancy.
 - f. Each delegate is entitled to one vote on all matters before the commission requiring a vote by commission delegates.
 - g. A delegate shall vote in person or by any other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference, or other means of communication.
 - h. The commission shall meet at least once during each calendar year. Additional meetings may be held as provided in the bylaws. The commission may meet by telecommunication, video conference, or other similar electronic means.
3. The commission has the power to:
 - a. Establish the fiscal year of the commission;
 - b. Establish code of conduct and conflict of interest policies;

- c. Establish and amend rules and bylaws;
- d. Maintain its financial records in accordance with the bylaws;
- e. Meet and take actions consistent with the provisions of this compact, the commission's rules, and the bylaws;
- f. Initiate and conclude legal proceedings or actions in the name of the commission, provided the standing of any state licensing board to sue or be sued under applicable law is not affected;
- g. Maintain and certify records and information provided to a member state as the authenticated business records of the commission, and designate an agent to do so on the commission's behalf;
- h. Purchase and maintain insurance and bonds;
- i. Borrow, accept, or contract for services of personnel, including employees of a member state;
- j. Conduct an annual financial review;
- k. Hire employees, elect or appoint officers, fix compensation, define duties, grant the appropriate individuals the authority to carry out the purpose of the compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
- l. Assess and collect fees;
- m. Accept all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; if the commission avoids any appearance of impropriety or conflict of interest;
- n. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest in the property;
- o. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
- p. Establish a budget and make expenditures;
- q. Borrow money;
- r. Appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and any other interested persons designated in this compact and the bylaws;
- s. Provide and receive information from, and cooperate with, law enforcement agencies;
- t. Establish and elect an executive committee, including a chair and a vice chair;

- u. Determine whether a state's adopted language is so materially different from the model compact language that the state would not qualify for participation in the compact; and
 - v. Perform any other function as may be necessary or appropriate to achieve the purpose of this compact.
- 4. The executive committee.
 - a. The executive committee may act on behalf of the commission according to this compact and may:
 - (1) Oversee the day-to-day activities of the administration of the compact, including enforcement of and compliance with the compact, its rules and bylaws, and any other duties as deemed necessary;
 - (2) Recommend to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees, and other fees;
 - (3) Ensure compact administration services are appropriately provided, including by contract;
 - (4) Prepare and recommend the budget;
 - (5) Maintain financial records on behalf of the commission;
 - (6) Monitor compact compliance of member states and provide compliance reports to the commission;
 - (7) Establish additional committees as necessary;
 - (8) Exercise the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and
 - (9) Undertake any other duties as provided in the rules or bylaws of the commission.
 - b. The executive committee must be composed of no more than eleven members, including:
 - (1) The chair and vice chair of the commission, who are voting members of the executive committee;
 - (2) Five voting members from the current membership of the commission, elected by the commission; and
 - (3) Up to four ex officio, nonvoting members from four recognized national social work organizations, selected by their respective organizations.
 - c. The commission may remove any member of the executive committee as provided in the commission's bylaws.
 - d. The executive committee shall meet at least annually.

- (8) Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - (9) Investigative records compiled for law enforcement purposes;
 - (10) Information related to any investigative report prepared by or on behalf of or for use by the commission or other committee charged with the responsibility of investigation or determination of compliance issues under this compact;
 - (11) Matters specifically exempted from disclosure by federal or member state law; or
 - (12) Other matters as adopted by the commission by rule.
- c. If a meeting, or portion of a meeting, is closed, the presiding officer shall state the meeting will be closed and reference each relevant exempting provision, which must be recorded in the minutes.
- d. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons the actions were taken, including a description of the views expressed. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

7. Financing of the commission.

- a. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.
- b. The commission may accept any and all appropriate revenue sources as provided in subdivision m of subsection 3.
- c. The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom the commission grants a multistate license to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states must be allocated based on a formula the commission shall adopt by rule.
- d. The commission may not incur obligations before securing the funds required to meet those obligations. The commission may not pledge the credit of any of the member states, except by and with the authority of the member state.
- e. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission are subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review must be included in the annual report of the commission.

8. Qualified immunity, defense, and indemnification.

- a. The members, officers, executive director, employees, and representatives of the commission are immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities.
 - (1) This subdivision may not be construed to protect any person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct by that person.
 - (2) The procurement of insurance of any type by the commission may not compromise or limit the immunity granted under this subsection.
- b. The commission shall defend any member, officer, executive director, employee, and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities. This subsection may not be construed to prohibit that person from retaining their own counsel at their own expense and that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.
- c. The commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct by that person.
- d. This compact may not be construed to limit the liability of a licensee for professional malpractice or misconduct, which is solely governed by any other applicable state laws.
- e. This compact may not be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.
- f. This compact may not be construed to be a waiver of sovereign immunity by the member states or by the commission.

ARTICLE XI - DATA SYSTEM

- 1. The commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.

2. The commission shall assign each applicant for a multistate license a unique identifier, as determined by the rules of the commission.
3. Notwithstanding any other provision of state law, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:
 - a. Identifying information;
 - b. Licensure data;
 - c. Adverse actions against a license and information related thereto;
 - d. Nonconfidential information related to alternative program participation, the beginning and ending dates of the participation, and other information related to the participation not made confidential under member state law;
 - e. Any denial of an application for licensure, and the reason for the denial;
 - f. The presence of current significant investigative information; and
 - g. Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.
4. The records and information provided to a member state under this compact or through the data system, when certified by the commission or an agent of the commission, constitutes the authenticated business records of the commission, and is entitled to any associated hearsay exception in any relevant judicial, quasi-judicial, or administrative proceedings in a member state.
5. Current significant investigative information pertaining to a licensee in any member state only will be available to other member states. It is the responsibility of the member states to report any adverse action against a licensee and to monitor the database to determine whether adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state will be available to any other member state.
6. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.
7. Any information submitted to the data system that is subsequently expunged under federal law or the laws of the member state contributing the information must be removed from the data system.

ARTICLE XII - RULEMAKING

1. The commission shall adopt reasonable rules to effectively and efficiently implement and administer the purpose and provisions of the compact. A rule is invalid if a court of competent jurisdiction holds the rule is invalid because the commission exercised its rulemaking authority in a manner beyond the scope and purpose of the compact, or the powers granted hereunder, or based upon another applicable standard of review.

2. The rules of the commission have the force of law in each member state. If the rules of the commission conflict with the laws of the member state that establish the member state's laws, regulations, and applicable standards that govern the practice of social work as held by a court of competent jurisdiction, the rules of the commission are ineffective in that state to the extent of the conflict.
3. The commission shall exercise its rulemaking powers under the criteria provided in this section and the rules adopted thereunder. Rules are binding on the day following adoption or the date specified in the rule or amendment, whichever is later.
4. If a majority of the legislatures of the member states reject a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then the rule has no further force and effect in any member state.
5. Rules must be adopted at a regular or special meeting of the commission.
6. Before the adoption of a proposed rule, the commission shall hold a public hearing and allow individuals to provide oral and written comments.
7. Before the adoption of a proposed rule by the commission, and at least thirty days before the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking:
 - a. On the website of the commission or other publicly accessible platform;
 - b. To persons who have requested notice of the commission's notices of proposed rulemaking; and
 - c. In other ways as the commission may by rule specify.
8. The notice of proposed rulemaking must include:
 - a. The time, date, and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the commission will consider and vote on the proposed rule;
 - b. If the hearing is held via telecommunication, video conference, or other electronic means, the mechanism for access to the hearing in the notice of proposed rulemaking;
 - c. The text of the proposed rule and the reason for the rule;
 - d. A request for comments on the proposed rule from any interested person; and
 - e. The manner in which interested persons may submit written comments.
9. All hearings will be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule must be available to the public.

10. This article may not be construed to require a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this article.
11. The commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule.
 - a. The commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.
 - b. The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule and reasons for substantive changes not made that were recommended by commenters.
 - c. The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection 12, the effective date of the rule may not be sooner than thirty days after issuing the notice that the commission adopted or amended the rule.
12. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with forty-eight hours' notice, with opportunity to comment, provided the usual rulemaking procedures provided in the compact and in this section is to be applied retroactively to the rule as soon as reasonably possible, no later than ninety days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately in order to:
 - a. Meet an imminent threat to public health, safety, or welfare;
 - b. Prevent a loss of commission or member state funds;
 - c. Meet a deadline for the adoption of a rule that is established by federal law or rule; or
 - d. Protect public health and safety.
13. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions must be posted on the commission's website. The revision is subject to challenge by any person for a period of thirty days after posting. The revision may be challenged if the revision results in a material change to a rule. A challenge must be made in writing and delivered to the commission before the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.
14. A member state's rulemaking requirements do not apply under this compact.

ARTICLE XIII - OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1. Oversight.

- a. The executive and judicial branches of state government in each member state shall effectuate this compact and take all actions necessary and appropriate to implement the compact.
 - b. Except as otherwise provided in this compact, venue is proper and judicial proceedings by or against the commission must be brought in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent the commission adopts or consents to participate in alternative dispute resolution proceedings. This article may not affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any similar matter.
 - c. The commission is entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and has standing to intervene in the proceeding for all purposes. Failure to provide the commission service of process renders a judgment or order void as to the commission, this compact, or adopted rules.
2. Default, technical assistance, and termination.
 - a. If the commission determines a member state has defaulted in the performance of its obligations or responsibilities under this compact or the adopted rules, the commission shall provide written notice to the defaulting state. The notice of default must describe the default, the proposed means of curing the default, and any other action the commission may take, and must offer training and specific technical assistance regarding the default.
 - b. The commission shall provide a copy of the notice of default to the other member states.
3. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
4. Termination of membership in the compact must be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority, and each of the member states' state licensing authority.
5. A state that has its membership terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations extending beyond the effective date of termination.
6. Upon the termination of a state's membership from this compact, that state immediately shall provide notice to all licensees within that state of the termination. The terminated state shall continue to recognize all licenses granted under this compact for a minimum of six months after the date of the notice of termination.

7. The commission may not incur any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.
8. The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission's principal office is located. The prevailing party must be awarded all costs of the litigation, including reasonable attorney's fees.
9. Dispute resolution.
 - a. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact which arise among member states and between member and nonmember states.
 - b. The commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes as appropriate.
10. Enforcement.
 - a. By majority vote as provided by rule, the commission may initiate legal action against a member state in default in the United States district court for the District of Columbia or the federal district where the commission's principal office is located to enforce compliance with the provisions of the compact and its adopted rules. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing party must be awarded all costs of the litigation, including reasonable attorney's fees. The remedies herein may not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal law or the defaulting member state's law.
 - b. A member state may initiate legal action against the commission in the United States district court for the District of Columbia or the federal district where the commission's principal office is located to enforce compliance with the provisions of the compact and its adopted rules. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing party must be awarded all costs of the litigation, including reasonable attorney's fees.
 - c. Only a member state may enforce this compact against the commission.

ARTICLE XIV - EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

1. The compact is effective on the date on which the compact statute is enacted into law in the seventh member state.
 - a. On or after the effective date of the compact, the commission shall convene and review the enactment of each of the first seven member states, known as the charter member states, to determine if the statute enacted by each charter member state is materially different than the model compact statute.

- (1) A charter member state whose enactment is found to be materially different from the model compact statute is entitled to the default process in accordance with article XIII.
- (2) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of member states is fewer than seven.
- b. Member states enacting the compact subsequent to the seven initial charter member states are subject to the process provided in subdivision u of subsection 3 of article X to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.
- c. All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact before the effective date of the compact or the commission coming into existence must be considered to be actions of the commission unless specifically repudiated by the commission.
- d. Any state that joins the compact after the commission's initial adoption of the rules and bylaws is subject to the rules and bylaws as they exist on the date the compact becomes law in that state. Any rule that has been adopted previously by the commission has the full force and effect of law on the day the compact becomes law in that state.
2. Any member state may withdraw from this compact by enacting a statute repealing the compact.

 - a. A member state's withdrawal may not take effect until one hundred eighty days after enactment of the repealing statute.
 - b. Withdrawal may not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact before the effective date of withdrawal.
 - c. Upon the enactment of a statute withdrawing from this compact, a state immediately shall provide notice of the withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, the withdrawing state shall continue to recognize all licenses granted under this compact for a minimum of one hundred eighty days after the date of the notice of withdrawal.
3. This compact may not be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.
4. This compact may be amended by the member states. An amendment to this compact may not become effective and binding upon any member state until the amendment is enacted into the laws of all member states.

ARTICLE XV - CONSTRUCTION AND SEVERABILITY

1. This compact and the commission's rulemaking authority must be liberally construed so as to effectuate the purpose, and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the adoption of rules may not be construed to limit the commission's rulemaking authority solely for those purposes.
2. The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability of the compact to any other government, agency, person, or circumstance may not be affected thereby.
3. Notwithstanding subsection 2, the commission may deny a state's participation in the compact or, in accordance with the requirements of subsection 2 of article XIII, terminate a member state's participation in the compact, if the commission determines a constitutional requirement of a member state is a material departure from the compact. If this compact is held to be contrary to the constitution of any member state, the compact must remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

**ARTICLE XVI - CONSISTENT EFFECT
AND CONFLICT WITH OTHER STATE LAWS**

1. A licensee providing services in a remote state under a multistate authorization to practice shall adhere to the laws and regulations, including laws, regulations, and applicable standards, of the remote state where the client is located at the time care is rendered.
2. This compact may not prevent the enforcement of any other law of a member state that is not inconsistent with the compact.
3. Any law, statute, regulation, or other legal requirement in a member state in conflict with the compact is superseded to the extent of the conflict.
4. All permissible agreements between the commission and the member states are binding in accordance with the terms of the agreement.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 404

SENATE BILL NO. 2223

(Senators Barta, Axtman, Burckhard)
(Representatives Bahl, Frelich)

AN ACT to create and enact chapter 43-44.1 of the North Dakota Century Code, relating to adoption of the dietitian licensure compact.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 43-44.1 of the North Dakota Century Code is created and enacted as follows:

43-44.1-01. Dietitian licensure compact.

The dietitian licensure compact is entered with all states legally joining the compact, in the form substantially as follows:

ARTICLE I - PURPOSE

1. The purpose of this compact is to facilitate interstate practice of dietetics with the goal of improving public access to dietetic services. This compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure, while also providing for licensure portability through a compact privilege granted to qualifying professionals.
2. This compact is designed to achieve the following objectives:
 - a. Increase public access to dietetic services;
 - b. Provide opportunities for interstate practice by licensed dietitians who meet uniform requirements;
 - c. Eliminate the necessity for licenses in multiple states;
 - d. Reduce the administrative burden on member states and licensees;
 - e. Enhance the ability of member states to protect the public's health and safety;
 - f. Encourage the cooperation of member states in regulating the multistate practice of licensed dietitians;
 - g. Support relocating active military members and the member's spouse;
 - h. Enhance the exchange of licensure, investigative, and disciplinary information among member states; and

- i. Vest all member states with the authority to hold a licensed dietitian accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered.

ARTICLE II - DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions apply:

1. "ACEND" means the accreditation council for education in nutrition and dietetics or its successor organization.
2. "Active military member" means any individual with full-time duty status in the active armed forces of the United States, including members of the national guard and reserve.
3. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a licensee, including actions against an individual's license or compact privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensee's authorization to practice, including issuance of a cease and desist action.
4. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a licensing authority.
5. "CDR" means the commission on dietetic registration or its successor organization.
6. "Charter member state" means any member state that enacted this compact by law before the effective date specified in article XII.
7. "Compact commission" means the government agency whose membership consists of all states that have enacted this compact, which is known as the dietitian licensure compact commission, as described in article VIII, and which shall operate as an instrumentality of the member states.
8. "Compact privilege" means a legal authorization, which is equivalent to a license, permitting the practice of dietetics in a remote state.
9. "Continuing education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to practice or area of work.
10. "Current significant investigative information" means investigative information that:
 - a. A licensing authority, after a preliminary inquiry that includes notification and an opportunity for the subject licensee to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or
 - b. Indicates that the subject licensee represents an immediate threat to public health and safety regardless of whether the subject licensee has been notified and had an opportunity to respond.

11. "Data system" means a repository of information about licensees, including continuing education, examination, licensure, investigative, compact privilege, and adverse action information.
12. "Encumbered license" means a license in which an adverse action restricts a licensee's ability to practice dietetics.
13. "Encumbrance" means a revocation or suspension of, or any limitation on a licensee's full and unrestricted practice of dietetics by a licensing authority.
14. "Executive committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, this compact, and the compact commission.
15. "Home state" means the member state that is the licensee's primary state of residence or that has been designated pursuant to article XI.
16. "Investigative information" means information, records, and documents received or generated by a licensing authority pursuant to an investigation.
17. "Jurisprudence requirement" means an assessment of an individual's knowledge of the state laws and regulations governing the practice of dietetics in the state.
18. "License" means an authorization from a member state to either:
 - a. Engage in the practice of dietetics, including medical nutrition therapy; or
 - b. Use the title "dietitian", "licensed dietitian", "licensed dietitian nutritionist", "certified dietitian", or other title describing a substantially similar practitioner as the compact commission may further define by rule.
19. "Licensee" or "licensed dietitian" means an individual who currently holds a license and who meets all of the requirements outlined in article IV.
20. "Licensing authority" means the board or agency of a state, or equivalent, that is responsible for the licensing and regulation of the practice of dietetics.
21. "Member state" means a state that has enacted the compact.
22. "Practice of dietetics" means the synthesis and application of dietetics as defined by state law and regulations, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage, or treat diseases or medical conditions, and promote wellness.
23. "Registered dietitian" means an individual who:
 - a. Has completed applicable education, experience, examination, and recertification requirements approved by CDR;
 - b. Is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and
 - c. Is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations "RD" or "RDN".

- 24. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise a compact privilege.
- 25. "Rule" means a regulation promulgated by the compact commission which has the force of law.
- 26. "Single state license" means a license issued by a member state within the issuing state and does not include a compact privilege in any other member state.
- 27. "State" means any state, commonwealth, district, or territory of the United States of America.
- 28. "Unencumbered license" means a license that authorizes a licensee to engage in the full and unrestricted practice of dietetics.

ARTICLE III - STATE PARTICIPATION IN THE COMPACT

- 1. To participate in the compact, a state shall currently:
 - a. License and regulate the practice of dietetics; and
 - b. Have a mechanism in place for receiving and investigating complaints about licensees.
- 2. A member state shall:
 - a. Participate fully in the compact commission's data system, including using the unique identifier as defined in rules;
 - b. Notify the compact commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;
 - c. Implement or utilize procedures for considering the criminal history record information of applicants for an initial compact privilege. These procedures must include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records;
 - (1) A member state shall fully implement a criminal history record information requirement, within a time frame established by rule, which includes receiving the results of the federal bureau of investigation record search, and shall use those results in determining compact privilege eligibility.
 - (2) Communication between a member state and the compact commission or among member states regarding the verification of eligibility for a compact privilege may not include any information received from the federal bureau of investigation relating to a federal criminal history record information check performed by a member state.
 - d. Comply with and enforce the rules of the compact commission;

- e. Require an applicant for a compact privilege to obtain or retain a license in the licensee's home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws; and
 - f. Recognize a compact privilege granted to a licensee who meets all of the requirements outlined in article IV under the terms of the compact and rules.
- 3. Member states may set and collect a fee for granting a compact privilege.
 - 4. Individuals not residing in a member state shall continue to be able to apply for a member state's single state license as provided under the laws of each member state. However, the single state license granted to these individuals may not be recognized as granting a compact privilege to engage in the practice of dietetics in any other member state.
 - 5. Nothing in this compact may affect the requirements established by a member state for the issuance of a single state license.
 - 6. The compact commission may not define the requirements for the issuance of a single state license to practice dietetics. The member states shall retain sole jurisdiction over the provision of these requirements.

ARTICLE IV - COMPACT PRIVILEGE

- 1. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:
 - a. Satisfy one of the following:
 - (1) Hold a valid current registration that gives the applicant the right to use the term registered dietitian; or
 - (2) Complete all of the following:
 - (a) An education program which is either:
 - [1] A master's degree or doctoral degree that is programmatically accredited by ACEND or a dietetics accrediting agency recognized by the United States department of education, which the compact commission may by rule determine, and from a college or university accredited at the time of graduation by the appropriate regional accrediting agency recognized by the council on higher education accreditation and the United States department of education; or
 - [2] An academic degree from a college or university in a foreign country equivalent to the degree described in subparagraph (a) that is programmatically accredited by ACEND or a dietetics accrediting agency recognized by the United States department of education, which the compact commission may by rule determine.
 - (b) A planned, documented, supervised practice experience in dietetics that is programmatically accredited by ACEND or a

dietetics accrediting agency recognized by the United States department of education, which the compact commission may by rule determine and which involves at least one thousand hours of practice experience under the supervision of a registered dietitian or a licensed dietitian.

- (c) Successful completion of either the registration examination for dietitians administered by CDR or a national credentialing examination for dietitians approved by the compact commission by rule, with completion occurring no more than five years before the date of the licensee's application for initial licensure and accompanied by a period of continuous licensure thereafter, all of which may be further governed by the rules of the compact commission.
- b. Hold an unencumbered license in the home state;
- c. Notify the compact commission that the licensee is seeking a compact privilege within a remote state;
- d. Pay any applicable fees, including any state fee, for the compact privilege;
- e. Meet any jurisprudence requirements established by the remote state in which the licensee is seeking a compact privilege; and
- f. Report to the compact commission any adverse action, encumbrance, or restriction on a license taken by any nonmember state within thirty days from the date the action is taken.
2. The compact privilege is valid until the expiration date of the home state license. To maintain a compact privilege, renewal of the compact privilege must be congruent with the renewal of the home state license as the compact commission may define by rule. The licensee shall comply with the requirements of subsection 1 of article IV to maintain the compact privilege in the remote state.
3. A licensee exercising a compact privilege shall adhere to the laws and regulations of the remote state. Licensees must be responsible for educating themselves on, and complying with, all state laws relating to the practice of dietetics in the remote state.
4. Notwithstanding anything to the contrary provided in this compact or state law, a licensee exercising a compact privilege may not be required to complete continuing education requirements required by a remote state. A licensee exercising a compact privilege only is required to meet any continuing education requirements as required by the home state.

ARTICLE V - OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT PRIVILEGE

1. A licensee may hold a home state license, which allows for a compact privilege in other member states, in only one member state at a time.
2. If a licensee changes home state by moving between two member states:

- a. The licensee shall file an application for obtaining a new home state license based on a compact privilege, pay all applicable fees, and notify the current and new home state in accordance with the rules of the compact commission.
 - b. Upon receipt of an application for obtaining a new home state license by virtue of a compact privilege, the new home state shall verify that the licensee meets the criteria in article IV via the data system, and require that the licensee complete:
 - (1) A federal bureau of investigation fingerprint-based criminal history record information check;
 - (2) Any other criminal history record information required by the new home state; and
 - (3) Any jurisprudence requirements of the new home state.
 - c. The former home state shall convert the former home state license into a compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the compact commission.
 - d. Notwithstanding any other provision of this compact, if the licensee cannot meet the criteria in article IV, the new home state may apply its requirements for issuing a new single state license.
 - e. The licensee shall pay all applicable fees to the new home state to be issued a new home state license.
3. If a licensee changes the licensee's state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single state license in the new state.
 4. Nothing in this compact may interfere with a licensee's ability to hold a single state license in multiple states; however, for the purposes of this compact, a licensee may have only one home state license.
 5. Nothing in this compact may affect the requirements established by a member state for the issuance of a single state license.

ARTICLE VI - ACTIVE MILITARY MEMBERS OR THE MEMBER'S SPOUSE

An active military member, or the member's spouse, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty.

ARTICLE VII - ADVERSE ACTIONS

1. In addition to the other powers conferred by state law, a remote state must have the authority, under state due process law, to:
 - a. Take adverse action against a licensee's compact privilege within that member state; and

- b. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure applicable to subpoenas issued in proceedings pending before that court. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.
- 2. Only the home state may have the power to take adverse action against a licensee's home state license.
- 3. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.
- 4. The home state shall complete any pending investigations of a licensee who changes home states during the course of the investigations. The home state must have authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.
- 5. A member state, if otherwise permitted by state law, may recover from the affected licensee the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensee.
- 6. A member state may take adverse action based on the factual findings of another remote state, provided that the member state follows its own procedures for taking the adverse action.
- 7. Joint investigations:
 - a. In addition to the authority granted to a member state by its respective state law, any member state may participate with other member states in joint investigations of licensees.
 - b. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint investigations initiated under the compact.
- 8. If adverse action is taken by the home state against a licensee's home state license resulting in an encumbrance on the home state license, the licensee's compact privilege in all other member states must be revoked until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose adverse action against a licensee must include a statement that the licensee's compact privileges are revoked in all member states during the pendency of the order.
- 9. Once an encumbered license in the home state is restored to an unencumbered license, as certified by the home state's licensing authority, the licensee shall meet the requirements of subsection 1 of article IV and follow the administrative requirements to reapply to obtain a compact privilege in any remote state.

10. If a member state takes adverse action, the member state promptly shall notify the administrator of the data system. The administrator of the data system promptly shall notify the other member states of any adverse actions.
11. Nothing in this compact may override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

ARTICLE VIII - ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT COMMISSION

1. The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the dietitian licensure compact commission. The compact commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The compact commission shall come into existence on or after the effective date of the compact as set forth in article XII.
2. Membership, voting, and meetings.
 - a. Each member state must have and be limited to one delegate selected by that member state's licensing authority.
 - b. The delegate must be the primary administrator of the licensing authority or the licensing authority's designee.
 - c. The compact commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.
 - d. The compact commission may recommend removal or suspension of any delegate from office.
 - e. A member state's licensing authority shall fill any vacancy of its delegate occurring on the compact commission within sixty days of the vacancy.
 - f. Each delegate must be entitled to one vote on all matters before the compact commission requiring a vote by the delegates.
 - g. Delegates shall meet and vote by the means set forth in the bylaws. The bylaws may provide for delegates to meet and vote in-person or by telecommunication, video conference, or other means of communication.
 - h. The compact commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The compact commission may meet in-person or by telecommunication, video conference, or other means of communication.
3. The compact commission has the power to:
 - a. Establish the fiscal year of the compact commission;
 - b. Establish code of conduct and conflict of interest policies;
 - c. Establish and amend rules and bylaws;

- d. Maintain the commission's financial records in accordance with the bylaws;
- e. Meet and take actions consistent with the provisions of this compact, the compact commission's rules, and the bylaws;
- f. Initiate and conclude legal proceedings or actions in the name of the compact commission, provided that the standing of any licensing authority to sue or be sued under applicable law may not be affected;
- g. Maintain and certify records and information provided to a member state as the authenticated business records of the compact commission, and designate an agent to do so on the compact commission's behalf;
- h. Purchase and maintain insurance and bonds;
- i. Borrow, accept, or contract for services of personnel, including employees of a member state;
- j. Conduct an annual financial review;
- k. Hire employees, elect or appoint officers, fix compensation, define duties, grant those individuals appropriate authority to carry out the purposes of the compact, and establish the compact commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;
- l. Assess and collect fees;
- m. Accept all appropriate donations, grants of money, other sources of revenue, equipment, supplies, materials, services, and gifts, and receive, utilize, and dispose of the same provided that at all times the compact commission shall avoid any actual or appearance of impropriety or conflict of interest;
- n. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;
- o. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;
- p. Establish a budget and make expenditures;
- q. Borrow money;
- r. Appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and other interested persons as may be designated in this compact or the bylaws;
- s. Provide and receive information from, and cooperate with, law enforcement agencies;
- t. Establish and elect an executive committee, including a chair and a vice chair;

- u. Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and
 - v. Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.
- 4. The executive committee.
 - a. The executive committee must have the power to act on behalf of the compact commission according to the terms of this compact. The powers, duties, and responsibilities of the executive committee shall include:
 - (1) Overseeing the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its rules and bylaws, and other duties as deemed necessary;
 - (2) Recommending to the compact commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees, and other fees;
 - (3) Ensuring compact administration services are provided appropriately, including by contract;
 - (4) Preparing and recommending the budget;
 - (5) Maintaining financial records on behalf of the compact commission;
 - (6) Monitoring compact compliance of member states and providing compliance reports to the compact commission;
 - (7) Establishing additional committees as necessary;
 - (8) Exercising the powers and duties of the compact commission during the interim between compact commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the compact commission by rule or bylaw; and
 - (9) Other duties as provided in the rules or bylaws of the compact commission.
 - b. The executive committee must be composed of nine members:
 - (1) The chair and vice chair of the compact commission, which must be voting members of the executive committee;
 - (2) Five voting members from the current membership of the compact commission, elected by the compact commission;
 - (3) One ex officio, nonvoting member from a recognized professional association representing dietitians; and
 - (4) One ex officio, nonvoting member from a recognized national credentialing organization for dietitians.

- c. The compact commission may remove any member of the executive committee as provided in the compact commission's bylaws.
 - d. The executive committee shall meet at least annually.
 - (1) Executive committee meetings must be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in subdivision b of subsection 6.
 - (2) The executive committee shall give thirty days notice of its meetings, posted on the website of the compact commission and as determined to provide notice to persons with an interest in the business of the compact commission.
 - (3) The executive committee may hold a special meeting in accordance with paragraph 2 of subdivision a of subsection 6.
5. The compact commission shall adopt and provide to the member states an annual report.
6. Meetings of the compact commission.
- a. All meetings must be open to the public, except that the compact commission may meet in a closed, nonpublic meeting as provided in subdivision b of subsection 6.
 - (1) Public notice for all meetings of the full compact commission must be given in the same manner as required under the rulemaking provisions in article X, except that the compact commission may hold a special meeting as provided in paragraph 2 of subdivision a of subsection 6.
 - (2) The compact commission may hold a special meeting when it must meet to conduct emergency business by giving twenty-four hours notice to all member states, on the compact commission's website, and other means as provided in the compact commission's rules. The compact commission's legal counsel shall certify that the compact commission's need to meet qualifies as an emergency.
 - b. The compact commission or the executive committee or other committees of the compact commission may convene in a closed, nonpublic meeting for the compact commission or executive committee or other committees of the compact commission to receive legal advice or to discuss:
 - (1) Noncompliance of a member state with its obligations under the compact;
 - (2) The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees;
 - (3) Current or threatened discipline of a licensee by the compact commission or by a member state's licensing authority;
 - (4) Current, threatened, or reasonably anticipated litigation;

- (5) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;
 - (6) Accusing a person of a crime or formally censuring a person;
 - (7) Trade secrets or commercial or financial information that is privileged or confidential;
 - (8) Information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;
 - (9) Investigative records compiled for law enforcement purposes;
 - (10) Information related to any investigative reports prepared by or on behalf of or for use of the compact commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;
 - (11) Matters specifically exempted from disclosure by federal or member state law; or
 - (12) Other matters as specified in the rules of the compact commission.
 - c. If a meeting or portion of a meeting is closed, the presiding officer shall state the meeting will be closed and reference each relevant exempting provision and the reference must be recorded in the minutes.
 - d. The compact commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and provide a full and accurate summary of actions taken and the reasons for taking the action, including a description of the views expressed. The documents considered in connection with an action must be identified in the minutes. The minutes and documents of a closed meeting must remain under seal, subject to release only by a majority vote of the compact commission or order of a court of competent jurisdiction.
7. Financing of the compact commission.
- a. The compact commission shall pay, or provide for the payment of, the reasonable expenses of the commission's establishment, organization, and ongoing activities.
 - b. The compact commission may accept all appropriate revenue sources as provided in subdivision m of subsection 3.
 - c. The compact commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a compact privilege to cover the cost of the operations and activities of the compact commission and its staff which must, in a total amount, be sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states must be allocated based upon a formula that the compact commission shall promulgate by rule.

- d. The compact commission may not incur an obligation before securing the funds adequate to meet the obligation, nor shall the compact commission pledge the credit of any of the member states, except by and with the authority of the member state.
 - e. The compact commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the compact commission must be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the compact commission must be subject to an annual financial review by a certified or licensed public accountant and the report of the financial review must be included in and become part of the annual report of the compact commission.
8. Qualified immunity, defense, and indemnification.
- a. The members, officers, executive director, employees, and representatives of the compact commission must be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties, or responsibilities provided that nothing in this subdivision may be construed to protect the individual from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that individual. The procurement of insurance of any type by the compact commission may not compromise or limit the immunity granted hereunder.
 - b. The compact commission shall defend any member, officer, executive director, employee, and representative of the compact commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of compact commission employment, duties, or responsibilities, or as determined by the compact commission that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties, or responsibilities provided that nothing herein may be construed to prohibit that individual from retaining the individual's own counsel at the individual's own expense and provided further that the actual or alleged act, error, or omission did not result from that individual's intentional, willful, or wanton misconduct.
 - c. The compact commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the compact commission for the amount of any settlement or judgment obtained against that individual arising out of any actual or alleged act, error, or omission that occurred within the scope of compact commission employment, duties, or responsibilities, or that the individual had a reasonable basis for believing occurred within the scope of compact commission employment, duties, or responsibilities provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that individual.

- d. Nothing herein may be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which must be governed solely by any other applicable state laws.
- e. Nothing in this compact may be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.
- f. Nothing in this compact may be construed to be a waiver of sovereign immunity by the member states or by the compact commission.

ARTICLE IX - DATA SYSTEM

- 1. The compact commission shall provide for the development, maintenance, operation, and utilization of a coordinated data system.
- 2. The compact commission shall assign each applicant for a compact privilege a unique identifier, as determined by the rules.
- 3. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the compact commission, including:
 - a. Identifying information;
 - b. Licensure data;
 - c. Adverse actions against a license or compact privilege and information related to the adverse action;
 - d. Nonconfidential information related to alternative program participation, the beginning and ending dates of the participation, and other information related to the participation not made confidential under member state law;
 - e. Any denial of application for licensure, and the reason for the denial;
 - f. The presence of current significant investigative information; and
 - g. Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the compact commission.
- 4. The records and information provided to a member state pursuant to this compact or through the data system, when certified by the compact commission or an agent of the commission, shall constitute the authenticated business records of the compact commission, and must be entitled to any associated hearsay exception in a relevant judicial, quasi-judicial, or administrative proceeding in a member state.
- 5. Current significant investigative information pertaining to a licensee in any member state will be available only to other member states.
- 6. It is the responsibility of the member states to report any adverse action against a licensee and to monitor the data system to determine whether any

adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

7. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.
8. Any information submitted to the data system which is subsequently expunged pursuant to federal law or the laws of the member state contributing the information must be removed from the data system.

ARTICLE X - RULEMAKING

1. The compact commission shall promulgate reasonable rules to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule has no force or effect if a court of competent jurisdiction holds the rule is invalid because the compact commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact, or the powers granted under the compact, or based upon another applicable standard of review.
2. The rules of the compact commission must have the force of law in each member state, provided that if the rules conflict with the laws or regulations of a member state that relate to the procedures, actions, and processes a licensed dietitian is permitted to undertake in that state and the circumstances under which the licensed dietitian may do so, as held by a court of competent jurisdiction, the rules of the compact commission are ineffective in that state to the extent of the conflict.
3. The compact commission shall exercise its rulemaking powers pursuant to the criteria and rules set forth and adopted under this section. Rules become binding on the day following adoption or as of the date specified in the rule or amendment, whichever is later.
4. If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then the rule has no further force and effect in any member state.
5. Rules must be adopted at a regular or special meeting of the compact commission.
6. Before adoption of a proposed rule, the compact commission shall hold a public hearing and allow individuals to provide oral and written comments, data, facts, opinions, and arguments.
7. Before adoption of a proposed rule by the compact commission, and at least thirty days in advance of the meeting at which the compact commission will hold a public hearing on the proposed rule, the compact commission shall provide a notice of proposed rulemaking:
 - a. On the website of the compact commission or other publicly accessible platform;

- b. To persons who have requested notice of the compact commission's notices of proposed rulemaking; and
 - c. In such other way as the compact commission may by rule specify.
- 8. The notice of proposed rulemaking must include:
 - a. The time, date, and location of the public hearing at which the compact commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting at which the compact commission will consider and vote on the proposed rule;
 - b. If the hearing is held via telecommunication, video conference, or other means of communication, the compact commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;
 - c. The text of the proposed rule and the reason for the rule;
 - d. A request for comments on the proposed rule from any interested person; and
 - e. The manner in which interested persons may submit written comments.
- 9. All hearings will be recorded. A copy of the recording and all written comments and documents received by the compact commission in response to the proposed rule must be available to the public.
- 10. Nothing in this section may be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the compact commission at hearings required by this section.
- 11. The compact commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule.
 - a. The compact commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.
 - b. The compact commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.
 - c. The compact commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection 12 of article X, the effective date of the rule must be no sooner than thirty days after issuing the notice that the commission adopted or amended the rule.
- 12. Upon determination that an emergency exists, the compact commission may consider and adopt an emergency rule with twenty-four hours notice and with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this section must be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

- a. Meet an imminent threat to public health, safety, or welfare;
 - b. Prevent a loss of compact commission or member state funds;
 - c. Meet a deadline for the promulgation of a rule that is established by federal law or rule; or
 - d. Protect public health and safety.
13. The compact commission or an authorized committee of the compact commission may direct revision to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revision must be posted on the website of the compact commission. The revision must be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the compact commission before the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the compact commission.
14. A member state's rulemaking requirements may not apply under this compact.

ARTICLE XI - OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

1. Oversight.

- a. The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement this compact.
- b. Except as otherwise provided in this compact, venue is proper and judicial proceedings by or against the compact commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the compact commission is located. The compact commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.
- c. The compact commission must be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in that proceeding for all purposes. Failure to provide the compact commission service of process shall render a judgment or order void as to the compact commission, this compact, or promulgated rules.

2. Default, technical assistance, and termination.

- a. If the compact commission determines a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the compact commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the compact commission may take and shall offer training and specific technical assistance regarding the default.

- b. The compact commission shall provide a copy of the notice of default to the other member states.
- 3. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.
- 4. Termination of membership in the compact must be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the compact commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority, and each of the member states licensing authority.
- 5. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.
- 6. Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees within that state of the termination. The terminated state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of six months after the date of the notice of termination.
- 7. The compact commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the compact commission and the defaulting state.
- 8. The defaulting state may appeal the action of the compact commission by petitioning the United States district court for the District of Columbia or the federal district where the compact commission has its principal offices. The prevailing party must be awarded all costs of the litigation, including reasonable attorney's fees.
- 9. Dispute resolution.
 - a. Upon request by a member state, the compact commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.
 - b. The compact commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.
- 10. Enforcement.
 - a. By supermajority vote, the compact commission may initiate legal action against a member state in default in the United States district court for the District of Columbia or the federal district where the compact commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is

necessary, the prevailing party must be awarded all costs of the litigation, including reasonable attorney's fees. The remedies herein may not be the exclusive remedies of the compact commission. The compact commission may pursue any other remedies available under federal or the defaulting member state's law.

- b. A member state may initiate legal action against the compact commission in the United States district court for the District of Columbia or the federal district where the compact commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of the litigation, including reasonable attorney's fees.
- c. No party other than a member state may enforce this compact against the compact commission.

ARTICLE XII - EFFECTIVE DATE, WITHDRAWAL, AND AMENDMENT

- 1. The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state.

 - a. On or after the effective date of the compact, the compact commission shall convene and review the enactment of each of the first seven member states, "charter member states", to determine if the statute enacted by each charter member state is materially different than the model compact statute.

 - (1) A charter member state whose enactment is found to be materially different from the model compact statute must be entitled to the default process set forth in article XI.
 - (2) If any member state is later found to be in default, is terminated, or withdraws from the compact, the compact commission shall remain in existence and the compact shall remain in effect even if the number of member states is less than seven.
 - b. Member states enacting the compact subsequent to the seven initial charter member states must be subject to the process set forth in subdivision u of subsection 3 of article VIII to determine if the member state's enactments are materially different from the model compact statute and whether the member states qualify for participation in the compact.
 - c. All actions taken for the benefit of the compact commission or in furtherance of the purposes of the administration of the compact before the effective date of the compact or the compact commission coming into existence must be considered to be actions of the compact commission unless specifically repudiated by the compact commission.
 - d. Any state that joins the compact subsequent to the compact commission's initial adoption of the rules and bylaws is subject to the rules and bylaws as the rules and bylaws exist on the date on which the compact becomes law in that state. Any rule that has been adopted previously by the compact commission must have the full force and effect of law on the day the compact becomes law in that state.

2. Any member state may withdraw from this compact by enacting a statute repealing the compact.
 - a. A member state's withdrawal may not take effect until one hundred eighty days after enactment of the repealing statute.
 - b. Withdrawal may not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact before the effective date of withdrawal.
 - c. Upon the enactment of a statute withdrawing from this compact, a state immediately shall provide notice of the withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, the withdrawing state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of one hundred eighty days after the date of the notice of withdrawal.
3. Nothing contained in this compact may be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.
4. This compact may be amended by the member states. No amendment to this compact may become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE XIII - CONSTRUCTION AND SEVERABILITY

1. This compact and the compact commission's rulemaking authority must be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules may not be construed to limit the compact commission's rulemaking authority solely for those purposes.
2. The provisions of this compact must be severable and if any phrase, clause, sentence, or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.
3. Notwithstanding subsection 2, the compact commission may deny a state's participation in the compact or, in accordance with the requirements of subsection 2 of article XI, terminate a member state's participation in the compact, if it determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact must be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

**ARTICLE XIV - CONSISTENT EFFECT AND
CONFLICT WITH OTHER STATE LAWS**

1. Nothing herein may prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.
2. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.
3. All permissible agreements between the compact commission and the member states are binding in accordance with the terms of the agreement.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 405

SENATE BILL NO. 2071

(Industry and Business Committee)
(At the request of the Board of Counselor Examiners)

AN ACT to amend and reenact section 43-47-03 of the North Dakota Century Code, relating to the duties and responsibilities of the board of counselor examiners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-47-03 of the North Dakota Century Code is amended and reenacted as follows:

43-47-03. Duties and responsibilities of board.

In addition to the duties set forth elsewhere in this chapter, the board shall:

1. Publish an annual list of the names and addresses of all persons licensed under this chapter.
2. Approve and administer an examination for counselors.
3. Set, by rule, and collect a fee for ~~the~~:
 - a. ~~The~~ filing of each application for a license under this chapter ~~and set, by rule, and collect a fee for the~~;
 - b. ~~The~~ renewal of a license under this chapter;
 - c. ~~The provision of a duplicate license under this chapter; and~~
 - d. ~~Technology services.~~
4. Deposit and disburse all fees and moneys collected by the board in accordance with section 54-44-12.
5. Establish continuing education requirements for license renewal.
6. Issue provisional or probationary licenses.
7. Establish a code of ethics for the practice of counseling.
8. Adopt rules as necessary to carry out the provisions of this chapter.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 406

SENATE BILL NO. 2395

(Senator Hogue)

AN ACT to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to universal licensure and board operations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 43 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter:

1. "Applicant" means an individual who has submitted a completed application, including all documentation and fees necessary for the board to consider licensing the individual.
2. "Application" means the process and all required documentation necessary for the board to consider licensure of the applicant.
3. "Board" means a board, commission, or other agency of state government, excluding the secretary of state, created or identified in this title to regulate a particular occupation or profession, the education standards and practices board, and the state board of law examiners.
4. "Effective interstate compact" means the minimum number of states necessary for the interstate compact to become operative have enacted the interstate compact.
5. "Interstate compact" means a legislative enactment to recognize and facilitate the portability of occupational licenses across state lines.
6. "License" means the authorization by a board or the supreme court to practice an occupation or profession under state law or any other authority by which individuals are licensed in the state.
7. "Occupation or profession" means activity for which a license is required from a board or the supreme court or similar activity for which a license is required in another state or jurisdiction.
8. "Out-of-state licensee" means an individual who holds a license, certificate, permit, or similar authorization to practice an occupation or profession, which is issued by a government agency in another state or jurisdiction in the United States which imposes requirements for obtaining and maintaining the license, certificate, or permit, which are comparable to the requirements imposed in this state to obtain and maintain a license to practice the same profession or occupation.

9. "Routine application" means an application that meets all the requirements for licensure with no derogatory or adverse information in the application.

Universal licensure.

1. Unless the board is part of an effective interstate compact, an executed license transfer, existing interstate mobility, or reciprocity agreement with another state, a board shall issue a license to an out-of-state licensee applicant to practice in this state if, upon application to the board, the applicant:
 - a. Actively has used the license for two of the three years immediately preceding submitting an application under this section;
 - b. Provides or demonstrates competency and education in the profession or occupation through methods determined by the board;
 - c. Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license to practice that profession or occupation in this state unless the board determines, in its discretion, the act is not an impediment to the granting of a license to practice in this state;
 - d. Has not been disciplined in any jurisdiction in which the individual has held a license within the last ten years;
 - e. Is not under an active investigation by another licensing or disciplinary authority or law enforcement authority in a state, federal, or foreign jurisdiction;
 - f. Submits to a state and federal criminal background check, paid for by the applicant, and conducted in the manner provided under section 12-60-24 if required by the board and the board has statutory authority to repeat the background check; and
 - g. Pays the fees established by the board.
2. Subdivision f of subsection 1 does not apply to the state board of law examiners, which may conduct a character and fitness investigation.

Board operations.

1. A board shall issue a license within ten business days to an individual who submits a complete, unencumbered, routine application. This section does not apply to processing applications through an effective interstate compact or an executed license transfer agreement. Boards subject to an effective interstate compact shall issue a license in a timely manner.
2. A board may grant authority to staff or selected board members to issue a provisional or temporary license between board meetings to an applicant seeking permanent state licensure if the application is routine, complete, and meets all the requirements for licensure. To the extent this provision conflicts with any existing limitations on such delegated authority, this provision supersedes those limitations.
3. The licensing application form must be made available electronically.

4. As part of a complete application, a board may require an individual seeking licensure in this state to pass a jurisprudence examination on North Dakota law applicable to the licensed profession. If the examination is a requirement for licensure, and the examination is administered by the board, the examination must be made available at least once per month. The board may adopt limits on examination attempts.
5. By July thirty-first of 2026 and 2027, on forms developed by the department of labor and human rights, each board shall report to the labor commissioner data on the number of licenses granted, number of licenses denied, number of licenses that were not issued within the ten-day timeline, and reason for the delay for licenses issued after the ten-day timeline.
6. Unless already a member of an effective interstate compact, a board shall annually review available interstate compacts in professions it regulates to determine whether joining the interstate compact would be in the best interest of the profession and state, giving consideration to workforce shortages and evolving trends in occupation licensure and technology. The review must be noted clearly in the board's agenda and meeting minutes and the board must provide the labor commissioner with a copy of the considered compact and the board's reason for determining that entering the interstate compact was not in the best interests of the profession.
7. A board may contract with an entity, another board, or an individual to obtain administrative and support services to assist in the operation of the board.
8. Unless otherwise specifically authorized by other laws, rules of the board, or national standards to practice, all continuing education requirements for licensure renewal must include the ability to complete all required continuing education hours by virtual or remote means.
9. A board may assist in providing education or resources for a licensee or an individual interested in pursuing the regulated occupation or profession.
10. Unless otherwise provided by law, the governor shall appoint members of a board and may remove members for cause, misconduct, incapacity, or neglect of duty. After expiration of a term, a board member may continue to serve until the governor makes an appointment to fill the position.
11. An applicant aggrieved by a licensure delay first shall try to resolve the matter with the board. If the matter cannot be resolved, the applicant may bring the matter to the office of the governor. Each board shall provide information on its website or initial licensure application regarding how to contact the office of the governor if a matter between the applicant and the board cannot be resolved.

Approved April 3, 2025

Filed April 3, 2025

CHAPTER 407

SENATE BILL NO. 2042

(Workforce Development Committee)
(At the request of the North Dakota Board of Medicine)

AN ACT to create and enact a new subsection to section 43-58-03.1 and section 43-60-06.1 of the North Dakota Century Code, relating to obtaining criminal history record checks for naturopathic doctors and genetic counselors; and to amend and reenact subdivision d of subsection 2 of section 12-60-24 of the North Dakota Century Code, providing authority to complete the background checks with the bureau of criminal investigation to complete the criminal history record checks.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁷⁷ **SECTION 1. AMENDMENT.** Subdivision d of subsection 2 of section 12-60-24 of the North Dakota Century Code is amended and reenacted as follows:

- d. The North Dakota board of medicine for licenses or disciplinary investigations under ~~section~~sections 43-17-07.1, 43-58-03.1, and 43-60-06.1, except that criminal history record checks need not be made unless required by the board.

SECTION 2. A new subsection to section 43-58-03.1 of the North Dakota Century Code is created and enacted as follows:

The board may require an applicant for licensure or a licensee who is the subject of a disciplinary investigation to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24. All costs associated with the criminal history record check are the responsibility of the licensee or applicant.

SECTION 3. Section 43-60-06.1 of the North Dakota Century Code is created and enacted as follows:

43-60-06.1. Criminal history record checks.

The board may require an applicant for licensure or a licensee who is the subject of a disciplinary investigation to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24. All costs associated with the criminal history record check are the responsibility of the licensee or applicant.

Approved March 18, 2025

Filed March 18, 2025

¹⁷⁷ Section 12-60-24 was also amended by section 1 of House Bill No. 1075, chapter 114, and section 1 of Senate Bill No. 2073, chapter 115.

CHAPTER 408

SENATE BILL NO. 2040

(Human Services Committee)

(At the request of the North Dakota Board of Medicine)

AN ACT to amend and reenact subsection 2 of section 43-60-02 and subsection 1 of section 43-60-03 of the North Dakota Century Code, relating to the ordering of genetic testing by genetic counselors and examinations required for genetic counseling licensure.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 43-60-02 of the North Dakota Century Code is amended and reenacted as follows:

2. Genetic testing may be ~~provided~~ordered by a licensed genetic counselor ~~only when ordered by or in coordination with~~ a North Dakota licensed health care provider acting within the provider's scope of practice and privileged to do so. ~~The referring or primary provider shall maintain supervision of patient care and the licensed genetic counselor shall provide reports to the referring or primary health care provider ordering such testing.~~Nothing in this chapter authorizes a genetic counselor to practice medicine, including treatment or medical management of a patient. If, in the course of providing genetic counseling to a client, a genetic counselor finds any indication of a disease or condition that requires medical assessment or treatment, the genetic counselor shall refer the client to a provider licensed to practice medicine.

SECTION 2. AMENDMENT. Subsection 1 of section 43-60-03 of the North Dakota Century Code is amended and reenacted as follows:

1. An applicant for licensure under this chapter shall pay any filing fee and file an application, on forms provided by the board, to the satisfaction of the board that the applicant is of good moral character and satisfies all of the requirements of this chapter, including:
 - a. Education at one of the following levels:
 - (1) Master of science degree from a genetic counseling training program that is accredited by the ABGC or an ABGC-approved equivalent organization and approved by the board; or
 - (2) Doctoral degree from a medical genetics training program that is accredited by the ABMG and approved by the board; and
 - b. Successful completion of all requirements of the certification examination within a period not to exceed ~~four~~five years from initial examination to successful completion and with no more than three attempts unless an exception is approved by rule adopted by the board;
 - c. Physical, mental, and professional capability for the practice of genetic counseling in a manner acceptable to the board; and

- d. A history free of any finding by the board, by any other state licensing board, or by any court of competent jurisdiction which would constitute grounds for disciplinary action under this chapter. The board may modify this restriction for cause.

Approved March 17, 2025

Filed March 18, 2025

OFFICES AND OFFICERS

CHAPTER 409

SENATE BILL NO. 2259

(Senators Lee, Cleary, Meyer)
(Representatives Grindberg, Louser, Mitskog)

AN ACT to repeal section 44-04-16 of the North Dakota Century Code, relating to the provision of blanks and records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Section 44-04-16 of the North Dakota Century Code is repealed.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 410

SENATE BILL NO. 2083

(Judiciary Committee)
(At the request of the Highway Patrol)

AN ACT to create and enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to the designation of a sensitive image as an exempt record; and to amend and reenact section 44-04-17.1 of the North Dakota Century Code, relating to the definition of a sensitive image.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-04-17.1 of the North Dakota Century Code is amended and reenacted as follows:

44-04-17.1. Definitions.

As used in this section through section 44-04-32:

1. "Closed meeting" means all or part of an exempt meeting that a public entity in its discretion has not opened to the public, although any person necessary to carry out or further the purposes of a closed meeting may be admitted.
2. "Closed record" means all or part of an exempt record that a public entity in its discretion has not opened to the public.
3. "Confidential meeting" or "confidential record" means all or part of a record or meeting that is either expressly declared confidential or is prohibited from being open to the public.
4. "Executive session" means all or part of a meeting that is closed or confidential.
5. "Exempt meeting" or "exempt record" means all or part of a record or meeting that is neither required by law to be open to the public, nor is confidential, but may be open in the discretion of the public entity.
6. "Governing body" means the multimember body responsible for making a collective decision on behalf of a public entity. "Governing body" also includes any group of persons, regardless of membership, acting collectively pursuant to authority delegated to that group by the governing body.
7. "Information technology resources" includes data processing hardware and software or technology support services necessary to facilitate a response to a request for electronic records.
8. "Law" includes federal statutes, applicable federal regulations, and state statutes.
9. a. "Meeting" means a formal or informal gathering or a work session, whether in person or through any electronic means, of:

- (1) A quorum of the members of the governing body of a public entity regarding public business; or
 - (2) Less than a quorum of the members of the governing body of a public entity regarding public business, if the members attending one or more of the smaller gatherings collectively constitute a quorum and if the members hold the gathering for the purpose of avoiding the requirements of section 44-04-19.
 - b. "Meeting" does not include:
 - (1) A chance or social gathering at which public business is not considered;
 - (2) Emergency operations during a disaster or emergency declared under section 37-17.1-10 or an equivalent ordinance if a quorum of the members of the governing body are present but are not discussing public business as the full governing body or as a task force or working group;
 - (3) The attendance of members of a governing body at meetings of any national, regional, or state association to which the public entity, the governing body, or individual members belong;
 - (4) Training seminars at which no other public business is considered or discussed; and
 - (5) Administration of examinations by a regulatory board when no other public business is considered or discussed.
 - c. Notwithstanding subdivisions a and b, as applied to the legislative assembly, "meeting" means any gathering subject to section 14 of article IV of the Constitution of North Dakota.
 - d. Notwithstanding subdivisions a and b, "meeting" does not include any meeting of the judicial branch or a committee or workgroup of the judicial branch. Such meetings are governed by section 5 of article XI of the Constitution of North Dakota.
10. "Organization or agency supported in whole or in part by public funds" means an organization or agency in any form which has received public funds exceeding the fair market value of any goods or services given in exchange for the public funds, whether through grants, membership dues, fees, or any other payment. An exchange must be conclusively presumed to be for fair market value, and does not constitute support by public funds, when an organization or agency receives a benefit under any authorized economic development program.
 11. "Political subdivision" includes any county or city, regardless of the adoption of any home rule charter, and any airport authority, township, school district, park district, rural fire protection district, water resource district, solid waste management authority, rural ambulance service district, irrigation district, hospital district, soil conservation district, recreation service district, railroad authority, or district health unit.

12. "Public business" means all matters that relate or may foreseeably relate in any way to:
 - a. The performance of the public entity's governmental functions, including any matter over which the public entity has supervision, control, jurisdiction, or advisory power; or
 - b. The public entity's use of public funds.
13. "Public entity" means all:
 - a. Public or governmental bodies, boards, bureaus, commissions, or agencies of the state, including any entity created or recognized by the Constitution of North Dakota, state statute, or executive order of the governor or any task force or working group created by the individual in charge of a state agency or institution, to exercise public authority or perform a governmental function;
 - b. Public or governmental bodies, boards, bureaus, commissions, or agencies of any political subdivision of the state and any entity created or recognized by the Constitution of North Dakota, state statute, executive order of the governor, resolution, ordinance, rule, bylaw, or executive order of the chief executive authority of a political subdivision of the state to exercise public authority or perform a governmental function; and
 - c. Organizations or agencies supported in whole or in part by public funds, or expending public funds.
14. "Public funds" means cash and other assets with more than minimal value received from the state or any political subdivision of the state.
15. "Quorum" means one-half or more of the members of the governing body, or any smaller number if sufficient for a governing body to transact business on behalf of the public entity.
16. "Record" means recorded information of any kind, regardless of the physical form or characteristic by which the information is stored, recorded, or reproduced, which is in the possession or custody of a public entity or its agent and which has been received or prepared for use in connection with public business or contains information relating to public business. "Record" does not include unrecorded thought processes or mental impressions, but does include preliminary drafts and working papers. "Record" also does not include records in the possession of a court of this state.
17. "Sensitive image" means an image depicting an exposed intimate part, gruesome injury, deceased individual, or a minor.
18. "Task force or working group" means a group of individuals who have been formally appointed and delegated to meet as a group to assist, advise, or act on behalf of the individual in charge of a state agency or institution when a majority of the members of the group are not employees of the agency or institution.

SECTION 2. A new subsection to section 44-04-18.7 of the North Dakota Century Code is created and enacted as follows:

Unless otherwise provided by law, a sensitive image as defined by section 44-04-17.1 is an exempt record.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 411

HOUSE BILL NO. 1415

(Representatives O'Brien, Mitskog)
(Senator Cleary)

AN ACT to amend and reenact subsection 3 of section 44-04-18.3 of the North Dakota Century Code, relating to the exempt status of department of corrections and rehabilitation work schedule records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁷⁸ **SECTION 1. AMENDMENT.** Subsection 3 of section 44-04-18.3 of the North Dakota Century Code is amended and reenacted as follows:

3. Any record containing the work schedule of employees of a law enforcement agency or the department of corrections and rehabilitation is exempt.

Approved March 26, 2025

Filed March 27, 2025

¹⁷⁸ Section 44-04-18.3 was also amended by section 1 of House Bill No. 1499, chapter 412.

CHAPTER 412

HOUSE BILL NO. 1499

(Representative Klemin)
(Senator Larson)

AN ACT to amend and reenact subsection 1 of section 44-04-18.3 of the North Dakota Century Code, relating to confidential records related to a justice of the United States, federal judge, or magistrate judge.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁷⁹ **SECTION 1. AMENDMENT.** Subsection 1 of section 44-04-18.3 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as provided in subsection 5, a telephone number and the home address of a prosecutor, justice of the United States, federal judge, magistrate judge, supreme court justice, district court judge, judicial referee, juvenile court director or probation officer, an employee of a law enforcement agency, employee of a state or local correctional facility, and an employee of the department of corrections and rehabilitation are confidential. Information contained in a personnel record of an employee of the department of corrections and rehabilitation may not be disclosed to an inmate in the legal custody of the department of corrections and rehabilitation confined in a jail, prison, or other correctional facility unless authorized by the director of the department of corrections and rehabilitation. Information contained in a personnel record of a law enforcement officer of a state or local law enforcement agency or in the personnel record of a correctional employee of a correctional facility subject to chapter 12-44.1 may not be disclosed to an inmate confined in a state correctional facility or correctional facility subject to chapter 12-44.1 unless authorized by the employing agency.

Approved April 16, 2025

Filed April 16, 2025

¹⁷⁹ Section 44-04-18.3 was also amended by section 1 of House Bill No. 1415, chapter 411.

CHAPTER 413

HOUSE BILL NO. 1158

(Representatives Stemen, Berg, Dockter, Hagert, Louser, Pyle)
(Senators Klein, Meyer, Roers)

AN ACT to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the exempt status of records related to petitions in possession of the secretary of state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Secretary of state - Petition records - Exempt.

A record received by the secretary of state, which is related to a request for approval of a petition to initiate or refer a measure, is an exempt record until the secretary of state has passed upon the sufficiency of the petition under section 16.1-01-10, or thirty-five days have passed since the secretary of state received the record, whichever occurs first.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 414

HOUSE BILL NO. 1542

(Representatives Hendrix, Heilman, Heinert, Marschall, Murphy, Novak, Schreiber-Beck)
(Senators Cory, Wobbema)

AN ACT to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to designating student applications for admission to an institution of higher education as exempt records; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Admissions applications to institutions of higher education - Exempt.

A record related to an individual's application for admission to an institution of higher education under the administration of the state board of higher education is exempt, except as otherwise provided by law. Subject to the retention requirements under section 15-10-44, the record must be destroyed upon request of the applicant or the parent or guardian of an applicant who was under eighteen years of age at the time the application was submitted. An individual may not access or disclose an exempt record under this section for a reason other than carrying out regular duties as an employee of an institution of higher education, except as otherwise provided under this chapter.

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

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 415

SENATE BILL NO. 2180

(Senators Paulson, Luick, Weston)
(Representatives Louser, D. Ruby, D. Johnston)

AN ACT to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the opportunity to provide public comment at a meeting of a public entity.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Public comment - Regular meetings of a public entity.

1. Every regular meeting of a governing body of a city, county, township, school district, park district, or water resource district must include an opportunity for an individual to provide public comment.
2. An individual providing comment at a meeting shall provide to the governing body in writing the individual's name and address. The individual's address is an exempt record.
3. A governing body of a city, county, township, school district, park district, or water resource district:
 - a. May limit a public comment only as follows, except as provided in subdivision b:
 - (1) By time per speaker, total time for public comment, or both.
 - (2) By agenda topic, to the agendas of the current and at least one preceding meeting.
 - b. Shall develop a policy regarding public comment rules for regular meetings. The policy may provide a public comment:
 - (1) Must be pertinent to the public entity.
 - (2) May not interfere with the orderly conduct of the regular meeting.
 - (3) May not be defamatory, abusive, harassing, or unlawful.
 - (4) May be prohibited if an alternative procedure exists to bring that particular type of public comment before the public entity, the public comment includes confidential or exempt information, or the public comment is otherwise prohibited by law.

Approved April 30, 2025

Filed May 1, 2025

CHAPTER 416

SENATE BILL NO. 2144

(Senators Klein, Barta, Roers)
(Representatives Schauer, Warrey)

AN ACT to amend and reenact subsection 2 of section 43-55-03, section 43-55-09, subsection 8 of section 44-06.1-20, and sections 44-06.1-28, 47-25-04, 47-25-07, and 54-09-04 of the North Dakota Century Code, relating to information required in applications for professional employer services licensure, confidential records maintained by the secretary of state, notification provided to and fees charged by a notary public, notification provided to the registrant of a trade name, and fees charged by the secretary of state; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 43-55-03 of the North Dakota Century Code is amended and reenacted as follows:

2. Each applicant for licensure shall provide the secretary of state with the following information:
 - a. The name of the professional employer organization and any name under which the professional employer organization intends to conduct business in this state.
 - b. The designation of organization of the applicant whether domestic or foreign; a corporation, limited liability company, general partnership, limited partnership, limited liability partnership, limited liability limited partnership, sole proprietor, or any other person subject to a governing statute; and the jurisdiction of origin of the organization.
 - c. The address of the principal place of business of the professional employer organization and the address of each office it maintains in this state.
 - d. ~~The professional employer organization's taxpayer or employer identification number.~~
 - e. The date of the end of the applicant's fiscal year.
 - ~~f.e.~~ A list of jurisdictions in which the professional employer organization has operated in the preceding five years, including any alternative names, names of predecessors, and, if known, successor business entities.
 - ~~g.f.~~ A statement of ownership, which must include the name and address of any person that owns or controls twenty-five percent or more of the equity interests of the professional employer organization.
 - ~~h.g.~~ A statement of management, which must include the name and address of any individual who serves as president, chief executive officer, or otherwise has the authority to act as a senior executive officer of the professional employer organization.

i.h. A bond as provided under section 43-55-05.

j.i. A copy of the employer's quarterly contribution and wage report to job service North Dakota for the quarter ending immediately before the date submitted to the secretary of state. A professional employer organization that has not filed an employer's quarterly contribution and wage report with job service North Dakota shall submit a bond in the amount as provided under section 43-55-05.

SECTION 2. AMENDMENT. Section 43-55-09 of the North Dakota Century Code is amended and reenacted as follows:

43-55-09. Confidential records.

1. ~~The social security number or federal tax identification number disclosed or contained in an application filed with the secretary of state under this chapter is confidential. The secretary of state shall delete or obscure any social security number or federal tax identification number before a copy of an application is released to the public.~~

2. All audited financial reports and the employers' quarterly contribution and wage report to job service North Dakota are confidential except to the extent necessary for the proper administration of this chapter by the secretary of state or the attorney general.

SECTION 3. AMENDMENT. Subsection 8 of section 44-06.1-20 of the North Dakota Century Code is amended and reenacted as follows:

8. The secretary of state shall notify each notary public, in a manner as prescribed by the secretary of state, at least thirty days before the expiration of the notary public's term of the date ~~upon~~ on which the notary public's commission will expire. ~~The notice must be addressed to the notary public at the last known place of residence.~~

SECTION 4. AMENDMENT. Section 44-06.1-28 of the North Dakota Century Code is amended and reenacted as follows:

44-06.1-28. Fees to be charged for notarial acts - Penalty.

1. A notary public is entitled to charge and receive not more than five dollars per notarial act. A notary who charges a fee exceeding that amount is guilty of an infraction. It is an infraction for any person other than the notary public to impose or collect any monetary fee, charge, or commission in connection with the notarization of any document.

2. A notary may charge a travel fee when traveling to perform a notarial act if:

4. a. The notary and the person requesting the notarial act agree upon the travel fee in advance of the travel; and

2. b. The notary explains to the person requesting the notarial act that the travel fee is both separate from the notarial fee and neither specified nor mandated by law.

3. A notary may charge a technology fee when performing a notarial act under section 44-06.1-13.1 or 44-06.1-18 if:

- a. The notary incurred fees for using technology to perform the notarial act;
- b. The notary and the person requesting the notarial act agree upon the technology fee in advance; and
- c. The notary explains to the person requesting the notarial act the technology fee is separate from the notarial act fee.

SECTION 5. AMENDMENT. Section 47-25-04 of the North Dakota Century Code is amended and reenacted as follows:

47-25-04. Trade names - Registration - Fees - Renewal - Notice.

1. For the registration of a trade name under this chapter, the registrant shall pay to the secretary of state a fee of twenty-five dollars for an original registration, a fee of twenty-five dollars for an assignment, and a fee of ten dollars for a consent to use of a similar name or any other change in the original registration under this chapter. A registration remains in force for a period of five years from the date of the original registration and may be renewed within ninety days before its expiration date by reregistering in the same manner as an original registration. The secretary of state shall notify the registrant by mail in a manner as prescribed by the secretary of state at least ninety days before the expiration of the registration.
2. The secretary of state may destroy all registrations or renewals one year after expiration.

SECTION 6. AMENDMENT. Section 47-25-07 of the North Dakota Century Code is amended and reenacted as follows:

47-25-07. Cancellation.

The secretary of state shall cancel from the register:

1. ~~Any~~ Any registration ~~concerning~~ for which the secretary of state receives a voluntary request for cancellation from the registrant or the assignee of record on forms prescribed by the secretary of state. In the case of a registrant who is a deceased individual, the request for cancellation may be made by the personal representative of the registrant's estate.
2. ~~Any~~ Any registration ~~concerning~~ for which a state district court finds any of the following:
 - a. That the registered trade name has been abandoned.
 - b. That the registrant is not the owner of the trade name.
 - c. That the registration was granted improperly.
 - d. That the registration was obtained fraudulently.
 - e. That the trade name registered is so similar to a trade name registered by another person as to be likely to cause confusion or mistake or to deceive.
3. ~~Any~~ Any registration a district court orders canceled on any grounds.

4. ~~Any~~A trade name when the registrant is a corporation, limited liability company, limited partnership, limited liability partnership, or limited liability limited partnership that has ceased to exist for six months.
5. A trade name in which a misrepresentation has been made of any material matter. The secretary of state may not cancel a trade name under this subsection unless the secretary of state has given notice of not less than thirty days to the registrant and any parties that may be misrepresented at the address or electronic address on file with the secretary of state.

SECTION 7. AMENDMENT. Section 54-09-04 of the North Dakota Century Code is amended and reenacted as follows:

54-09-04. Fees.

1. The secretary of state shall charge and collect the following fees:
4. ~~For a copy of any law, resolution, record, or other document or paper on file in the secretary of state's office, fifty cents per page.~~
2. a. Unless otherwise provided by law, for affixing the signature of the secretary of state, certificate, or seal, or combination thereof to any document, ten dollars.
3. ~~For filing a certificate of appointment of attorney, five dollars.~~
4. b. For searching records and archives of the state, five dollars. For the purposes of this section, a search of records conducted by the secretary of state for which a fee must be collected includes the following:
 - a. (1) A search of a filed document that is active or archived, an archived index, or an index of business name changes to identify specific information to satisfy a request;
 - b. (2) A search of any record for which written verification of the facts of the search is required; and
 - c. (3) For every search of records when the request for the search is contained in a list compiled by the requester.

The secretary of state may provide, at no charge, information from publications or reference materials published or maintained by the secretary of state and verbal confirmation of any element of information maintained in a computer database.

5. c. For filing any ~~paper~~paper transaction not otherwise provided for, ten dollars.
6. d. For filing any process, notice, or demand for service, the fee provided in section 10-01.1-03.
7. e. For preparing any listing or compilation of any information recorded or filed in the office of the secretary of state, forty dollars for each record type requested. Unless otherwise agreed to by the secretary of state, the information must be provided in an electronic format. If provided in a paper format, an additional fee of fifty cents per page may be charged.

2. An individual required to file an oath of office with the secretary of state may not be charged for filing the oath of office, nor may a state or county officer be charged for filing any document with the secretary of state when acting in the officer's official capacity. All fees when collected must be paid by the secretary of state into the state treasury at the end of each month and placed to the credit of the state. Unless otherwise provided by law, the secretary of state shall retain a handling charge from filing fees tendered when a document submitted to the secretary of state under any law is rejected and not perfected. The handling charge is five dollars or fifty percent of the filing fee, whichever is greater, but may not exceed one hundred dollars.
3. If, upon due presentment, any check, draft, money order, or other form of lawful payment provisionally accepted in payment of any filing fee authorized to be charged and collected by the secretary of state, is not honored or paid, or if no lawful form of payment accompanies the filing, any record of credit or payment must be canceled or reversed as though no credit had been given or payment attempted and the filing or action is void. The secretary of state may return to the last-known address of the filer any record or document that was attempted to be filed or may retain as unfiled the record or document for a reasonable time to permit proper payment and filing.
4. This section does not apply to fees submitted for filing in, or information obtained from, the computerized central notice system, to the computerized Uniform Commercial Code central filing database, or to the computerized statutory liens database.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 417

SENATE BILL NO. 2084

(State and Local Government Committee)
(At the request of the Office of Management and Budget)

AN ACT to amend and reenact subsections 2 and 6 of section 44-08-04, subsection 2 of section 54-03-20, and subsection 5 of section 54-06-09 of the North Dakota Century Code, relating to authorized travel expense and lodging reimbursement rates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁸⁰ **SECTION 1. AMENDMENT.** Subsection 2 of section 44-08-04 of the North Dakota Century Code is amended and reenacted as follows:

2. For travel within the state, the following rates for each quarter of any twenty-four-hour period must be used:
 - a. First quarter is from six a.m. to twelve noon and the sum must be nine dollars. First quarter reimbursement may not be made if travel began after seven a.m.
 - b. Second quarter is from twelve noon to six p.m. and the sum must be fourteen dollars.
 - c. Third quarter is from six p.m. to twelve midnight and the sum must be twenty-two dollars.
 - d. Fourth quarter is from twelve midnight to six a.m. ~~and the sum must be the actual lodging expenses not to exceed an amount established by policy by the director of the office of management and budget plus any additional applicable state or local taxes. The director shall establish a policy to set the lodging reimbursement at an amount equal to ninety percent of the rate established by the United States general services administration for lodging reimbursement in this state. A political subdivision may reimburse an elective or appointive officer, employee, representative, or agent for actual lodging expenses.~~

¹⁸¹ **SECTION 2. AMENDMENT.** Subsection 6 of section 44-08-04 of the North Dakota Century Code is amended and reenacted as follows:

6. The allowance for in-state lodging must be equal to the United States general services administration lodging rate for the North Dakota city for which the lodging claim is made, plus any additional applicable state or local taxes. The director shall establish a policy to set the lodging allowance in instances when

¹⁸⁰ Section 44-08-04 was also amended by section 2 of Senate Bill No. 2084, chapter 417.

¹⁸¹ Section 44-08-04 was also amended by section 1 of Senate Bill No. 2084, chapter 417.

the United States general services administration lodging rate is not available.
The allowance for lodging outside the state must be the actual lodging expense.

¹⁸² **SECTION 3. AMENDMENT.** Subsection 2 of section 54-03-20 of the North Dakota Century Code is amended and reenacted as follows:

2. a. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed per calendar month the amount established under this subdivision by the director of the office of management and budget for lodging in state and which may not exceed the rate provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. On August first of each even-numbered year, the director of the office of management and budget shall set the maximum monthly reimbursement for the subsequent two-year period at an amount equal to thirty times seventy-five percent of the daily lodging reimbursement in effect on that date as provided under ~~subdivision d of subsection 26~~ of section 44-08-04.
- b. Notwithstanding subdivision a:
 - (1) A member of the legislative assembly may elect to be reimbursed for less than the amount to which the legislator is entitled under this subsection by claiming the lesser amount on a voucher submitted with the receipt required by section 44-08-04.
 - (2) The legislative management may establish guidelines that may result in a reduced maximum reimbursement for a single dwelling in which two or more legislators share lodging and the total rent for that dwelling exceeds the amount to which a legislator is entitled under subdivision a.

SECTION 4. AMENDMENT. Subsection 5 of section 54-06-09 of the North Dakota Century Code is amended and reenacted as follows:

5. Notwithstanding the other provisions of this section, state employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding at least thirty consecutive days, must be allowed and paid ~~forty-five cents~~ United States general services administration mileage rate per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, and the three-hundred-mile [482.80-kilometer] restriction imposed by subsection 3 does not apply.

Approved March 25, 2025

Filed March 26, 2025

¹⁸² Section 54-03-20 was also amended by section 8 of Senate Bill No. 2001, chapter 34.

CHAPTER 418

SENATE BILL NO. 2269

(Senators Roers, Rummel)
(Representatives Christy, Stemen)

AN ACT to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to recall elections for members of a governing body of a city; and to amend and reenact section 16.1-01-09.1 and subsection 1 of section 44-08-21 of the North Dakota Century Code, relating to recall petitions and recall elections for political subdivision officials.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 16.1-01-09.1 of the North Dakota Century Code is amended and reenacted as follows:

16.1-01-09.1. Recall petitions - Signature - Form - Circulation.

1. A request of the secretary of state for approval of a petition to recall an elected official or appointed official of a vacated elected office may be presented over the signatures of the sponsoring committee on individual signature forms that have been notarized. The secretary of state shall prepare a signature form that includes provisions for identification of the recall; the printed name, signature, and address of the committee member; and notarization of the signature. The filed signature forms must be originals. The secretary of state shall complete the review of the form of a recall petition in not less than five, nor more than seven, business days, excluding Saturdays.
2. An individual may not sign a recall petition circulated pursuant to article III of the Constitution of North Dakota ~~or, section 44-08-21,~~ or section 3 of this Act unless the individual is a qualified elector. An individual may not sign a petition more than once, and each signer shall also legibly print the signer's name, complete residential, rural route, or general delivery address, and the date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition. A petition must be in substantially the following form:

RECALL PETITION

We, the undersigned, being qualified electors request that
 _____ (name of the individual
 being recalled) the _____ (office of individual being
 recalled) be recalled for the reason or reasons
 of _____.

RECALL SPONSORING COMMITTEE

The following are the names and addresses of the qualified electors of the state of North Dakota and the political subdivision who, as the sponsoring committee for the petitioners, represent and act for the petitioners in accordance with law:

Name	Complete Residential, Rural Route, or General Delivery Address
1. _____ (Chairperson)	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

INSTRUCTIONS TO PETITION SIGNERS

You are being asked to sign a petition. You must be a qualified elector. This means you are eighteen years old, you have lived in North Dakota for thirty days, and you are a United States citizen. All signers shall also legibly print their name, complete residential, rural route, or general delivery address, and date of signing on the petition. Every qualified elector signing a petition must do so in the presence of the individual circulating the petition.

QUALIFIED ELECTORS

Month, Day, Year	Signed Name of Qualified Elector	Printed Name of Qualified Elector	Complete Residential, Rural Route, or General Delivery Address	City State, Zip Code
1. _____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____

The number of signature lines on each page of a printed petition may vary if necessary to accommodate other required textual matter.

3. Each copy of a petition provided for in this section, before being filed, must have attached an affidavit executed by the circulator in substantially the following form:

State of North Dakota

)

) ss.

County of _____)

(county where signed)

I, _____, being sworn, say that I am a qualified elector; that I
(circulator's name)

reside at _____;

(address)

that each signature contained on the attached petition was executed in my presence; and that to the best of my knowledge and belief each individual whose signature appears on the attached petition is a qualified elector; and that each signature contained on the attached petition is the genuine signature of the individual whose name it purports to be.

(signature of circulator)

Subscribed and sworn to before me on _____, _____, at
_____, North Dakota.

(city)

(Notary Seal)

(signature of notary)

Notary Public

My commission expires _____

4. A petition for recall must include, before the signature lines for the qualified electors as provided in subsection 2, the name of the individual being recalled, the office from which that individual is being recalled, and a list of the names and addresses of not less than five qualified electors of the state, political subdivision, or district in which the official is to be recalled who are sponsoring the recall.
5. For the recall of an elected official under article III of the Constitution of North Dakota, circulators have one year to gather the required number of signatures of qualified electors on the recall petition from the date the secretary of state approves the recall petition for circulation. For the recall of an elected official under section 44-08-21 or section 3 of this Act, circulators have ninety days from the date the secretary of state approves the recall petition for circulation to submit the recall petition to the appropriate filing officer.
6. A petition may not be circulated under the authority of article III of the Constitution of North Dakota ~~or~~ section 44-08-21, or section 3 of this Act by an individual who is less than eighteen years of age, nor may the affidavit called for by subsection 3 be executed by an individual who is less than eighteen years of age at the time of signing. All petitions circulated under the authority of the constitution and of this section must be circulated in their entirety.
7. When recall petitions are delivered to the secretary of state or other filing officer with whom a petition for nomination to the office in question is filed, the chairman of the sponsoring committee shall submit to the secretary of state or other filing officer an affidavit stating that to the best of that individual's knowledge, the petitions contain at least the required number of signatures. The chairperson also shall submit a complete list of petition circulators which must include each circulator's full name and residential address. The residential address must be in this state and identify the circulator's street

address, city, and zip code. Upon submission of the petitions to the appropriate filing officer, the petitions are considered filed and may not be returned to the chairman of the sponsoring committee for the purpose of continuing the circulation process or resubmitting the petitions at a later time. An elector's name may not be removed by the elector from a recall petition that has been submitted to and received by the appropriate filing officer.

8. The filing officer has a reasonable period, not to exceed thirty days, in which to pass upon the sufficiency of a recall petition. The filing officer may conduct a representative random sampling of the signatures contained in the petitions by the use of questionnaires, postcards, telephone calls, personal interviews, or other accepted information-gathering techniques, or any combinations thereof, to determine the validity of the signatures. Signatures determined by the filing officer to be invalid may not be counted and all violations of law discovered by the filing officer must be reported to the state's attorney for possible prosecution.
9. The filing officer shall call a special recall election to be held no sooner than ninety-five days nor later than one hundred five days following the date the filing officer certifies the petition valid and sufficient. No special recall election may be called if that date would be within ninety-five days of the next scheduled election.
10. A notice of the recall election must be posted in the official newspaper thirty days before the candidate filing deadline, which is by four p.m. on the sixty-fourth day before the election. The official notice must include the necessary information for a candidate to file and have the candidate's name included on the ballot.
11. A special recall election may not be held if candidate filings are not received by the filing officer before the candidate filing deadline. The filing officer shall declare the recall petition ineffective, and the elected or appointed official may continue to serve the remainder of their term. A notice of cancellation of the recall election due to no candidate filing received must be posted in the official newspaper within fifteen days following the candidate filing deadline.
12. An official may not be recalled if the recall special election would occur within one year of the next regularly scheduled election in which the official could be re-elected.

SECTION 2. AMENDMENT. Subsection 1 of section 44-08-21 of the North Dakota Century Code is amended and reenacted as follows:

1. An elected official of a political subdivision, except a township officer, an individual serving as a member of a governing body of a city, park district, or as a member of a school board subject to recall under section 3 of this Act, or an official subject to recall under section 10 of article III of the Constitution of North Dakota, is subject to recall by petition of electors equal in number to twenty-five percent of the voters who voted in the most recent election that the official sought to be recalled was on the ballot, not including other recall elections. An official who was appointed to fill a vacancy is subject to recall by petition of electors equal in number to twenty-five percent of the voters who voted in the most recent election that the office of the official sought to be recalled was on the ballot, not including other recall elections. The provisions of section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to petitions under this section.

SECTION 3. A new section to chapter 44-08 of the North Dakota Century Code is created and enacted as follows:

Recall of elected members of a governing body of a city, park district, or school board.

1. An individual serving as a member of a governing body of a city, park district, or school board is subject to recall by petition of electors equal in number to thirty-five percent of the voters who voted in the most recent election that the member sought to be recalled was on the ballot, not including other recall elections. A member who was appointed to fill a vacancy is subject to recall by petition of electors equal in number to thirty-five percent of the voters who voted in the most recent election that the office of the member sought to be recalled was on the ballot, not including other recall elections. The provisions of section 16.1-01-09.1, as they relate to signing and circulating recall petitions, apply to petitions under this section, except petitions circulated under this section must have fifteen petition sponsors if the city population is greater than two hundred fifty or the school district has a fall enrollment of greater than two hundred fifty. Each petition sponsor shall provide on the petition the sponsor's name and address. Each petition sponsor must be a qualified elector of the city, park district, or the school district in which the member subject to the recall is serving.
2. A recall petition must include a stated reason for the recall and be approved as to form before circulation by the secretary of state. The secretary of state shall complete the review of the form of a recall petition in not less than five, nor more than seven, business days, excluding Saturdays. To be effective, a recall petition must be submitted to the filing officer within ninety days after the date the recall petition is approved for circulation by the secretary of state.
3. Once circulated, the recall petition must be filed with the filing officer with whom a petition for nomination to the office in question is filed. The filing officer shall pass on the sufficiency of a petition by reviewing every signature affixed to the petition. Except as otherwise provided in this section, the filing officer shall call a special election to be held not sooner than ninety-five days nor later than one hundred five days following the date the filing officer certifies the petition valid and sufficient. A special election may not be called if that date would be within ninety-five days of the next scheduled election. An elector's name may not be removed from a recall petition that has been submitted to and received by the filing officer.
4. The name of the member to be recalled must be placed on the ballot unless the member resigns within ten days after the filing officer certifies the petition is valid and sufficient. Other candidates for the office may be nominated in a manner provided by law and shall file nominating papers with the appropriate filing officer by the sixty-fourth day before the scheduled recall election. A special recall election may not be held if candidate filings are not received by the filing officer before the candidate filing deadline. The filing officer shall declare the recall petition ineffective, and the member may continue to serve the remainder of the member's term. A notice of cancellation of the recall election due to no candidate filing received must be posted in the official newspaper within fifteen days following the candidate filing deadline.
5. If the member resigns, the filing officer may call a special election or appoint an individual to complete the unexpired term of the office. When the election results have been officially declared, the candidate receiving the highest number of votes is elected for the remainder of the term.

6. A member is not subject to recall twice during the term for which the member was elected. A member whose office is on the ballot at a regularly scheduled election occurring within one year is not subject to recall if the recall special election would occur within one year of the next regularly scheduled election in which the member could be re-elected.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 419

HOUSE BILL NO. 1303

(Representatives Kasper, Headland, Hendrix, Koppelman, Louser, Motschenbacher,
S. Olson)
(Senator Castaneda)

AN ACT to amend and reenact section 44-08-25 of the North Dakota Century Code, relating to the prohibition of sanctuary city policies and to create the sanctuary compliance fund; to provide a penalty; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 44-08-25 of the North Dakota Century Code is amended and reenacted as follows:

44-08-25. Prohibition - Sanctuary - Immigration - Void - Fund - Continuing appropriation.

1. Notwithstanding any other provision of law, the state, a political subdivision, or institution of higher education under the supervision of the state board of higher education or any agent or employee of the state, a political subdivision, or the institution of higher education may not adopt or implement, whether formally or informally, a sanctuary policy, including a policy, order, or ordinance that:
 - a. Limits or prohibits an individual from communicating or cooperating with federal agencies or officials to verify or report the immigration status of an individual; ~~or~~
 - b. Grants a noncitizen unlawfully present in the United States the right to lawful presence or status within the state, a political subdivision, or the institution of higher education;
 - c. Violates a provision of chapter 1373 of United States Code title 8 [8 U.S.C. 1373];
 - d. Restricts or imposes a condition upon the cooperation or compliance of a state agency, department, or office or political subdivision with United States immigration and customs enforcement to maintain custody of or to transfer an illegal alien to the custody of United States immigration and customs enforcement; or
 - e. Prevents a law enforcement officer of a political subdivision from asking an individual in custody the individual's citizenship or immigration status.
2. The attorney general, upon receiving a complaint from an individual regarding a violation of this section, may investigate as necessary. If the attorney general finds a political subdivision is in violation of this section, the attorney general shall issue an opinion to the political subdivision, including findings of fact describing with specificity the sanctuary policy.

3. Within thirty days of receiving an opinion under subsection 2, a political subdivision may appeal the opinion to the district court or provide the attorney general with evidence to demonstrate a sanctuary policy is no longer in effect.
4. If a political subdivision provides the attorney general with sufficient evidence to demonstrate a sanctuary policy is no longer in effect, the attorney general shall:
 - a. Issue a second opinion to the political subdivision declaring the political subdivision no longer has a sanctuary policy; and
 - b. If applicable, direct the state treasurer to cease withholding the political subdivision's funding under subsection 5.
5. Within thirty days after the political subdivision receives an opinion under subsection 2, the attorney general shall direct the state treasurer to withhold the political subdivision's allocation from the state aid distribution fund under section 57-39.2-26.1 and deposit the withheld funds into the sanctuary compliance fund. Funds will be distributed to the political subdivision upon compliance with this section as determined by the attorney general.
6. There is created a special fund in the state treasury called the sanctuary compliance fund. The fund consists of all moneys deposited under this section. Moneys in the fund are appropriated on a continuing basis to the state treasurer and may be distributed back to the political subdivision upon compliance with this section, or to political subdivisions that are in compliance with this section, using existing formulas or distribution methods.
7. Any policy, order, or ordinance adopted in violation of this section is void.

Approved April 16, 2025

Filed April 16, 2025

PRINTING LAWS

CHAPTER 420

SENATE BILL NO. 2069

(State and Local Government Committee)
(At the request of the Public Service Commission)

AN ACT to amend and reenact section 46-05-09 of the North Dakota Century Code, relating to publication requirements for legal notices.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 46-05-09 of the North Dakota Century Code is amended and reenacted as follows:

46-05-09. Publication of legal notices on website.

1. When a legal notice is required by law to be published in a newspaper, the newspaper also shall publish the notice on a statewide legal notices website maintained by the North Dakota newspaper association and on the newspaper's website in a location open and free to the public, if the newspaper maintains a website, at no additional cost to the entity placing the notice.
2. A state agency may request immediate publication of a notice on the North Dakota newspaper association public notice website and the North Dakota newspaper association must provide an affidavit of the posting. The posting is considered legal notification if a newspaper fails to publish the legal notice in the newspaper.
3. If an insubstantial error in the notice occurs as a result of placement on the website and the error is the fault of the newspaper, the error does not affect the validity and effectiveness of the notice.
4. A notice required by law which is published on a statewide legal notices website maintained by the North Dakota newspaper association or on a website maintained by the proper governmental unit, fulfills the publication requirement if a newspaper fails to publish the notice required by law in the newspaper.

Approved April 22, 2025

Filed April 23, 2025

PROPERTY

CHAPTER 421

SENATE BILL NO. 2204

(Senators Barta, Boschee, Dever)
(Representatives Conmy, Schauer)

AN ACT to create and enact a new section to chapter 47-10 of the North Dakota Century Code, relating to the required disclosure of radon hazards by a seller.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-10 of the North Dakota Century Code is created and enacted as follows:

Disclosure of prior radon test - Immunity from liability - Definitions.

1. As used in this section:

- a. "Buyer" means a person negotiating or offering to acquire real property for value or legal or equitable title, or the right to acquire legal or equitable title to residential real property.
- b. "Mitigation" means measures designed to permanently reduce indoor radon concentrations.
- c. "Seller" means a person that owns legal or equitable title to residential real property.
- d. "Test" or "testing" means a measurement of indoor radon concentrations according to the "National Radon Action Plan 2021-2025", published by the environmental protection agency.

2. Before executing an agreement to sell or transfer residential real property, except as otherwise provided in an offer to execute a purchase agreement, a seller shall disclose in writing to the buyer any knowledge the seller has of radon concentrations in the property. The seller or seller's agent shall provide the following disclosure statement to the buyer, and the buyer shall acknowledge its receipt by signing a copy of the disclosure statement:

RADON GAS IS A NATURALLY OCCURRING RADIOACTIVE GAS THAT, WHEN IT HAS ACCUMULATED IN A BUILDING IN SUFFICIENT QUANTITIES, MAY PRESENT HEALTH RISKS TO PERSONS WHO ARE EXPOSED TO IT OVER TIME. LEVELS OF RADON THAT EXCEED FEDERAL GUIDELINES HAVE BEEN FOUND IN BUILDINGS ON RESIDENTIAL REAL PROPERTY IN NORTH DAKOTA. ADDITIONAL INFORMATION REGARDING RADON AND RADON TESTING MAY BE OBTAINED FROM YOUR LOCAL PUBLIC HEALTH UNIT OR THE STATE DEPARTMENT OF ENVIRONMENTAL QUALITY.

3. If the seller has knowledge the property previously has undergone testing for radon gas and radon progeny, the seller shall provide a copy of test results reasonably available to or in the seller's possession and evidence of mitigation to the buyer before executing an agreement to sell or transfer the property. Any test result or evidence of mitigation furnished under this section does not constitute a promise, warranty, or representation by the seller or the seller's agent that the test results are accurate or the mitigation is effective.
4. This section does not create a contingency on the purchase of the property or any right to rescind a contract for purchase unless the contingency or right to rescind is an express term of the contract.
5. A seller or seller's agent complying with this section is not liable for any claim or action based on the presence of radon gas or radon progeny found in the residential real property subject to disclosure under this section.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 422

SENATE BILL NO. 2229

(Senators Boschee, Larson, Cory)
(Representatives Ostlie, Vetter)

AN ACT to create and enact a new section to chapter 47-10 of the North Dakota Century Code, relating to required disclosures before the sale of a condominium unit or a property subject to a homeowners' association or a condominium project.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-10 of the North Dakota Century Code is created and enacted as follows:

Required disclosures - Seller to provide.

1. As used in this section:
 - a. "Condominium" has the same meaning as provided under section 47-04.1-01.
 - b. "Condominium project" means a real property development or plan consisting of a condominium.
 - c. "Homeowners' association" means an organization making and enforcing rules and guidelines for a residential subdivision or planned community.
2. By a mutually agreed upon date or within ten days of executing an agreement to sell or transfer a property subject to the rules and regulations of a homeowners' association or condominium project, the seller shall disclose in writing to a prospective buyer:
 - a. A statement describing the amount of the periodic common expense assessment, maintenance fees, or other charges and any unpaid common expenses or special assessments currently due and payable from the seller;
 - b. The amount of approved special assessments;
 - c. A copy of the bylaws, amendments, supplemental declarations, rules, or regulations of the homeowners' association or condominium project, official minutes from the last two meetings of the association or condominium project, and the declaration other than the plats and plans;
 - d. The amount of reserve and capital funds available and committed to current or pending projects of the homeowners' association or condominium project;
 - e. Whether the homeowners' association or condominium project uses a reserve study;

- f. The current operating and reserve budgets and year-to-date financial statement of the homeowners' association or condominium project and of any portions of those reserves designated by the association or condominium project for any specified projects;
 - g. Any insurance documents indicating coverage provided by a homeowners' association or condominium project;
 - h. A statement of any unsatisfied judgments against the homeowners' association or the condominium project and the status of any pending lawsuits in which the association or project is a defendant, excluding routine assessment collections;
 - i. Notice of any homeowners' association or condominium project alleged and uncured violations pertaining to the home or unit;
 - j. Any fees relating to the transfer of ownership or other transactions;
 - k. A statement of the remedies available to the homeowners' association or condominium project as a result of nonpayment;
 - l. The assessment collection policy;
 - m. Notice of any homeowners' association or condominium project restrictions related to the leasing of a unit;
 - n. A list of homeowners' association or condominium project amenities; and
 - o. The contact information for the homeowners' association or condominium project or community association manager.
- 3. The documents provided under subsection 2 must include information from at least the ninety days immediately preceding the effective date of the agreement to sell or transfer a property.
- 4. A seller or seller's agent complying with this section is not liable for any claim or action based on the disclosed information under subsection 1.
- 5. The homeowners' association or condominium project, within ten days after a request by a seller, or the seller's authorized representative, shall furnish the documents required under subsection 2. The homeowners' association or condominium project may charge a reasonable fee, which must be disclosed before the final acceptance of a purchase agreement, for furnishing any homeowners' association or condominium project documents under subsection 2. If the requested documents under subsection 2 are not available, the homeowners' association or condominium project shall notify the seller of the unavailability of the documents, provided the documents are not the information requested under subdivisions a, b, d, and f of subsection 2.
- 6. A buyer is not liable for any unpaid assessment or fee greater than the amount provided in the documents prepared by the homeowners' association or condominium project. A seller is not liable to a buyer for the failure or delay of the homeowners' association or condominium project to provide the documents in a timely manner, but the purchase contract is voidable by the buyer until the documents have been provided and for five days after receipt of the documents or until conveyance, whichever occurs first.

7. If, after delivering the homeowners' association or condominium project information to the buyer or the buyer's agent and before the date of closing for the property or the date of possession of the property, whichever comes first, the seller becomes aware of any change of material fact that would affect the information, the seller must furnish a written amendment disclosing the change of material fact.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 423

HOUSE BILL NO. 1610

(Representatives Warrey, J. Johnson, Lefor, McLeod, Novak, Richter)
(Senator Lemm)

AN ACT to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to prohibited lease provisions in a contract to lease real property.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-16 of the North Dakota Century Code is created and enacted as follows:

Fee for accepting check or other instrument of payment prohibited.

A landlord may not charge a tenant a fee to accept cash, a check, or a money order for the payment of rent or any other payment required by the landlord under a lease for real property.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 424

SENATE BILL NO. 2356

(Senators Meyer, Lee)
(Representatives Louser, Meier)

AN ACT to amend and reenact section 47-19-03.1 of the North Dakota Century Code, relating to the contents of a legal description for a deed and a contract for deed.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-19-03.1 of the North Dakota Century Code is amended and reenacted as follows:

47-19-03.1. Deeds and contracts for deeds to include name and address of drafter of legal description.

1. The recorder may not record a deed or contract for deed containing a metes and bounds legal description which affects the title to or possession of real property that otherwise may be recorded under this chapter unless the name and address of the individual who drafted the legal description contained in the deed or contract for deed appears on the instrument in a legible manner.
2. A deed or contract for deed complies with this section if it contains a statement substantially in the following form: "The legal description was prepared by _____ (name) _____ (address) or obtained from a previously recorded instrument." The recording of an instrument containing a metes and bounds legal description obtained from a previously recorded instrument of conveyance under this section may not be rejected based on section 57-02-39.
3. This section does not apply to any instrument executed before January 1, 2000, or any instrument executed or acknowledged outside the state. The validity and effect of the record of any instrument in a recorder's office may not be lessened or impaired by the fact the instrument does not contain the statement required by this section.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 425

SENATE BILL NO. 2260

(Senators Burckhard, Barta, Roers)
(Representatives Berg, Satrom)

AN ACT to amend and reenact sections 47-20.2-01, 47-20.2-02, 47-20.2-03, 47-20.2-05, and 47-20.2-06 of the North Dakota Century Code, relating to the North Dakota coordinate system zones.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-20.2-01 of the North Dakota Century Code is amended and reenacted as follows:

47-20.2-01. North Dakota coordinate system zones defined.

1. The systems of plane coordinates which have been established by the national oceanic and atmospheric administration national ocean survey/national geodetic survey or its successors for defining and stating the geographic positions or locations of points on the surface of the earth within this state are, ~~as of July 1, 1989,~~ to be known and designated as the North Dakota coordinate system of 1927 ~~and~~ the North Dakota coordinate system of 1983, the North Dakota statewide coordinate system of 2022, and the North Dakota low-distortion coordinate system of 2022. For the purpose of the use of ~~these~~ the North Dakota coordinate systems of 1927 and 1983, the state is divided into a north zone and a south zone:
4.
 - a. The area now included in the following counties constitutes the north zone: Divide, Williams, McKenzie, Mountrail, Burke, Renville, Ward, McLean, Bottineau, McHenry, Sheridan, Pierce, Rolette, Towner, Benson, Wells, Foster, Eddy, Ramsey, Cavalier, Pembina, Walsh, Nelson, Grand Forks, Griggs, Steele, Traill.
 - b. The area now included in the following counties constitutes the south zone: Dunn, Golden Valley, Slope, Bowman, Adams, Hettinger, Stark, Mercer, Oliver, Morton, Grant, Sioux, Emmons, Burleigh, Kidder, Logan, McIntosh, Stutsman, Barnes, LaMoure, Dickey, Cass, Ransom, Sargent, Richland.
2. For the purpose of the use of the North Dakota statewide coordinate system of 2022, the state is covered by one, statewide zone.
3. For the purpose of the use of the North Dakota low-distortion coordinate system of 2022, the state has been divided into sixteen, low-distortion projection zones:
 - a. Beulah zone, which includes Dunn, McLean, and Mercer counties.
 - b. Bismarck zone, which includes Burleigh, Kidder, Morton, and Oliver counties.

- c. Bottineau zone, which includes Bottineau, Cavalier, Rolette, and Towner counties.
- d. Bowman zone, which includes Adams, Bowman, Hettinger, and Slope counties.
- e. Cannon Ball zone, which includes Grant and Sioux counties.
- f. Carrington zone, which includes Eddy, Foster, Griggs, Sheridan, and Wells counties.
- g. Devils Lake zone, which includes Benson, McHenry, Nelson, Pierce, and Ramsey counties.
- h. Dickinson zone, which includes Billings, Golden Valley, and Stark counties.
- i. Fargo zone, which includes Cass, Ransom, Richland, and Sargent counties.
- j. Grand Forks zone, which includes Grand Forks, Pembina, Steele, Traill, and Walsh counties.
- k. Jamestown zone, which includes Barnes and Stutsman counties.
- l. Linton zone, which includes Emmons, Logan, and McIntosh counties.
- m. Minot zone, which includes Renville and Ward counties.
- n. New Town zone, which includes Burke and Mountrail counties.
- o. Oakes zone, which includes Dickey and LaMoure counties.
- p. Williston zone, which includes Divide, McKenzie, and Williams counties.

SECTION 2. AMENDMENT. Section 47-20.2-02 of the North Dakota Century Code is amended and reenacted as follows:

47-20.2-02. North Dakota coordinate system names defined.

1. As established for use in the north zone, the North Dakota coordinate system of 1927 or the North Dakota coordinate system of 1983 is named, and in any land description in which it is used it must be designated the North Dakota coordinate system of 1927, north zone, or the North Dakota coordinate system of 1983, north zone. As established for use in the south zone, the North Dakota coordinate system of 1927 or the North Dakota coordinate system of 1983 is named, and in any land description in which it is used it must be designated the North Dakota coordinate system of 1927, south zone, or the North Dakota coordinate system of 1983, south zone.
2. As established for use in the statewide zone, the North Dakota statewide coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the North Dakota statewide coordinate system of 2022.
3. As established for use in the:

- a. Beulah zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Beulah zone of the North Dakota coordinate system of 2022;
- b. Bismarck zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Bismarck zone of the North Dakota coordinate system of 2022;
- c. Bottineau zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Bottineau zone of the North Dakota coordinate system of 2022;
- d. Bowman zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Bowman zone of the North Dakota coordinate system of 2022;
- e. Cannon Ball zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Cannon Ball zone of the North Dakota coordinate system of 2022;
- f. Carrington zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used it must be designated the Carrington zone of the North Dakota coordinate system of 2022;
- g. Devils Lake zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Devils Lake zone of the North Dakota coordinate system of 2022;
- h. Dickinson zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Dickinson zone of the North Dakota coordinate system of 2022;
- i. Fargo zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Fargo zone of the North Dakota coordinate system of 2022;
- j. Grand Forks zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Grand Forks zone of the North Dakota coordinate system of 2022;
- k. Jamestown zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Jamestown zone of the North Dakota coordinate system of 2022;
- l. Linton zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Linton zone of the North Dakota coordinate system of 2022;
- m. Minot zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Minot zone of the North Dakota coordinate system of 2022;
- n. New Town zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the New Town zone of the North Dakota coordinate system of 2022;

- o. Oakes zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Oakes zone of the North Dakota coordinate system of 2022; and
- p. Williston zone, the North Dakota coordinate system of 2022 is named, and in any land description in which it is used, it must be designated the Williston zone of the North Dakota coordinate system of 2022.

SECTION 3. AMENDMENT. Section 47-20.2-03 of the North Dakota Century Code is amended and reenacted as follows:

47-20.2-03. North Dakota coordinate system defined.

The plane coordinate values for a point on the earth's surface, used in expressing the geographic position or location of such point in the appropriate zone of this system, shall consist of two distances, expressed in United States survey feet [meters] and decimals of a foot [meter] when using the North Dakota coordinate system of 1927. One of these distances, to be known as the X-coordinate, shall give the position in an east-west direction; the other, to be known as the Y-coordinate, shall give the position in a north-south direction. These coordinates shall be made to depend upon and conform to plane rectangular coordinate values for the monumented points of the North American horizontal geodetic control network as published by the national ocean survey/national geodetic survey, or its successors, and the plane coordinates which have been computed on the systems defined in this chapter. Any such station may be used for establishing a survey connection to either North Dakota coordinate system. For the purposes of converting coordinates of the North Dakota coordinate systems of 1983 and 2022 from meters to feet, the international survey foot must be used. The conversion factor is: one foot equals 0.3048 meter exactly.

SECTION 4. AMENDMENT. Section 47-20.2-05 of the North Dakota Century Code is amended and reenacted as follows:

47-20.2-05. North Dakota coordinate system origins defined.

1. For the purposes of more precisely defining the North Dakota coordinate system of 1927, the following definitions by the United States coast and geodetic survey are adopted:
 - a. The North Dakota coordinate system of 1927, north zone, is a Lambert conformal conic projection of the Clarke spheroid of 1866, having standard parallels at north latitudes forty-seven degrees twenty-six minutes and forty-eight degrees forty-four minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian one hundred degrees thirty minutes west of Greenwich and the parallel forty-seven degrees zero minutes north latitude. This origin is given the coordinates: $x = 2,000,000$ feet [609.6 kilometers], and $y = 0$ feet [0 kilometers].
 - b. The North Dakota coordinate system of 1927, south zone, is a Lambert conformal conic projection of the Clarke spheroid of 1866, having standard parallels at north latitudes forty-six degrees eleven minutes and forty-seven degrees twenty-nine minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian one hundred degrees thirty minutes west of Greenwich and the parallel forty-five degrees forty minutes north latitude. This origin is given the coordinates: $x = 2,000,000$ feet [609.6 kilometers], and $y = 0$ feet [0 kilometers].

2. For the purposes of more precisely defining the North Dakota coordinate system of 1983, the following definition by the national ocean survey/national geodetic survey is adopted:
 - a. The North Dakota coordinate system of 1983, north zone, is a Lambert conformal conic projection of the North American datum of 1983, having standard parallels at north latitude of forty-seven degrees twenty-six minutes and forty-eight degrees forty-four minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian one hundred degrees thirty minutes west of Greenwich and the parallel forty-seven degrees zero minutes north latitude. This origin is given the coordinates: $x = 600,000.0000$ meters, and $y = 00.0000$ meters.
 - b. The North Dakota coordinate system of 1983, south zone, is a Lambert conformal conic projection of the North American datum of 1983, having standard parallels at north latitude of forty-six degrees eleven minutes and forty-seven degrees twenty-nine minutes along which parallels the scale shall be exact. The origin of coordinates is at the intersection of the meridian one hundred degrees thirty minutes west of Greenwich and the parallel forty-five degrees forty minutes north latitude. This origin is given the coordinates: $x = 600,000.0000$ meters, and $y = 00.0000$ meters.
3. For the purposes of more precisely defining the statewide zone of the North Dakota coordinate system of 2022, the definition by the national ocean survey or national geodetic survey is the North Dakota coordinate system of 2022, statewide zone, a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022. The origin of coordinates is at the intersection of the meridian one hundred degrees fifteen minutes west of Greenwich and the parallel forty-seven degrees thirty minutes north latitude. This origin is given the coordinates: $x = 838,200.0000$ meters, and $y = 342,900.0000$ meters.
4. For the purposes of more precisely defining the low-distortion projections as described under subsection 3 of section 47-20.2-01, the following definition by the national ocean survey or national geodetic survey is adopted:
 - a. The North Dakota coordinate system of 2022, Beulah zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one hundred one degrees fifty-one minutes west of Greenwich and the parallel forty-seven degrees twenty-seven minutes north latitude. This origin is given the coordinates: $x = 2,286,000.0000$ meters, and $y = 152,400.0000$ meters;
 - b. The North Dakota coordinate system of 2022, Bismarck zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one hundred degrees forty-five minutes west of Greenwich and the parallel forty-six degrees forty-eight minutes north latitude. This origin is given the coordinates: $x = 3,200,400.0000$ meters, and $y = 114,300.0000$ meters;
 - c. The North Dakota coordinate system of 2022, Bottineau zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of

the meridian ninety-nine degrees forty-two minutes west of Greenwich and the parallel forty-eight degrees thirty-six minutes north latitude. This origin is given the coordinates: $x = 1,371,600.0000$ meters, and $y = 152,400.0000$ meters;

- d. The North Dakota coordinate system of 2022, Bowman zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one-hundred three degrees west of Greenwich and the parallel forty-six degrees eighteen minutes north latitude. This origin is given the coordinates: $x = 3,810,000.0000$ meters, and $y = 114,300.0000$ meters;
- e. The North Dakota coordinate system of 2022, Cannon Ball zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one-hundred one degrees eighteen minutes west of Greenwich and the parallel forty-six degrees eighteen minutes north latitude. This origin is given the coordinates: $x = 4,114,800.0000$ meters, and $y = 114,300.0000$ meters;
- f. The North Dakota coordinate system of 2022, Carrington zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-nine degrees eighteen minutes west of Greenwich and the parallel forty-seven degrees thirty-three minutes north latitude. This origin is given the coordinates: $x = 2,590,800.0000$ meters, and $y = 152,400.0000$ meters;
- g. The North Dakota coordinate system of 2022, Devils Lake zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-nine degrees twenty-seven minutes west of Greenwich and the parallel forty-eight degrees nine minutes north latitude. This origin is given the coordinates: $x = 1,676,400.0000$ meters, and $y = 152,400.0000$ meters;
- h. The North Dakota coordinate system of 2022, Dickinson zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one hundred three degrees three minutes west of Greenwich and the parallel forty-seven degrees north latitude. This origin is given the coordinates: $x = 2,895,600.0000$ meters, and $y = 114,300.0000$ meters;
- i. The North Dakota coordinate system of 2022, Fargo zone, is a transverse mercator projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-seven degrees twelve minutes west of Greenwich and the parallel forty-five degrees forty-five minutes north latitude. This origin is given the coordinates: $x = 4,991,100.0000$ meters, and $y = 00.0000$ meters;
- j. The North Dakota coordinate system of 2022, Grand Forks zone, is a transverse mercator projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-seven degrees twenty-four minutes west of Greenwich and the parallel forty-six degrees thirty minutes north latitude. This origin is given the coordinates: $x = 1,981,200.0000$ meters, and $y = 00.0000$ meters;

- k. The North Dakota coordinate system of 2022, Jamestown zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-eight degrees thirty-six minutes west of Greenwich and the parallel forty-six degrees fifty-seven minutes north latitude. This origin is given the coordinates: $x = 3,505,200.0000$ meters, and $y = 114,300.0000$ meters;
- l. The North Dakota coordinate system of 2022, Linton zone, is a Lambert conformal conic projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-nine degrees fifty-one minutes west of Greenwich and the parallel forty-six degrees eighteen minutes north latitude. This origin is given the coordinates: $x = 4,381,500.0000$ meters, and $y = 114,300.0000$ meters;
- m. The North Dakota coordinate system of 2022, Minot zone, is a transverse mercator projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one hundred one degrees twenty-seven minutes west of Greenwich and the parallel forty-six degrees thirty minutes north latitude. This origin is given the coordinates: $x = 1,104,900.0000$ meters, and $y = 00.0000$ meters;
- n. The North Dakota coordinate system of 2022, New Town zone, is a transverse mercator projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one hundred two degrees twenty-seven minutes west of Greenwich and the parallel forty-six degrees thirty minutes north latitude. This origin is given the coordinates: $x = 762,000.0000$ meters, and $y = 00.0000$ meters;
- o. The North Dakota coordinate system of 2022, Oakes zone, is a transverse mercator projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian ninety-eight degrees eighteen minutes west of Greenwich and the parallel forty-five degrees forty-five minutes north latitude. This origin is given the coordinates: $x = 4,686,300.0000$ meters, and $y = 00.0000$ meters; and
- p. The North Dakota coordinate system of 2022, Williston zone, is a transverse mercator projection of the North American Terrestrial Reference Frame of 2022, the origin of coordinates is at the intersection of the meridian one hundred three degrees twenty-seven minutes west of Greenwich and the parallel forty-six degrees thirty minutes north latitude. This origin is given the coordinates: $x = 457,200.0000$ meters, and $y = 00.0000$ meters.

SECTION 5. AMENDMENT. Section 47-20.2-06 of the North Dakota Century Code is amended and reenacted as follows:

47-20.2-06. North Dakota coordinate system - Use of term.

The use of the North Dakota coordinate system of 1927 north zone or south zone, ~~or the North Dakota coordinate system of 1983 north zone or south zone, the North Dakota statewide coordinate system of 2022, or the North Dakota low-distortion coordinate system of 2022~~ on any map, report of survey, or other document must be limited to coordinates based on the North Dakota coordinate systems as defined in

this chapter. The map, report, or document must include a statement describing the standard of accuracy, as defined by the national ocean survey/national geodetic survey, maintained in developing the coordinates shown therein. The coordinates must be established in conformity with these standards:

1. No coordinates based on the North Dakota coordinate system, purporting to define the position of a point on a land boundary, may be presented to be recorded in any public records or deed records unless the point is connected to ~~a triangulation or traverse station~~ the national spatial reference system and established in conformity with the standards prescribed in this chapter.
2. Coordinate values used in land descriptions under this section must be certified by a duly registered professional land surveyor under the laws of this state.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 426

HOUSE BILL NO. 1149

(Representative Klemin)
(Senator Hogue)

AN ACT to amend and reenact sections 47-30.2-04, 47-30.2-24, 47-30.2-32, 47-30.2-39, 47-30.2-50, 47-30.2-52, 47-30.2-55, and 47-30.2-63 of the North Dakota Century Code, relating to the revised uniform unclaimed property act; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 47-30.2-04 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-04. (201) When property presumed abandoned.

Subject to section 47-30.2-12, the following property is presumed abandoned if it is unclaimed by the apparent owner during the period specified below:

1. Except as provided in this section, checks held, issued, or owing in the ordinary course of the holder's business which remain uncashed by the owner two years after becoming payable;
2. A traveler's check, fifteen years after issuance;
3. A money order, seven years after issuance;
4. A state or municipal bond, bearer bond, or original-issue-discount bond, three years after the earliest of the date:
 - a. The bond matures;
 - b. The bond is called; or
 - c. The obligation to pay the principal of the bond arises;
5. A debt of a business association, three years after the obligation to pay arises;
6. A payroll card or a demand, savings, or time deposit, including a time deposit that is automatically renewable, five years after the date of maturity of the time deposit or the date of the last indication of interest in the property by the apparent owner, whichever is earlier, provided a time deposit that is automatically renewable is deemed matured on its initial date of maturity unless the apparent owner has consented in a record on file with the holder to renewal at or about the time of the renewal. If an apparent owner has another established account with the financial institution and has demonstrated interest in any account under section 47-30.2-12, then all accounts must be considered active;
7. A cashier's check or certified check, two years after issuance;

8. Money or a credit owed to a customer as a result of a retail business transaction, other than in-store credit for returned merchandise, three years after the obligation arose;
9. An amount owed by an insurance company on a life or endowment insurance policy or an annuity contract that has matured or terminated, three years after the obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which an amount is owed on proof of death has not matured by proof of the death of the insured or annuitant, as follows:
 - a. With respect to an amount owed on a life or endowment insurance policy, three years after the earlier of the date:
 - (1) The insurance company has knowledge of the death of the insured; or
 - (2) The insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve for the policy is based; and
 - b. With respect to an amount owed on an annuity contract, three years after the date the insurance company has knowledge of the death of the annuitant.
10. Property distributable by a business association in the course of dissolution, one year after the property becomes distributable;
11. Property held by a court, including property received as proceeds of a class action, three years after the property becomes distributable;
12. Property held by a government or political subdivision, agency, or instrumentality, including municipal bond interest and unredeemed principal under the administration of a paying agent or indenture trustee, three years after the property becomes distributable;
13. Wages, commissions, bonuses, or reimbursements to which an employee is entitled, or other compensation for personal services, one year after the amount becomes payable;
14. A deposit or refund owed to a subscriber by a utility, one year after the deposit or refund becomes payable;
15. A security deposit, including interest on the security deposit, made in advance by a person to secure an agreement for rights of services, less any lawsuit deductions, which remains unclaimed by the owner for more than one year after termination of the agreement for which the deposit or advance payment was made;
16. A sum payable as mineral proceeds which has remained unclaimed by the owner for more than three years after it became payable or distributable and the owner's underlying right to receive those mineral proceeds are deemed abandoned. At the time an owner's underlying right to receive mineral proceeds is deemed abandoned, any mineral proceeds then owing to the owner and any proceeds accruing after that time are deemed abandoned; ~~and~~

17. Virtual currency, three years after the apparent owner's last indication of interest in the property;
18. Excess proceeds from the sale of abandoned vehicles under chapter 23.1-15, the time prescribed by section 23.1-15-07;
19. Excess proceeds from the sale of public or private property under chapter 57-28, the time prescribed by section 57-28-20; and
20. Property not specified in this section or sections 47-30.2-05 through 47-30.2-10, the earlier of three years after the owner first has a right to demand the property or the obligation to pay or distribute the property arises.

SECTION 2. AMENDMENT. Section 47-30.2-24 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-24. (404) Retention of records by holder.

1. A holder required to file a report under section 47-30.2-21 shall retain records for ten years after the later of the date the report was filed or the last date a timely report was due to be filed, unless a shorter period is provided by rule of the commissioner.
2. Upon receipt of a notice for an examination or notice of authorization to participate in the voluntary disclosure program under section 47-30.2-55, a holder shall retain, until the conclusion of the examination or any related appeal or litigation, or the conclusion of authorized voluntary disclosure in each instance, all relevant records dating back ten years from the commencement of the examination, plus the applicable dormancy period under section 47-30.2-04, before the date of the administrator's delivery of a notice of an examination to a holder under this chapter.
3. The holder may satisfy the requirement to retain records under this section through an agent.
4. The records must contain:
 - a. The verifiable information required to be included in the report;
 - b. The date, place, and nature of the circumstances that gave rise to the property right;
 - c. The amount or value of the property;
 - d. The last address of the apparent owner, if known to the holder;
 - e. If the holder sells, issues, or provides to others for sale or issue in this state traveler's checks, money orders, or similar instruments, other than third-party bank checks, on which the holder is directly liable, a record of the instruments while they remain outstanding indicating the state and date of issue; and
 - f. Records of items that were not reported as unclaimed sufficient to determine whether the holder has complied with this chapter.

SECTION 3. AMENDMENT. Section 47-30.2-32 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-32. (603) Payment or delivery of property to administrator.

1. Except as otherwise provided in this section, on filing a report under section 47-30.2-21, the holder shall pay or deliver to the administrator the property described in the report.
2. If property in a report under section 47-30.2-21 is an automatically renewable deposit and a penalty or forfeiture in the payment of interest would result from paying the deposit to the administrator at the time of the report, the date for payment of the property to the administrator is extended until a penalty or forfeiture no longer would result from payment, if the holder informs the administrator of the extended date.
3. If property reported to the administrator under section 47-30.2-21 is a security, the administrator may:
 - a. Make an endorsement, instruction, or entitlement order on behalf of the apparent owner to invoke the duty of the issuer, the transfer agent of the issuer, or the securities intermediary to transfer the security; or
 - b. Dispose of the security under section 47-30.2-41.
4. If the holder of property reported to the administrator under section 47-30.2-21 is the issuer of a certificated security, the administrator may obtain a replacement certificate in physical or book-entry form under section 41-08-38. An indemnity bond is not required.
5. The administrator shall establish procedures for the registration, issuance, method of delivery, transfer, and maintenance of securities delivered to the administrator by a holder.
6. An issuer, holder, or transfer agent acting under this section under instructions of and on behalf of the issuer or holder is not liable to the apparent owner for, and shall be indemnified by the state against, a claim arising with respect to property after the property has been delivered in good faith to the administrator.
7. A holder is not required to deliver to the administrator a security identified by the holder as a non-freely transferable security. If the administrator or holder determines that a security is no longer a non-freely transferable security, the holder shall deliver the security on the next regular date prescribed for delivery of securities under this chapter. The holder shall make a determination annually whether a security identified in a report filed under section 47-30.2-21 as a non-freely transferable security is no longer a non-freely transferable security.
8. If property reported to the administrator is virtual currency, the holder shall liquidate the virtual currency and remit the proceeds to the administrator. The liquidation must occur anytime within thirty days before the filing of the report under section 47-30.2-21. The owner may not have recourse against the holder or the administrator to recover any gain in value occurring after the liquidation of the virtual currency under this subsection.

SECTION 4. AMENDMENT. Section 47-30.2-39 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-39. (610) Periods of limitation and repose.

1. Expiration before, on, or after July 1, 2021, of a period of limitation on an owner's right to receive or recover property, whether specified by contract, statute, or court order, does not prevent the property from being presumed abandoned or affect the duty of a holder under this chapter to file a report or pay or deliver property to the administrator.
2. The administrator may not commence an action or proceeding to enforce this chapter with respect to the reporting, payment, or delivery of property more than seven years after the holder filed a nonfraudulent report under section 47-30.2-21 with the administrator. The parties may agree in a record to extend the limitation in this subsection.
3. The administrator may not commence an action, proceeding, or examination with respect to a duty of a holder under this chapter more than ten years after the duty arose.
4. The periods of limitation established by this section are tolled by the earlier of the administrator's delivery of a notice that a holder is subject to an examination or the delivery of notice of authorization to voluntarily disclose property subject to this chapter under section 47-30.2-55.

SECTION 5. AMENDMENT. Section 47-30.2-50 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-50. (903) Claim for property by person claiming to be owner.

1. A person claiming to be the owner of property held under this chapter by the administrator may file a claim for the property and the claim must be on a form prescribed by the administrator. The claimant shall verify the claim as to the claim's completeness and accuracy.
2. The administrator may waive the requirement in subsection 1 and may pay or deliver property directly to a person if:
 - a. The person receiving the property or payment is shown to be the apparent owner included on a report filed under section 47-30.2-21; and
 - b. The administrator reasonably believes the person is entitled to receive the property or payment; ~~and~~
 - c. ~~The property has a value as provided by rules adopted by the commissioner.~~

SECTION 6. AMENDMENT. Section 47-30.2-52 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-52. (905) Allowance of claim for property.

1. Not later than sixty days after a claim is allowed under subsection 2 of section 47-30.2-51, the administrator shall pay or deliver to the owner the property or pay to the owner the net proceeds of a sale of the property, together with

income or gain to which the owner is entitled under section 47-30.2-36. On request of the owner, the administrator may sell or liquidate a security and pay the net proceeds to the owner, even if the security had been held by the administrator for fewer than three years or the administrator has not complied with the notice requirements under section 47-30.2-41.

2. Property held under this chapter by the administrator is subject to a claim for the payment of an enforceable debt the owner owes in this state for:
 - a. Child support arrearages, including child support collection costs and child support arrearages that are combined with maintenance;
 - b. A civil or criminal fine or penalty, court costs, a surcharge, or restitution imposed by a final order of an administrative agency or a final court judgment; ~~or~~
 - c. State or local taxes, penalties, and interest that have been determined to be delinquent or as to which notice has been recorded with the state or local taxing authority; or
 - d. A civil monetary judgment for which an execution order has been issued by a state court of competent jurisdiction.
3. The state and local agencies may make periodic inquiries to the administrator to determine whether an apparent owner included in the unclaimed property records of this state has enforceable debts described in subsection 2. The administrator first shall apply the property or net proceeds of a sale of property held by the administrator to a debt under subsection 2 of an apparent owner which appears in the records of the administrator and deliver the amount to the appropriate state or local agency.

SECTION 7. AMENDMENT. Section 47-30.2-55 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-55. (1002) Examination of records to determine compliance.

The administrator, at reasonable times and on reasonable notice, may:

1. Examine the records of a person, including examination of appropriate records in the possession of an agent of the person under examination, if the records are reasonably necessary to determine whether the person has complied with this chapter;
2. Issue an administrative subpoena requiring the person or agent of the person to make records available for examination; ~~and~~
3. Bring an action seeking judicial enforcement of the subpoena; and
4. Authorize a holder to voluntarily disclose property subject to this chapter.

SECTION 8. AMENDMENT. Section 47-30.2-63 of the North Dakota Century Code is amended and reenacted as follows:

47-30.2-63. (1202) Interstate and international agreement - Cooperation.

1. ~~Subject to subsection 2, the~~The administrator may:

- a. Exchange information with another state or foreign country relating to property presumed abandoned or relating to the possible existence of property presumed abandoned; and
 - b. Authorize in a record another state or foreign country or a person acting on behalf of the other state or country to examine its records of a putative holder as provided in sections 47-30.2-54, 47-30.2-55, 47-30.2-56, 47-30.2-57, 47-30.2-58, 47-30.2-59, 47-30.2-60, 47-30.2-61, and 47-30.2-62.
2. An exchange or examination with a foreign country under subsection 1 may be done only if the ~~state or~~ foreign country has confidentiality and security requirements substantially equivalent to those in sections 47-30.2-71, 47-30.2-72, and 47-30.2-73 or agrees in a record to be bound by this state's confidentiality and security requirements.

SECTION 9. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 427

SENATE BILL NO. 2238

(Senators Braunberger, Barta, Cory)
(Representatives Foss, Schneider)

AN ACT to create and enact a new section to chapter 47-32 of the North Dakota Century Code, relating to sealing of eviction records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-32 of the North Dakota Century Code is created and enacted as follows:

Sealing of records - Nonpayment of rent - Damage to property - Victim of domestic violence.

1. A person subject to a court order for eviction for nonpayment of rent or damage to the leased premises, who has resolved all nonpayment of rent and damage claims, may move to have all court records relating to the eviction proceedings sealed seven years after the order for eviction has been satisfied, provided the person has not been evicted from another property during the seven years following the eviction.
2. An individual who was subjected to domestic violence as defined under section 14-07.1-01 at the time of the victim's tenancy and was evicted from that tenancy because of a domestic violence incident may move to have all court records relating to the eviction proceedings sealed upon the conviction of the assailant for domestic violence or the issuance of a disorderly conduct restraining order, sexual assault restraining order, or domestic violence protection order against the assailant.

Approved March 25, 2025

Filed March 26, 2025

PUBLIC BUILDINGS

CHAPTER 428

SENATE BILL NO. 2045

(Energy and Natural Resources Committee)
(At the request of the Department of Water Resources)

AN ACT to amend and reenact sections 43-07-12 and 48-01.2-05 of the North Dakota Century Code, relating to a bidding exception for water supply funds and contents of advertisement for public improvement projects.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-07-12 of the North Dakota Century Code is amended and reenacted as follows:

43-07-12. Bids to show license issued.

1. All bids and proposals for the construction of any public contract project subject to this chapter must contain a copy of the license or certificate for the current contractor year of the license issued by the registrar, enclosed in the required bid bond envelope. A contract may not be awarded to any contractor unless the contractor is the holder of a license in the class within which the value of the project falls as provided under this section. A contractor must be the holder of a license at least ten days before the date set for receiving bids, to be a qualified bidder. A bid submitted without this information properly enclosed in the bid bond envelope may not be read or considered and must be returned to the bidder.
2. This section does not apply to bids submitted:
 1. a. To the department of transportation;
 2. ~~For use of municipal, rural, and industrial water supply funds authorized by Public Law No. 99-294 [100 Stat. 418];~~
 3. b. To the public service commission; or
 4. c. For use of federal aid highway funds authorized by Public Law No. 85-767 [72 Stat. 885; 23 U.S.C. 101 et seq.].

SECTION 2. AMENDMENT. Section 48-01.2-05 of the North Dakota Century Code is amended and reenacted as follows:

48-01.2-05. Contents of advertisement.

The advertisement for bids required by section 48-01.2-04 must state:

1. The nature of the work and the type and location of the proposed public improvement.
2. When and where the plans, drawings, and specifications may be seen and examined.
3. The place, date, and time the bids will be opened.
4. That each bid must be accompanied by a separate envelope containing the contractor's license and bid security. The bid security must be in a sum equal to five percent of the full amount of the bid and must be in the form of a bidder's bond. A bidder's bond must be executed by the bidder as principal and by a surety, conditioned that if the principal's bid is accepted and the contract awarded to the principal, the principal, within ten days after notice of the award, shall execute a contract in accordance with the terms of the bid and the bid bond and any condition of the governing body. A countersignature of a bid bond is not required under this section. If a successful bidder does not execute a contract within the ten days allowed, the bidder's bond must be forfeited to the governing body and the project awarded to the next lowest responsible bidder.
5. That a bidder, ~~except a bidder on a municipal, rural, and industrial water supply project using funds provided under Public Law No. 99-294 [100 Stat. 426; 43 U.S.C. 390a],~~ must be licensed for the full amount of the bid as required by section 43-07-12. ~~For projects using funds provided under Public Law No. 99-294 [100 Stat. 426; 43 U.S.C. 390a], the advertisement must state that, unless a bidder obtains a contractor's license for the full amount of its bid within twenty days after it is determined the bidder is the lowest responsible bidder, the bid must be rejected and the contract awarded to the next lowest responsible bidder.~~
6. That no bid may be read or considered if the bid does not fully comply with the requirements of this section and that any deficient bid submitted must be resealed and returned to the bidder immediately.
7. That the governing body reserves the right to reject any and all bids and rebid the project until a satisfactory bid is received.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 429

HOUSE BILL NO. 1029

(Legislative Management)
(Government Services Committee)

AN ACT to amend and reenact section 48-10-03 of the North Dakota Century Code, relating to the power and duties of the capitol grounds planning commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 48-10-03 of the North Dakota Century Code is amended and reenacted as follows:

48-10-03. Powers and duties of the commission - Authority to accept gifts - Continuing appropriation.

The capitol grounds planning commission shall confer with the state council on the arts with respect to the artistic value of monuments, memorials, or works of art to be constructed on the capitol grounds and with qualified consultants retained by it to select sites for buildings, facilities, monuments, memorials, or works of art to be constructed on the capitol grounds. The commission shall develop and modify long-term plans for the development of the capitol grounds. The commission shall approve or disapprove the basic style and exterior construction, and physical and aesthetic features of the public interior areas of any building, facility, monument, memorial, or work of art constructed on the capitol grounds. Except as otherwise provided by this section, the commission has exclusive authority to accept or reject gifts of any type or class of property for exterior placement on the capitol grounds or for the improvement of the exterior construction of any building or facility on the capitol grounds, including landscaping and improvements to the capitol grounds. Any gifts of money accepted pursuant to this section must be deposited in the capitol building fund and are appropriated on a continuing basis to the commission for purposes consistent with this section. No construction or placement of an item on the capitol grounds may be undertaken without the approval of the commission, unless the construction or placement is authorized by the legislative assembly. If the legislative assembly by law or resolution authorizes the construction or placement of an item on the capitol grounds, the commission shall approve the site, basic style, and exterior construction of the item within a reasonable period of time.

The commission shall advise the director of the office of management and budget and the legislative council on matters relating to the physical and aesthetic features of the nonpublic interior areas of all buildings on the capitol grounds. The commission must be called in and shall meet whenever major interior changes, including new construction, remodeling, or renovation of any kind, are proposed or considered for the buildings or facilities on the capitol grounds. The commission must be consulted before the purchase or installation of furniture or fixtures in public areas of the capitol and other buildings on the capitol grounds. The commission may receive reports on new facility construction and remodeling projects exceeding five million dollars, including owned and leased facilities from which the state operates. The commission may not receive new facility construction and remodeling reports on facilities operated by entities under the control of the state board of higher education or the national guard. The commission shall perform any other duties as may be prescribed by law.

Approved May 1, 2025

Filed May 2, 2025

PUBLIC UTILITIES

CHAPTER 430

HOUSE BILL NO. 1063

(Government and Veterans Affairs Committee)
(At the request of the Public Service Commission)

AN ACT to create and enact a new section to chapter 49-02 of the North Dakota Century Code, relating to public service commission requirements for open meetings; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 49-02 of the North Dakota Century Code is created and enacted as follows:

Public service commission open meetings.

Except as otherwise provided by law, a meeting of the public service commission is subject to the requirements of chapter 44-04. A meeting of the public service commission does not include a quorum of members attending a legislative committee. The public service commission is exempt from posting notice at the location of a meeting, as required under section 44-04-20, if the meeting was not scheduled or organized by the public service commission.

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

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 431

HOUSE BILL NO. 1211

(Representatives Monson, Beltz, Hagert, Nelson, Vigasaa, Weisz)
(Senators Klein, Lemm, Myrdal, Wanzek)

AN ACT to amend and reenact sections 49-02-26, 49-02-29, and 49-02-31 of the North Dakota Century Code, relating to renewable electricity and recycled energy credits; and to repeal section 49-02-30 of the North Dakota Century Code, relating to energy from hydroelectric facilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁸³ **SECTION 1. AMENDMENT.** Section 49-02-26 of the North Dakota Century Code is amended and reenacted as follows:

49-02-26. Qualifying for renewable electricity and recycled energy credits - ~~Exception for certain hydroelectric facilities.~~

~~Except as otherwise provided in this section, for~~For purposes of qualifying for renewable electricity and recycled energy credits, electricity must be generated from a source identified in section 49-02-25. ~~For electricity generated from hydroelectric facilities, the hydroelectric facility must have an inservice date of January 1, 2007, or later, or be new hydroelectric generation obtained from repowering or efficiency improvements to hydroelectric facilities existing on August 1, 2007.~~

¹⁸⁴ **SECTION 2. AMENDMENT.** Section 49-02-29 of the North Dakota Century Code is amended and reenacted as follows:

49-02-29. Qualifying for renewable electricity and recycled energy objective.

For purposes of qualifying for the renewable electricity and recycled energy objective contained in section 49-02-28, electricity, ~~except for electricity generated from a hydroelectric facility with an inservice date before January 1, 2007, and electricity that is not obtained from repowering or efficiency improvements to a hydropower facility existing on August 1, 2007, regardless of the source's inservice date,~~ qualifies for meeting the statewide objective provided that the source meets the requirements of the North Dakota public service commission's rules for tracking, recording, and verifying renewable energy certificates.

¹⁸⁵ **SECTION 3. AMENDMENT.** Section 49-02-31 of the North Dakota Century Code is amended and reenacted as follows:

49-02-31. Purchase and retirement of renewable energy and recycled energy certificates to meet the objective.

¹⁸³ Section 49-02-26 was also amended by section 1 of Senate Bill No. 2359, chapter 432.

¹⁸⁴ Section 49-02-29 was repealed by section 2 of Senate Bill No. 2359, chapter 432.

¹⁸⁵ Section 49-02-31 was repealed by section 2 of Senate Bill No. 2359, chapter 432.

A portion or all of the renewable energy and recycled energy objective may be met by the purchase and retirement of renewable energy and recycled energy certificates representing credits from qualified sources and facilities as ~~defined~~described in ~~sections~~section 49-02-26 and ~~49-02-30~~. Renewable energy and recycled energy certificates do not need to be acquired from an in-state facility.

¹⁸⁶ **SECTION 4. REPEAL.** Section 49-02-30 of the North Dakota Century Code is repealed.

Approved March 14, 2025

Filed March 14, 2025

¹⁸⁶ Section 49-02-30 was also repealed by section 2 of Senate Bill No. 2359, chapter 432.

CHAPTER 432

SENATE BILL NO. 2359

(Senators Patten, Kessel, Boehm)
(Representatives Novak, Porter)

AN ACT to amend and reenact section 49-02-26 of the North Dakota Century Code, relating to qualifications for renewable electricity and recycled energy credits; and to repeal sections 49-02-28, 49-02-29, 49-02-30, 49-02-31, 49-02-32, 49-02-33, and 49-02-34 of the North Dakota Century Code, relating to the state renewable and recycled energy objectives, public reporting, qualifications and applications to the statewide objectives, the purchase and retirement of renewable energy certificates to meet the objectives, verification of generation and the purchase of certificates, and economic evaluations on the use of renewable and recycled energy.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁸⁷ **SECTION 1. AMENDMENT.** Section 49-02-26 of the North Dakota Century Code is amended and reenacted as follows:

49-02-26. Qualifying for renewable electricity and recycled energy credits - Exception for certain hydroelectric facilities.

~~Except as otherwise provided in this section, for~~For purposes of qualifying for renewable electricity and recycled energy credits, electricity must be generated from a source identified in section 49-02-25. ~~For electricity generated from hydroelectric facilities, the hydroelectric facility must have an inservice date of January 1, 2007, or later, or be new hydroelectric generation obtained from repowering or efficiency improvements to hydroelectric facilities existing on August 1, 2007.~~

¹⁸⁸ **SECTION 2. REPEAL.** Sections 49-02-28, 49-02-29, 49-02-30, 49-02-31, 49-02-32, 49-02-33, and 49-02-34 of the North Dakota Century Code are repealed.

Approved April 2, 2025

Filed April 3, 2025

¹⁸⁷ Section 49-02-26 was also amended by section 1 of House Bill No. 1211, chapter 431.

¹⁸⁸ Section 49-02-29 was amended by section 2 of House Bill No. 1211, chapter 431; section 49-02-30 was also repealed by section 4 of House Bill No. 1211, chapter 431; section 49-02-31 was amended by section 3 of House Bill No. 1211, chapter 431.

CHAPTER 433

HOUSE BILL NO. 1062

(Energy and Natural Resources Committee)
(At the request of the Public Service Commission)

AN ACT to amend and reenact section 49-04-07 of the North Dakota Century Code, relating to unreasonable preferences or advantages from public utilities; and to repeal sections 49-04-08, 49-04-09, and 49-04-10 of the North Dakota Century Code, relating to regulation of common carriers relating to permissible discrimination, long and short hauls, and freight pooling.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-04-07 of the North Dakota Century Code is amended and reenacted as follows:

49-04-07. Unreasonable preferences or advantages prohibited.

No public utility shall make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, limited liability company, or locality, or to any particular character of ~~traffic or~~ service in any respect whatsoever, nor subject any particular person, firm, corporation, limited liability company, company, or locality, or any particular character of ~~traffic or~~ service to any undue or unreasonable prejudice or disadvantage in any respect. No public utility corporation, directly or indirectly, by any special rate, rebate, drawback, or other device or method, shall charge, demand, collect, or receive from any person, firm, corporation, or limited liability company a greater or less compensation for any service rendered or to be rendered than it charges, demands, collects, or receives from any other person, firm, corporation, or limited liability company for doing a like and contemporaneous service under the same or substantially similar circumstances and conditions. Nothing in this chapter shall prohibit a public utility from entering into any reasonable agreement with its customers, consumers, or employees or from providing for a sliding scale of charges, unless the same is prohibited by the terms of the franchise or permit under which such public utility is operated. No such agreement or sliding scale shall be lawful unless and until the same shall be filed with and approved by the commission.

SECTION 2. REPEAL. Sections 49-04-08, 49-04-09, and 49-04-10 of the North Dakota Century Code are repealed.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 434

HOUSE BILL NO. 1110

(Judiciary Committee)

(At the request of the Public Service Commission)

AN ACT to amend and reenact section 49-10.1-14 of the North Dakota Century Code, relating to access to investigative and surveillance records and meetings of the public service commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-10.1-14 of the North Dakota Century Code is amended and reenacted as follows:

49-10.1-14. Commission may adopt and enforce safety rules - Investigation and surveillance records - Railroads - Exempt.

1. The commission, for the protection of persons and property, may adopt and enforce railroad safety rules not inconsistent with any federal agency having jurisdiction over railroads. The commission may adopt rules more stringent than federal rules when necessary to eliminate an essentially state or local safety hazard if the rules are not incompatible with any federal law or rule and do not create an undue burden on interstate commerce.
2. A record and portion of a meeting related to the ongoing railroad investigation and surveillance activities of the national transportation safety board and federal railroad administration state safety participation program is an exempt record as defined under section 44-04-17.1.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 435

SENATE BILL NO. 2068

(Transportation Committee)
(At the request of the Public Service Commission)

AN ACT to amend and reenact sections 49-17.1-02, 49-17.1-03, and 49-17.1-04 of the North Dakota Century Code, relating to rail service assistance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-17.1-02 of the North Dakota Century Code is amended and reenacted as follows:

49-17.1-02. Department of transportation as designated state agency.

The department, with the ~~approval~~cooperation of the commission, is authorized to exercise those powers necessary for the state to qualify for rail service assistance grants pursuant to provisions of the Railroad Revitalization and Regulatory Reform Act of 1976 [Pub. L. 94-210; 90 Stat. 149; 49 U.S.C. 1651 et seq.], including authority to:

1. Prepare and recommend a state plan for all rail transportation and local rail services.
2. Administer and coordinate the state plan.
3. Provide in the plan for the equitable distribution of rail service assistance grants among state, local, and regional transportation authorities.
4. Promote and support safe, adequate, and efficient rail services for those railway lines receiving rail service assistance grants.
5. Employ sufficient trained and qualified personnel for these purposes.
6. Maintain adequate programs of investigation, research, promotion, and development in connection with these purposes and to provide for public participation therein.
7. Provide satisfactory assurances on behalf of the state that fiscal control and fund accounting procedures will be adopted by the state as may be necessary to assure proper disbursement of an account for federal funds paid to the state as rail service assistance grants.
8. Comply with the regulations of the secretary of transportation of the United States department of transportation affecting rail service assistance grants.
9. Do all things otherwise necessary to maximize federal assistance to the state under the Railroad Revitalization and Regulatory Reform Act of 1976 [Pub. L. 94-210; 90 Stat. 149; 49 U.S.C. 1651 et seq.], and any amendments to it.

SECTION 2. AMENDMENT. Section 49-17.1-03 of the North Dakota Century Code is amended and reenacted as follows:

49-17.1-03. Application for assistance.

The department, ~~with the approval of the commission,~~ may make application on behalf of the state for grants made available by the secretary of transportation under the Railroad Revitalization and Regulatory Reform Act of 1976 [Pub. L. 94-210; 90 Stat. 149; 49 U.S.C. 1651 et seq.].

SECTION 3. AMENDMENT. Section 49-17.1-04 of the North Dakota Century Code is amended and reenacted as follows:

49-17.1-04. Use of public and private funds - Public service commission participation.

The department, with the ~~approval~~cooperation of the commission, may utilize public and private funds appropriated by the legislative assembly in carrying out the purpose of this chapter. The department shall cooperate with the commission and with other states in the reorganization or reopening of any railway line which may have been abandoned by any railway corporation providing railway services within the state. In carrying out the authority conferred by this section, the department may enter into agreements, contracts, or other arrangements with the necessary parties to accomplish the purposes of this chapter.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 436

HOUSE BILL NO. 1539

(Representatives Novak, Grueneich)
(Senators Erbele, Kessel, Patten)

AN ACT to amend and reenact section 49-22-03 and subdivision e of subsection 1 of section 49-22-22 of the North Dakota Century Code, relating to backup electric generation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁸⁹ **SECTION 1. AMENDMENT.** Section 49-22-03 of the North Dakota Century Code is amended and reenacted as follows:

49-22-03. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Backup electric generation" means electric generation that is not interconnected with the grid and is generated on a temporary basis to replace primary source electric generation when unavailable.
2. "Certificate" means the certificate of site compatibility or the certificate of corridor compatibility issued under this chapter.
- ~~2-3.~~ "Commission" means the North Dakota public service commission.
- ~~3-4.~~ "Construction" includes a clearing of land, excavation, or other action affecting the environment of the site after April 9, 1975, but does not include activities:
 - a. Conducted wholly within the geographic location for which a utility has previously obtained a certificate or permit under this chapter, or on which a facility was constructed before April 9, 1975, if:
 - (1) The activities are for the construction of the same type of facility as the existing type of facility as identified in a subdivision of subsection ~~56~~ or ~~67~~ or in subsection ~~43~~14 of this section and the activities are:
 - (a) Within the geographic boundaries of a previously issued certificate or permit;
 - (b) For an electric energy conversion facility constructed before April 9, 1975, within the geographic location on which the facility was built; or
 - (c) For an electric transmission facility constructed before April 9, 1975, within a width of three hundred fifty feet [106.68 meters] on either side of the centerline;

¹⁸⁹ Section 49-22-03 was also amended by section 1 of Senate Bill No. 2116, chapter 437.

- (2) Except as provided in subdivision b, the activities do not affect any known exclusion or avoidance area;
- (3) The activities are for the construction:
 - (a) Of a new electric energy conversion facility;
 - (b) Of a new electric transmission facility;
 - (c) To improve the existing electric energy conversion facility or electric transmission facility; or
 - (d) To increase or decrease the capacity of the existing electric energy conversion facility or electric transmission facility; and
- (4) Before conducting any activities, the utility certifies in writing to the commission that:
 - (a) The activities will not affect a known exclusion or avoidance area;
 - (b) The activities are for the construction:
 - [1] Of a new electric energy conversion facility;
 - [2] Of a new electric transmission facility;
 - [3] To improve the existing electric energy conversion or electric transmission facility; or
 - [4] To increase or decrease the capacity of the existing electric energy conversion facility or electric transmission facility; and
 - (c) The utility will comply with all applicable conditions and protections in siting laws and rules and commission orders previously issued for any part of the facility.
- b. Otherwise qualifying for exclusion under subdivision a, except that the activities are expected to affect a known avoidance area and the utility before conducting any activities:
 - (1) Certifies in writing to the commission that:
 - (a) The activities will not affect a known exclusion area;
 - (b) The activities are for the construction:
 - [1] Of a new electric energy conversion facility;
 - [2] Of a new electric transmission facility;
 - [3] To improve the existing electric energy conversion facility or electric transmission facility; or
 - [4] To increase or decrease the capacity of the existing electric energy conversion facility or electric transmission facility; and

- (c) The utility will comply with all applicable conditions and protections in siting laws and rules and commission orders previously issued for any part of the facility;
 - (2) Notifies the commission in writing that the activities are expected to impact an avoidance area and provides information on the specific avoidance area expected to be impacted and the reasons why impact cannot be avoided; and
 - (3) Receives the commission's written approval for the impact to the avoidance area, based on a determination that there is no reasonable alternative to the expected impact. If the commission does not approve impacting the avoidance area, the utility must obtain siting authority under this chapter for the affected portion of the site or route. If the commission fails to act on the notification required by this subdivision within thirty days of the utility's filing the notification, the impact to the avoidance area is deemed approved.
- c. Incident to preliminary engineering or environmental studies.
- 4-5. "Corridor" means the area of land where a designated route may be established for an electric transmission facility.
- 5-6. "Electric energy conversion facility" means a plant, addition, or combination of plant and addition, excluding onsite backup electric generation, designed for or capable of:
- a. Generation by wind energy conversion exceeding one-half megawatt of electricity;
 - b. Generation by any means other than wind energy conversion exceeding fifty megawatts of electricity; or
- c. Utility-scale energy storage.
- 6-7. "Electric transmission facility" means an electric transmission line and associated facilities with a design in excess of one hundred fifteen kilovolts. "Electric transmission facility" does not include:
- a. A temporary electric transmission line loop that is:
 - (1) Connected and adjacent to an existing electric transmission facility that was sited under this chapter;
 - (2) Within the corridor of the sited facility and does not cross known exclusion or avoidance areas; and
 - (3) In place for less than one year; or
 - b. An electric transmission line that is less than one mile [1.61 kilometers] long.
- 7-8. "Facility" means an electric energy conversion facility, electric transmission facility, or both.

- ~~8-9.~~ "Permit" means the permit for the construction of an electric transmission facility within a designated corridor issued under this chapter.
- ~~9-10.~~ "Person" includes an individual, firm, association, partnership, cooperative, corporation, limited liability company, or any department, agency, or instrumentality of a state or of the federal government, or any subdivision thereof.
- ~~40-11.~~ "Power emergency" means an electric transmission line and associated facilities that have been damaged or destroyed by natural or manmade causes resulting in a loss of power supply to consumers of the power.
- ~~44-12.~~ "Repower" means construction activities to completely or partially dismantle and replace turbine equipment at an existing wind energy conversion facility site that result in an increase of the facility's generation output potential or turbine height. The term does not include routine turbine maintenance or routine replacement of malfunctioning turbines or turbine components.
- ~~42-13.~~ "Route" means the location of an electric transmission facility within a designated corridor.
- ~~43-14.~~ "Site" means the location of an electric energy conversion facility.
- ~~44-15.~~ "Utility" means a person engaged in and controlling the electric generation, the transmission of electric energy, or the transmission of water from or to any electric energy conversion facility.
- ~~45-16.~~ "Utility-scale energy storage" means a plant, addition, or combination of plant and addition, designed for operation as a grid resource and capable of five megawatts or more of rated power capacity.

SECTION 2. AMENDMENT. Subdivision e of subsection 1 of section 49-22-22 of the North Dakota Century Code is amended and reenacted as follows:

- e. An applicant certifying to the commission under subsection ~~34~~ of section 49-22-03 shall pay an amount to be determined by the commission to cover anticipated expenses of processing the application.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 437

SENATE BILL NO. 2116

(Energy and Natural Resources Committee)
(At the request of the Public Service Commission)

AN ACT to create and enact a new subsection to section 49-22-13 and a new subsection to section 49-22.1-10 of the North Dakota Century Code, relating to public hearings for energy conversion and transmission facilities; and to amend and reenact sections 49-22-03, 49-22-16.4, and 49-22.1-01 of the North Dakota Century Code, relating to public hearings and light-mitigating technology systems.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁹⁰ **SECTION 1. AMENDMENT.** Section 49-22-03 of the North Dakota Century Code is amended and reenacted as follows:

49-22-03. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Certificate" means the certificate of site compatibility or the certificate of corridor compatibility issued under this chapter.
2. "Commission" means the North Dakota public service commission.
3. "Construction" includes a clearing of land, excavation, or other action affecting the environment of the site after April 9, 1975, but does not include activities:
 - a. Conducted wholly within the geographic location for which a utility has previously obtained a certificate or permit under this chapter, or on which a facility was constructed before April 9, 1975, if:
 - (1) The activities are for the construction of the same type of facility as the existing type of facility as identified in a subdivision of subsection 5 or 6 or in subsection 13 of this section and the activities are:
 - (a) Within the geographic boundaries of a previously issued certificate or permit;
 - (b) For an electric energy conversion facility constructed before April 9, 1975, within the geographic location on which the facility was built; or
 - (c) For an electric transmission facility constructed before April 9, 1975, within a width of three hundred fifty feet [106.68 meters] on either side of the centerline;

¹⁹⁰ Section 49-22-03 was also amended by section 1 of House Bill No. 1539, chapter 436.

- (2) Except as provided in subdivision b, the activities do not affect any known exclusion or avoidance area;
- (3) The activities are for the construction:
 - (a) Of a new electric energy conversion facility;
 - (b) Of a new electric transmission facility;
 - (c) To improve the existing electric energy conversion facility or electric transmission facility; or
 - (d) To increase or decrease the capacity of the existing electric energy conversion facility or electric transmission facility; and
- (4) Before conducting any activities, the utility certifies in writing to the commission that:
 - (a) The activities will not affect a known exclusion or avoidance area;
 - (b) The activities are for the construction:
 - [1] Of a new electric energy conversion facility;
 - [2] Of a new electric transmission facility;
 - [3] To improve the existing electric energy conversion or electric transmission facility; or
 - [4] To increase or decrease the capacity of the existing electric energy conversion facility or electric transmission facility; and
 - (c) The utility will comply with all applicable conditions and protections in siting laws and rules and commission orders previously issued for any part of the facility.
- b. Otherwise qualifying for exclusion under subdivision a, except that the activities are expected to affect a known avoidance area and the utility before conducting any activities:
 - (1) Certifies in writing to the commission that:
 - (a) The activities will not affect a known exclusion area;
 - (b) The activities are for the construction:
 - [1] Of a new electric energy conversion facility;
 - [2] Of a new electric transmission facility;
 - [3] To improve the existing electric energy conversion facility or electric transmission facility; or
 - [4] To increase or decrease the capacity of the existing electric energy conversion facility or electric transmission facility; and

- (c) The utility will comply with all applicable conditions and protections in siting laws and rules and commission orders previously issued for any part of the facility;
 - (2) Notifies the commission in writing that the activities are expected to impact an avoidance area and provides information on the specific avoidance area expected to be impacted and the reasons why impact cannot be avoided; and
 - (3) Receives the commission's written approval for the impact to the avoidance area, based on a determination that there is no reasonable alternative to the expected impact. If the commission does not approve impacting the avoidance area, the utility must obtain siting authority under this chapter for the affected portion of the site or route. If the commission fails to act on the notification required by this subdivision within thirty days of the utility's filing the notification, the impact to the avoidance area is deemed approved.
- c. Incident to preliminary engineering or environmental studies.
- 4. "Corridor" means the area of land where a designated route may be established for an electric transmission facility.
 - 5. "Electric energy conversion facility" means a plant, addition, or combination of plant and addition, designed for or capable of:
 - a. Generation by wind energy conversion exceeding one-half megawatt of electricity;
 - b. Generation by any means other than wind energy conversion exceeding fifty megawatts of electricity; or
 - c. Utility-scale energy storage.
 - 6. "Electric transmission facility" means an electric transmission line and associated facilities with a design in excess of one hundred fifteen kilovolts. "Electric transmission facility" does not include:
 - a. A temporary electric transmission line loop that is:
 - (1) Connected and adjacent to an existing electric transmission facility that was sited under this chapter;
 - (2) Within the corridor of the sited facility and does not cross known exclusion or avoidance areas; and
 - (3) In place for less than one year; or
 - b. An electric transmission line that is less than one mile [1.61 kilometers] long.
 - 7. "Facility" means an electric energy conversion facility, electric transmission facility, or both.

8. "Permit" means the permit for the construction of an electric transmission facility within a designated corridor issued under this chapter.
9. "Person" includes an individual, firm, association, partnership, cooperative, corporation, limited liability company, or any department, agency, or instrumentality of a state or of the federal government, or any subdivision thereof.
10. "Power emergency" means an electric transmission line and associated facilities that have been damaged or destroyed by natural or manmade causes resulting in a loss of power supply to consumers of the power.
11. "Public hearing" means a proceeding conducted for the purpose of acquiring information that will be considered in a certificate or permit action evaluation and which affords the public an opportunity to present views, opinions, and information.
- ~~12.~~ "Repower" means construction activities to completely or partially dismantle and replace turbine equipment at an existing wind energy conversion facility site that result in an increase of the facility's generation output potential or turbine height. The term does not include routine turbine maintenance or routine replacement of malfunctioning turbines or turbine components.
- ~~42-13.~~ "Route" means the location of an electric transmission facility within a designated corridor.
- ~~43-14.~~ "Site" means the location of an electric energy conversion facility.
- ~~44-15.~~ "Utility" means a person engaged in and controlling the electric generation, the transmission of electric energy, or the transmission of water from or to any electric energy conversion facility.
- ~~45-16.~~ "Utility-scale energy storage" means a plant, addition, or combination of plant and addition, designed for operation as a grid resource and capable of five megawatts or more of rated power capacity.

SECTION 2. A new subsection to section 49-22-13 of the North Dakota Century Code is created and enacted as follows:

The commission may hold a technical hearing on an application by the commission's own motion or by motion of a directly interested person. During a technical hearing the parties shall be afforded an opportunity to present evidence, examine witnesses, and cross-examine witnesses as permitted under sections 28-32-24 and 28-32-25.

SECTION 3. AMENDMENT. Section 49-22-16.4 of the North Dakota Century Code is amended and reenacted as follows:

49-22-16.4. Light-mitigating technology system - Rules.

1. The commission shall adopt rules by January 1, 2019, relating to the implementation of light-mitigating technology systems on wind energy conversion facilities. The rules must be consistent with the federal aviation administration regulations [14 CFR 1.1 et seq.] and must include service and maintenance requirements, safety standards, and lighting system requirements.

2. By December 31, 2019, every wind energy conversion facility for which the commission issued a certificate of site compatibility after June 5, 2016, must be equipped with a functioning light-mitigating technology system that complies with rules adopted by the commission. ~~After public hearing, the~~The commission may grant a waiver or an extension of time based on technical or economic feasibility considerations.
3. By December 31, 2021, every wind energy conversion facility for which the commission issued a certificate of site compatibility before June 5, 2016, must be equipped with a functioning light-mitigating technology system that complies with the rules adopted by the commission. ~~After public hearing, the~~The commission may grant a waiver or an extension of time based on technical or economic feasibility considerations.
4. Any costs associated with the implementation, operation, and maintenance of light-mitigating technology systems are the sole responsibility of the wind energy conversion facility owner.

SECTION 4. AMENDMENT. Section 49-22.1-01 of the North Dakota Century Code is amended and reenacted as follows:

49-22.1-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Certificate" means the certificate of site compatibility or the certificate of corridor compatibility issued under this chapter.
2. "Commission" means the North Dakota public service commission.
3. "Construction" includes a clearing of land, excavation, or other action affecting the environment of the site after April 9, 1975, but does not include activities:
 - a. Conducted wholly within the geographic location for which a utility has previously obtained a certificate or permit under this chapter, or on which a facility was constructed before April 9, 1975, if:
 - (1) The activities are for the construction of the same type of facility as the existing type of facility as identified in subsection 6 or 7 and the activities are:
 - (a) Within the geographic boundaries of a previously issued certificate or permit;
 - (b) For a gas or liquid energy conversion facility constructed before April 9, 1975, within the geographic location on which the facility was built; or
 - (c) For a gas or liquid transmission facility constructed before April 9, 1975, within a width of three hundred fifty feet [106.68 meters] on either side of the centerline;
 - (2) Except as provided in subdivision b, the activities do not affect any known exclusion or avoidance area;
 - (3) The activities are for the construction:

- (a) Of a new gas or liquid energy conversion facility;
 - (b) Of a new gas or liquid transmission facility;
 - (c) To improve the existing gas or liquid energy conversion facility, or gas or liquid, transmission facility; or
 - (d) To increase or decrease the capacity of the existing gas or liquid energy conversion facility or gas or liquid transmission facility; and
- (4) Before conducting any activities, the utility certifies in writing to the commission that:
 - (a) The activities will not affect a known exclusion or avoidance area;
 - (b) The activities are for the construction:
 - [1] Of a new gas or liquid energy conversion facility;
 - [2] Of a new gas or liquid transmission facility;
 - [3] To improve the existing gas or liquid energy conversion or gas or liquid transmission facility; or
 - [4] To increase or decrease the capacity of the existing gas or liquid energy conversion facility or gas or liquid transmission facility; and
 - (c) The utility will comply with all applicable conditions and protections in siting laws and rules and commission orders previously issued for any part of the facility.
- b. Otherwise qualifying for exclusion under subdivision a, except that the activities are expected to affect a known avoidance area and the utility before conducting any activities:
 - (1) Certifies in writing to the commission:
 - (a) The activities will not affect any known exclusion area;
 - (b) The activities are for the construction:
 - [1] Of a new gas or liquid energy conversion facility;
 - [2] Of a new gas or liquid transmission facility;
 - [3] To improve the existing gas or liquid energy conversion facility or gas or liquid facility; or
 - [4] To increase or decrease the capacity of the existing gas or liquid energy conversion facility or gas or liquid transmission facility; and
 - (c) The utility will comply with all applicable conditions and protections in siting laws and rules and commission orders previously issued for any part of the facility;

- (2) Notifies the commission in writing that the activities are expected to impact an avoidance area and provides information on the specific avoidance area expected to be impacted and the reasons why impact cannot be avoided; and
 - (3) Receives the commission's written approval for the impact to the avoidance area, based on a determination that there is no reasonable alternative to the expected impact. If the commission does not approve impacting the avoidance area, the utility must obtain siting authority under this chapter for the affected portion of the site or route. If the commission fails to act on the notification required by this subdivision within thirty days of the utility's filing the notification, the impact to the avoidance area is deemed approved.
- c. Incident to preliminary engineering or environmental studies.
4. "Corridor" means the area of land where a designated route may be established for a gas or liquid transmission facility.
5. "Facility" means a gas or liquid energy conversion facility, gas or liquid transmission facility, or both.
6. "Gas or liquid energy conversion facility" means any plant, addition, or combination of plant and addition, designed for or capable of:
 - a. Manufacture or refinement of one hundred million cubic feet [2831684.66 cubic meters] or more of gas or hydrogen per day, regardless of the end use of the gas;
 - b. Manufacture or refinement of fifty thousand barrels [7949.36 cubic meters] or more of liquid hydrocarbon products per day; or
- c. Enrichment of uranium minerals.
7. "Gas or liquid transmission facility" means any of the following:
 - a. A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, liquid hydrocarbons, liquid hydrocarbon products, hydrogen, or carbon dioxide. This subdivision does not apply to:
 - (1) An oil or gas pipeline gathering system;
 - (2) A natural gas distribution system;
 - (3) Carbon dioxide storage facility underground equipment, including a flow line, subject to chapter 38-22;
 - (4) A pipeline with an outside diameter of four and one-half inches [11.43 centimeters] or less which will not be trenched and will be plowed in with a power mechanism having a vertical knife or horizontally directionally drilled, and its associated facilities; or
 - (5) A pipeline that is less than one mile [1.61 kilometers] long. For purposes of this chapter, a gathering system includes the pipelines and associated facilities used to collect oil from the lease site to the first

pipeline storage site where pressure is increased for further transport, or pipelines and associated facilities used to collect gas from the well to the gas processing facility at which end-use consumer-quality gas is produced, with or without the addition of odorant.

- b. A liquid transmission line and associated facilities designed for or capable of transporting water from or to an energy conversion facility.
- 8. "Permit" means the permit for the construction of a gas or liquid transmission facility within a designated corridor issued under this chapter.
- 9. "Person" includes an individual, firm, association, partnership, cooperative, corporation, limited liability company, or any department, agency, or instrumentality of a state or of the federal government, or any subdivision thereof.
- 10. "Public hearing" means a proceeding conducted for the purpose of acquiring information that will be considered in a certificate or permit action evaluation and which affords the public an opportunity to present views, opinions, and information.
- 11. "Road use agreement" means permits required for extraordinary road use, road access points, approach or road crossings, public right-of-way setbacks, building rules, physical addressing, dust control measures, or road maintenance and any repair mitigation plans.
- ~~44-12.~~ "Route" means the location of a gas or liquid transmission facility within a designated corridor.
- ~~42-13.~~ "Site" means the location of a gas or liquid energy conversion facility.
- ~~43-14.~~ "Utility" means a person engaged in and controlling the generation, manufacture, refinement, or transmission of gas, liquid hydrocarbons, or liquid hydrocarbon products, including coal gasification, coal liquefaction, petroleum refinement, uranium enrichment, and the transmission of coal, gas, liquid hydrocarbons, or liquid hydrocarbon products, or the transmission of water from or to any gas or liquid energy conversion facility.

SECTION 5. A new subsection to section 49-22.1-10 of the North Dakota Century Code is created and enacted as follows:

The commission may hold a technical hearing on an application by the commission's own motion or by motion of a directly interested person. During a technical hearing the parties shall be afforded an opportunity to present evidence, examine witnesses, and cross-examine witnesses as permitted under sections 28-32-24 and 28-32-25.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 438

HOUSE BILL NO. 1258

(Representatives Brandenburg, Bosch, Grueneich, Hagert, Nathe, Porter, Headland,
Kempenich)
(Senators Conley, Kessel, Patten, Wanzek)

AN ACT to amend and reenact subsection 2 of section 49-22-16 of the of the North Dakota Century Code, relating to energy conversion and transmission facility siting; and to provide for retroactive application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 49-22-16 of the North Dakota Century Code is amended and reenacted as follows:

2. a. A certificate of site compatibility for an electric energy conversion facility may not supersede or preempt any local land use, zoning, or building rules, regulations, or ordinances and a site may not be designated which violates local land use, zoning, or building rules, regulations, or ordinances.

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- b. ~~Except as provided in this section, a~~ permit for the construction of an electric transmission facility within a designated corridor supersedes and preempts ~~any local land use, or zoning, or building rule, regulation, or ordinance, upon a finding by the commission that the rule, regulation, or ordinance, as applied to the proposed route, is~~ regulations.
- c. ~~Before an electric transmission facility is approved, the commission shall require the applicant to comply with the road use agreements of the impacted political subdivision. A permit may supersede and preempt the requirements of a political subdivision if the applicant shows by a preponderance of the evidence the regulations or ordinances are unreasonably restrictive in view of existing technology, factors of cost or economics, or needs of consumers regardless of location. Without such a finding by the commission, a route may not be designated which violates a local land use, zoning, or building rule, regulation, or ordinance, or are in direct conflict with state or federal laws or rules.~~
- d. ~~When an application for a certificate for an electric transmission facility is filed, the commission shall notify the townships with retained zoning authority, cities, and counties in which any part of the proposed corridor is located. The commission may not schedule a public hearing sooner than forty-five days from the date notification is sent by mail or electronic mail. Upon notification, a political subdivision shall provide a listing to the commission of all local requirements identified under this subsection. The listing of requirements must be filed at least ten days before the hearing or the requirements are superseded and preempted.~~

- e. An applicant must comply with all local requirements provided to the commission under subdivision d, which are not otherwise superseded by the commission.

SECTION 2. RETROACTIVE APPLICATION. This Act applies retroactively to January 1, 2025.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 439

HOUSE BILL NO. 1153

(Representatives Dockter, D. Anderson, Novak, Porter)
(Senator Patten)

AN ACT to amend and reenact subsection 7 of section 49-23-01 of the North Dakota Century Code, relating to the one-call excavation notice system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 7 of section 49-23-01 of the North Dakota Century Code is amended and reenacted as follows:

7. "Excavation" means any operation in which earth, rock, or other materials in or below the ground is moved or otherwise displaced by means of hand or power tools, power equipment, or explosives and includes grading, trenching, digging, ditching, dredging, drilling, augering, tunneling, boring, scraping, and cable or pipe plowing and driving. The term does not include:
 - a. Opening a grave in a cemetery.
 - b. Plowing, cultivating, planting, harvesting, and similar operations in connection with agricultural activities, unless any of these activities disturbs the soil to a depth of eighteen inches [45.72 centimeters] or more.
 - c. Gardening and landscaping unless it disturbs the soil to a depth of twelve inches [30.48 centimeters] or more.
 - d. Normal maintenance of paved roads and streets if the maintenance does not ~~change the original grade~~ extend deeper than the depth of the existing pavement and does not involve the road ditch.
 - e. Normal surface maintenance of gravel roads and streets if the maintenance does not involve the road ditch.
 - e-f. Normal repair and maintenance of track and track bed by a railroad on its own right of way.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 440

SENATE BILL NO. 2339

(Senators Kessel, Bekkedahl, Patten)
(Representatives Novak, J. Olson, Porter)

AN ACT to create and enact a new chapter to title 49 of the North Dakota Century Code, relating to strict liability and a wildfire mitigation plan of a qualified utility; and to provide for a report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 49 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter:

1. "Hazardous vegetation" means plants, such as trees, shrubs, and grass, which are dry, diseased, dead, or in close proximity to power lines and could come into contact with power lines, especially in dry and windy conditions, and lead to electrical faults or wildfires.
2. "Qualified utility" means an electric public utility, rural electric cooperative, municipal electric utility, municipal joint action agency, or electric transmission provider as defined in section 49-03-01.5.
3. "Wildfire mitigation plan" means a plan submitted to the commission or the qualified utility's board of directors in accordance with this chapter.

Limitation on strict liability standard for a qualified utility.

A court may not apply a standard of strict liability to a qualified utility in any cause of action alleging the qualified utility caused wildfire related damages.

Wildfire mitigation plan.

1. A qualified utility may prepare a wildfire mitigation plan in accordance with this chapter.
2. A wildfire mitigation plan under this section must include a description of:
 - a. Areas within the service territory of the qualified utility which may be subject to a heightened risk of wildfire;
 - b. The procedures, standards, and time frames the qualified utility will use to safely and reliably operate and inspect its infrastructure affected by hazardous vegetation;
 - c. The procedures and standards the qualified utility will use to perform vegetation management;

- d. The modifications or upgrades to facilities and preventative programs the qualified utility will implement to reduce the risk of its electric facilities initiating a wildfire;
 - e. Procedures for disabling reclosers to mitigate potential wildfires taking into consideration:
 - (1) The ability of the qualified utility to reasonably disable reclosers and access the proposed power line if it becomes de-energized;
 - (2) The balance of the risk of wildfire with the need for continued supply of electricity to a community; and
 - (3) Any potential impact to public safety, first responders, and health and communication infrastructure;
 - f. Procedures the qualified utility intends to use to restore its electrical system in the event of a wildfire;
 - g. The costs for implementation of the plan, including system improvements and upgrades;
 - h. Community outreach and public awareness efforts before and during a wildfire season; and
 - i. Potential participation with state or local wildfire protection or mitigation plans.
3. The procedures and standards under this section must be compliant with the American national standards institute standard A300, part 7, and the 2023 national electrical safety code.

Wildfire mitigation plan submission.

- 1. An electric public utility or electric transmission provider may submit for filing a wildfire mitigation plan to the commission. An electric public utility or electric transmission provider shall publish on its website all wildfire mitigation plans within thirty days of filing. If an electric public utility or electric transmission provider submits a wildfire mitigation plan, the plan must be updated and resubmitted to the commission every two years.
- 2. A rural electric cooperative, municipal electric utility, or municipal joint action agency may submit a wildfire mitigation plan to its board of directors. The electric cooperative, municipal electric utility, or municipal joint action agency shall publish on its website all wildfire mitigation plans within thirty days of approval from its board of directors. If a rural electric cooperative, municipal electric utility, or municipal joint action agency submits a wildfire mitigation plan, the plan must be updated and reapproved by the board of directors every two years.
- 3. The preparation and publishing of, and compliance with, the qualified utility's wildfire mitigation plan constitutes a rebuttable presumption that the qualified utility exercised a reasonable standard of care.

Annual report.

1. An electric public utility or electric transmission provider with a wildfire mitigation plan on file may submit an annual report detailing the utility's compliance with the plan to the commission, no later than December thirty-first of each year the plan is effective. If the utility submits an annual report, the utility shall publish the report on its website.
2. A rural electric cooperative, municipal electric utility, or municipal joint action agency with a wildfire mitigation plan may submit an annual report to its board of directors or governing body summarizing the rural electric cooperative's, municipal electric utility's, or municipal joint action agency's compliance with its approved wildfire mitigation plan. The rural electric cooperative, municipal electric utility, or municipal joint action agency shall publish the report on its website.

Approved April 24, 2025

Filed April 25, 2025

PUBLIC WELFARE

CHAPTER 441

SENATE BILL NO. 2113

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to create and enact two new sections to chapter 50-06 of the North Dakota Century Code, relating to certified community behavioral health clinics and the financing of health and human services; to amend and reenact section 12.1-04-06, subsection 4 of section 20.1-03-04, sections 25-03.1-03.1 and 25-03.1-04, subsection 3 of section 25-03.1-08, section 25-03.1-10, subsection 3 of section 25-03.1-11, subsection 1 of section 25-03.1-19, subsection 2 of section 25-03.1-26, subdivision b of subsection 2 of section 26.1-36-08, subdivisions c and d of subsection 2 of section 26.1-36-09, subsection 9 of section 43-12.1-04, subsection 6 of section 43-41-02, subdivision b of subsection 1 of section 44-04-18.30, sections 50-06-01, 50-06-01.4, 50-06-01.7, 50-06-05.1, 50-06-05.2, 50-06-05.3, 50-06-05.4, 50-06-05.5, 50-06-06.2, 50-06-06.5, and 50-06-06.13, subsections 1 and 3 of section 50-06-15, sections 50-06-33 and 50-06-41.3, subsection 1 of section 50-06-42, subsection 1 of section 50-06-42.1, and sections 50-06-46, 50-06.2-01, 50-06.2-02, 50-06.2-03, 50-06.3-02, and 50-06.3-04 of the North Dakota Century Code, relating to the powers and duties of the department of health and human services, treatment hearing timelines, and membership of the cross-disability advisory council; to provide for a legislative management study; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-04-06 of the North Dakota Century Code is amended and reenacted as follows:

12.1-04-06. Temporary detention for purposes of examination.

Whenever there is reason to doubt the defendant's fitness to proceed, the court may order temporary detention of the defendant for the purpose of an examination. The temporary detention must be in the least restrictive appropriate setting, including the state hospital, the life skills and transition center, or other suitable facility for a reasonable period, not to exceed thirty days, for such examination. In lieu of detention, the court may allow the defendant to remain in the defendant's present residential setting or other suitable residential setting for the purpose of examination, subject to any reasonable limitation the court may impose. A ~~human service center~~state-operated behavioral health clinic may be considered if the court is aware an inquiry was made before the court ordered the evaluation to ensure appropriate resources exist at the ~~human service center~~state-operated behavioral health clinic being ordered to conduct the examination. While the defendant is detained, the defendant's legal counsel, family, and others necessary to assist in the defendant's case must have reasonable opportunity to examine and confer with the defendant.

SECTION 2. AMENDMENT. Subsection 4 of section 20.1-03-04 of the North Dakota Century Code is amended and reenacted as follows:

4. Life skills and transition center patients, North Dakota youth correctional center students, school for the deaf students, North Dakota vision services - school for the blind students, state hospital patients, clients of ~~regional human service center~~state-operated behavioral health clinics under direct therapeutic care, and residents of facilities licensed by the department of health and human services may fish without a resident fishing license. Patients of these institutions must be identified. The department shall issue authority to each institution.

SECTION 3. AMENDMENT. Section 25-03.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

25-03.1-03.1. Disclosure of health information.

A treating facility or mental health professional may disclose individually identifiable health information to a court, ~~regional human service center~~state-operated behavioral health clinic, state's attorney, appointed counsel, retained counsel, or other mental health professional, including an expert examiner, and the disclosure is a disclosure for treatment, including the provision, coordination, and management of health care and to carry out the purposes of this chapter.

SECTION 4. AMENDMENT. Section 25-03.1-04 of the North Dakota Century Code is amended and reenacted as follows:

25-03.1-04. Screening and admission to a public treatment facility.

Under rules adopted by the department, screening of an individual to a public treatment facility for observation, diagnosis, care, or treatment for mental illness or a substance use disorder must be performed, in person when reasonably practicable, by a ~~regional human service center~~state-operated behavioral health clinic. This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a mental health professional, the individual's legal guardian, a minor's parent or legal custodian, or the individual requesting services, the ~~regional human service center~~state-operated behavioral health clinic shall conduct a screening. If a request for screening is made by a mental health professional and the individual who is the subject of the screening does not authorize the disclosure of the individual's protected health information, upon the request of the ~~regional human service center~~state-operated behavioral health clinic, any mental health professional who treated the individual within the previous six months shall disclose, subject to the requirements of title 42, Code of Federal Regulations, part 2, to the ~~human service center~~state-operated behavioral health clinic any relevant protected health information regarding that treatment. Upon receipt of the request, the ~~regional human service center~~state-operated behavioral health clinic shall arrange for a screening of the individual and, if appropriate, shall treat the applicant or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or director shall immediately designate a tier 1 or tier 2 mental health professional to examine the individual.

SECTION 5. AMENDMENT. Subsection 3 of section 25-03.1-08 of the North Dakota Century Code is amended and reenacted as follows:

3. In assisting the petitioner in completing the petition, the state's attorney may direct a tier 1 or tier 2 mental health professional designated by the ~~regional human service center~~state-operated behavioral health clinic to investigate and

evaluate the specific facts alleged by the petitioner. The investigation must be completed as promptly as possible and include observations of and conversation with the respondent, unless the respondent cannot be found or refuses to meet with the mental health professional. A written report of the results of the investigation must be delivered to the state's attorney. Copies of the report must be made available upon request to the respondent, the respondent's counsel, and any expert examiner conducting an examination under section 25-03.1-11. The state's attorney or retained attorney shall file the petition if the information provided by the petitioner or gathered by investigation provides probable cause to believe the subject of the petition is a person requiring treatment. A state's attorney who determines there are insufficient grounds for filing a petition may refer the individual to other community resources. A state's attorney's decision not to institute proceedings may be reviewed under section 11-16-06.

SECTION 6. AMENDMENT. Section 25-03.1-10 of the North Dakota Century Code is amended and reenacted as follows:

25-03.1-10. Involuntary treatment - Court-ordered examination.

If the petition is not accompanied by a written supportive statement of a tier 1 mental health professional or a licensed addiction counselor who has examined the respondent within the last forty-five days, the court shall order the respondent be examined by an expert examiner of the respondent's own choice or one appointed by the court. The order must state the date and time within which the respondent must appear; the address to which the respondent is to report; a statement that if the respondent fails to appear at the appointed place at or before the ordered date and time, the respondent may be involuntarily taken into custody and transported to the appointed place; and a statement the expert examiner may consult with or request participation in the examination by a mental health professional and may include with the written examination report any findings or observations by that mental health professional. Accompanying the order must be an explanation of the intended uses and possible effects of this examination. The examination may be conducted at a treatment facility, at the respondent's home, or at any other suitable place in the community. A request for examination at the state hospital must be screened and approved by a ~~regional human service center~~ state-operated behavioral health clinic. The respondent may be accompanied by one or more relatives or friends at the place of the examination. The costs of the court-ordered examination must be borne by the county that is the respondent's place of residence.

SECTION 7. AMENDMENT. Subsection 3 of section 25-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

3. If the expert examiner concludes the respondent is not a person requiring treatment, the court may without taking any other additional action terminate the proceedings and dismiss the petition. If the expert examiner concludes the respondent is a person requiring treatment, or makes no conclusion whether the respondent is a person requiring treatment, the court shall set a date for hearing and shall give notice of hearing to the persons designated in section 25-03.1-12. If the respondent is in custody and is alleged to be a person who is mentally ill or a person who is both mentally ill and has a substance use disorder, the preliminary hearing date must be within ~~four~~ five days, exclusive of weekends and holidays, of the date the respondent was taken into custody through emergency commitment under section 25-03.1-25 unless a delay or continuance is concurred in by the respondent or unless extended by the magistrate for good cause shown. If a preliminary hearing is not required, the

treatment hearing must be held within ~~four~~five days, exclusive of weekends and holidays, of the date the court received the expert examiner's report, not to exceed fourteen days from the time the petition was served.

SECTION 8. AMENDMENT. Subsection 1 of section 25-03.1-19 of the North Dakota Century Code is amended and reenacted as follows:

1. The involuntary treatment hearing, unless waived by the respondent or the respondent has been released as a person not requiring treatment, must be held within fourteen days of the preliminary hearing. If the preliminary hearing is not required, the involuntary treatment hearing must be held within ~~four~~five days, exclusive of weekends and holidays, of the date the court received the expert examiner's report, not to exceed fourteen days from the time the petition was served. The court may extend the time for hearing for good cause. The respondent has the right to an examination by an independent expert examiner if so requested. If the respondent is indigent, the county of residence of the respondent shall pay for the cost of the examination and the respondent may choose an independent expert examiner.

¹⁹¹ **SECTION 9. AMENDMENT.** Subsection 2 of section 25-03.1-26 of the North Dakota Century Code is amended and reenacted as follows:

2. Upon receipt of the petition and notice of the emergency detention, the magistrate shall set a date for a preliminary hearing, if the respondent is alleged to be a person who is mentally ill or a person who is both mentally ill and has a substance use disorder, or a treatment hearing, if the respondent is alleged to be a person who has a substance use disorder, to be held no later than ~~four~~five days, exclusive of weekends and holidays, after detention unless the person has been released as a person not requiring treatment, has been voluntarily admitted for treatment, has requested or agreed to a continuance, or unless the hearing has been extended by the magistrate for good cause shown. The magistrate shall appoint counsel if one has not been retained by the respondent.

SECTION 10. AMENDMENT. Subdivision b of subsection 2 of section 26.1-36-08 of the North Dakota Century Code is amended and reenacted as follows:

- b. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-09 in any calendar year. Services provided under this subdivision must be provided by an addiction treatment program licensed under chapter 50-31. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

SECTION 11. AMENDMENT. Subdivisions c and d of subsection 2 of section 26.1-36-09 of the North Dakota Century Code are amended and reenacted as follows:

- c. In the case of benefits provided for partial hospitalization, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section and section 26.1-36-08 in any calendar year.

¹⁹¹ Section 25-03.1-26 was also amended by section 1 of Senate Bill No. 2171, chapter 270.

Partial hospitalization must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services pursuant thereto or by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2, offering treatment for the prevention or cure of mental disorder or other related illness. For services provided in ~~regional human service centers~~state-operated behavioral health clinics, charges must be reasonably similar to the charges for care provided by hospitals as defined in this subsection.

- d. In the case of benefits provided for residential treatment, the benefits must be provided for a minimum of one hundred twenty days of services covered under this section in any calendar year. Residential treatment services must be provided by a hospital as defined under section 52-01-01 and rules of the department of health and human services; by a ~~regional human service center~~state-operated behavioral health clinic licensed under section 50-06-05.2 offering treatment for the prevention or cure of mental disorder or other related illness; or by a residential treatment program. For services provided in a ~~regional human service center~~state-operated behavioral health clinic, charges must be reasonably similar to the charges for care provided by a hospital as defined in this subsection.

SECTION 12. AMENDMENT. Subsection 9 of section 43-12.1-04 of the North Dakota Century Code is amended and reenacted as follows:

9. A person that provides medications, other than by the parenteral route:
 - a. Within a correctional facility, in compliance with section 12-44.1-29;
 - b. Within a psychiatric residential treatment facility for children licensed under chapter 25-03.2 and North Dakota Administrative Code chapter 75-03-17;
 - c. Within a treatment or care center for individuals with developmental disabilities licensed under chapter 25-16;
 - d. Within a group home, a qualified residential treatment program, or an adult foster care facility licensed under section 50-11-01;
 - e. Within the life skills and transition center, to the extent the individual who provides medications is a direct training technician or a vocational training technician as approved by the department of health and human services;
 - f. Within a ~~human service center~~state-operated behavioral health clinic licensed under chapter 50-06; ~~or~~
 - g. Within a primary or secondary school under a program established under section 15.1-19-23 if the individual has received education and training in medication administration and has received written consent of the student's parent or guardian; or
 - h. Who is an employee of a qualified service provider agency who meets the criteria set forth in subsection 2 of section 50-24.1-18.

SECTION 13. AMENDMENT. Subsection 6 of section 43-41-02 of the North Dakota Century Code is amended and reenacted as follows:

6. This chapter does not prevent individuals with master's or doctoral degrees in the field of counseling with specialization in mental health from serving as counselors or therapists in mental health in state institutions or ~~regional human service centers~~ state-operated behavioral health clinics, if they do not hold themselves out to the public as social workers.

SECTION 14. AMENDMENT. Subdivision b of subsection 1 of section 44-04-18.30 of the North Dakota Century Code is amended and reenacted as follows:

- b. "Public social services agency" means a state, county, or local public agency that provides human services, and includes ~~regional human service centers~~ state-operated behavioral health clinics, ~~county social services~~ human service zone boards, ~~multicounty social services district~~ human service zones, and the department of health and human services.

SECTION 15. AMENDMENT. Section 50-06-01 of the North Dakota Century Code is amended and reenacted as follows:

50-06-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Behavioral health" means the planning and implementation of preventive, consultative, diagnostic, treatment, crisis intervention, rehabilitative, and suicide prevention services for individuals with mental, emotional, or substance use disorders, and psychiatric conditions.
2. "Behavioral health provider" means any licensed or accredited behavioral health provider in this state.
3. "Certified community behavioral health clinic" means a private or public behavioral health clinic or a state-operated behavioral health clinic designated by the department to deliver a comprehensive range of mental health and substance use disorder services in accordance with the certification criteria set forth by the department.
4. "Department" means the department of health and human services.
- 4-5. "Human services" means:
 - a. A service or assistance provided to an individual or an individual's family in need of services or assistance, including child welfare services, economic assistance programs, medical services programs, and aging services programs, to assist the individual or the individual's family in achieving and maintaining basic self-sufficiency, including physical health, mental health, education, welfare, food and nutrition, and housing.
 - b. A service or assistance provided, administered, or supervised by the department in accordance with chapter 50-06.
 - c. Licensing duties as administered or supervised by the department or delegated by the department to a human service zone.
6. "State-operated behavioral health clinic" means a department-operated behavioral health clinic established under section 50-06-05.2.

¹⁹² **SECTION 16. AMENDMENT.** Section 50-06-01.4 of the North Dakota Century Code is amended and reenacted as follows:

50-06-01.4. Structure of the department.

1. The department includes the state hospital, the ~~regional human service centers~~ state-operated behavioral health clinics, a vocational rehabilitation unit, public health division, and other units or offices and administrative and fiscal support services as the commissioner of the department determines necessary. The department must be structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:
 - a. Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles.
 - b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.
 - c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, licensure of adult foster care homes, and the committee on aging.
 - d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention services, and twenty-four-hour crisis services for individuals with behavioral health disorders.
 - e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.
 - f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.

¹⁹² Section 50-06-01.4 was also amended by section 6 of Senate Bill No. 2308, chapter 479.

- g. Administration of general assistance.
 - h. Administration of child support.
 - i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.
2. The commissioner of the department or commissioner's designee shall consult with and maintain a close working relationship with the department of corrections and rehabilitation and the superintendents of the school for the deaf and the North Dakota vision services - school for the blind to develop programs for individuals with developmental disabilities; and with the superintendent of public instruction to maximize the use of resource persons in ~~regional human service centers~~ state-operated behavioral health clinics in the provision of special education services. The commissioner of the department or commissioner's designee shall also maintain a close liaison with human service zones.
3. ~~By August 1, 2019, the~~ The department shall establish a template for the development of human service zone plans, including process and content requirements, access point expectations, client grievances procedures, human resources, and locally funded programs or services and how those services will be addressed.
4. The department shall develop, with assistance from the North Dakota association of counties, a process for consultation and technical assistance for human service zone working groups ~~by August 1, 2019.~~

SECTION 17. AMENDMENT. Section 50-06-01.7 of the North Dakota Century Code is amended and reenacted as follows:

50-06-01.7. Behavioral health division - Administration - Fees.

1. The department shall ~~administratively restructure the behavioral health division to require the division to~~ develop and revise, when necessary, the state mental health plan and provide the behavioral health division the authority to implement and supervise a unified mental health delivery system and to assure the mental health services provided by the ~~human service centers~~ state-operated behavioral health clinics, the state hospital, and contracted services are in accordance with the state plan.
2. The behavioral health division may establish nonrefundable application fees not to exceed three hundred dollars for administration and enforcement of licensing and certification activities. The department shall adopt rules as necessary to implement this section. All fees collected under this section must be paid to the behavioral health division and must be used to defray the cost of administering and enforcing licensing and certification activities.

SECTION 18. AMENDMENT. Section 50-06-05.1 of the North Dakota Century Code is amended and reenacted as follows:

50-06-05.1. Powers and duties of the department. (Effective through June 30, 2027)

The department has the following powers and duties to be administered by the department through its state office or ~~regional human service centers~~state-operated behavioral health clinics, human service zones, or otherwise as directed by the department:

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.

12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.
13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, and marital counseling, and related consultation, when referred by self, parent, guardian, human service zone, court, physician, or other individual or agency, and when application is made by self (if an adult or emancipated youth), parent, guardian, or agency having custody; also, on the same basis, to provide human services to children and adults in relation to their placement in or return from the life skills and transition center, state hospital, or North Dakota youth correctional center.
14. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, and aftercare services when requested by the judge of a juvenile court. A court order under section 27-20.3-09, 27-20.4-08, or 27-20.4-17 or pursuant to rules adopted by the judicial branch regarding treatment, if available, at the state hospital or life skills and transition center shall comply with the requirements set forth in chapters 25-03.1, 25-03.3, and 25-04.
15. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, and treatment, when requested by the judge in a criminal case. A court order under section 12.1-32-02 or 12.1-32-07 or pursuant to rules adopted by the judicial branch regarding treatment, if available, at the state hospital or life skills and transition center shall comply with requirements set forth in chapters 25-03.1, 25-03.3, and 25-04.
16. To act as the official agency of the state in the administration of the supplemental nutrition assistance program and to direct and supervise human service zone administration of that program. The department with the consent of the legislative assembly or the budget section if the legislative assembly is not in session may terminate the program if the rate of federal financial participation in administrative costs provided under Public Law 93-347 is decreased or limited, or if the state or counties become financially responsible for all or a portion of the coupon bonus payments under the Food Stamp Act. Any request considered by the budget section must comply with section 54-35-02.9. The department may not deny assistance under the supplemental nutrition assistance program to any individual who has been convicted of a felony offense that has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the Controlled Substances Act [21 U.S.C. 802(6)].
17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human service agencies.

18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. The department with the consent of the legislative assembly or the budget section if the legislative assembly is not in session may terminate the program if the rate of federal financial participation in administrative costs is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9.
19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.
20. To exercise and carry out any other powers and duties granted the department under state law.
21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.
22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:
 - a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.
 - b. The transaction is exempt from the provisions of section 50-06-06.6.
 - c. The term of any lease may not exceed ninety-nine years.

- d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.
 - e. Any funds realized by any transaction must be deposited in the state's general fund.
23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.
24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.
25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.
26. To determine eligibility for medical assistance and children's health insurance program benefits when the department receives a joint application for these benefits.
27. To develop a system of services and supports to provide behavioral health services and supports in the community for children at risk of or identified as having a behavioral health condition and for the families of these children. This system must include early intervention, treatment, and recovery services and supports and must interface with, but not include, child protective services or juvenile court.
28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each public school and to the designated individual at a nonpublic school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community, ~~and also must include an evidence-based, online virtual mental health and suicide prevention simulation-based training program that incorporates hands-on practice, contextual learning, and personalized feedback through interactive role playing. The provisions of chapter 54 44.4 do not apply to the online virtual mental health and suicide prevention simulation-based training program under this subsection.~~
29. To administer, allocate, and distribute any funds made available for kinship care services and payments and services in response to the federal Family First Prevention Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L. 115-123].

30. To contract with another human service zone or any other public or private person to discharge any of the department's duties or exercise any of the department's powers to administer human services.
31. To act on behalf of the department of public instruction to administer part B, section 619 of the Individuals with Disabilities Education Act [Pub. L. 108-446; 229 Stat. 2647; 20 U.S.C. 1411 et seq.].
32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.
33. May pay a stipend, within the limit of legislative appropriation, to a recipient or a provider of a recipient receiving assistance or services under any program administered by or under the supervision and direction of the department to allow the recipient or provider to serve on a council or board.
34. Notwithstanding any other requirements, to appeal an order of a judge of the district court or juvenile court that orders the department to perform or provide a function, service, or duty.
35. To require providers that receive funding from the department to submit process and outcome measures to the department for programs and services supported by state funding for the department to evaluate the administration of the programs and services using the appropriation.

Powers and duties of the department. (Effective after June 30, 2027) The department has the following powers and duties to be administered by the department through its state office or ~~regional human service centers~~state-operated behavioral health clinics, human service zones, or otherwise as directed by the department:

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of a child in need of protection, a child in need of services, and delinquent children.

6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate human services related legislation to the legislative assembly.
8. To direct and supervise human service zone activities and administer a statewide program for state-funded human services, staffing, and administration costs related to the administration of human services.
9. To secure, hold, and administer for the purpose for which it is established any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the department, and to administer those funds or property in accordance with the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.
10. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department, including early childhood programs, nonmedical adult care facilities and maternity homes, and persons or organizations receiving and placing children, and to require those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
11. To permit the making of any surveys of human service needs and activities if determined to be necessary.
12. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or to compel the attendance as a witness of any officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.
13. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, and marital counseling, and related consultation, when referred by self, parent, guardian, human service zone, court, physician, or other individual or agency, and when application is made by self (if an adult or emancipated youth), parent, guardian, or agency having custody; also, on the same basis, to provide human services to children and adults in relation to their placement in or return from the life skills and transition center, state hospital, or North Dakota youth correctional center.
14. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, and aftercare services when requested by the judge of a juvenile court. A court order under section 12.1-32-02 or 12.1-32-07 or pursuant to rules adopted by the judicial branch regarding treatment, if available, at the state hospital or life skills and transition center shall comply with requirements set forth in chapters 25-03.1, 25-03.3, and 25-04.

15. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, and treatment, when requested by the judge in a criminal case. A court order under section 12.1-32-02 or 12.1-32-07 or pursuant to rules adopted by the judicial branch regarding treatment, if available, at the state hospital or life skills and transition center shall comply with requirements set forth in chapters 25-03.1, 25-03.3, and 25-04.
16. To act as the official agency of the state in the administration of the supplemental nutrition assistance program and to direct and supervise human service zone administration of that program. The department with the consent of the legislative assembly or the budget section if the legislative assembly is not in session may terminate the program if the rate of federal financial participation in administrative costs provided under Public Law 93-347 is decreased or limited, or if the state or counties become financially responsible for all or a portion of the coupon bonus payments under the Food Stamp Act. Any request considered by the budget section must comply with section 54-35-02.9. The department may not deny assistance under the supplemental nutrition assistance program to any individual who has been convicted of a felony offense that has as an element the possession, use, or distribution of a controlled substance as defined in section 102(6) of the Controlled Substances Act [21 U.S.C. 802(6)].
17. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing stabilization supports, and rental assistance and to promote cooperation and working agreements with public agencies and including the housing finance agency and department of commerce, and private human services agencies.
18. To act as the official agency of the state in the administration of the home energy assistance program; to direct and supervise human service zone administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. For purposes of the administration of the energy assistance program, funds are obligated at the earlier of the time a written commitment is made to pay a vendor or contractor for services or supplies delivered or to be delivered, or at the time payment is made to a vendor or contractor for services or supplies delivered or to be delivered. The provisions of this subsection concerning obligation of funds apply to payments and commitments made on or after July 1, 1991. The department with the consent of the legislative assembly or the budget section if the legislative assembly is not in session may terminate the program if the rate of federal financial participation in administrative costs is decreased or limited to less than fifty percent of total administrative costs, or if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits. Any request considered by the budget section must comply with section 54-35-02.9.
19. To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of the child.

20. To exercise and carry out any other powers and duties granted the department under state law.
21. To administer, allocate, and distribute any funds made available for the payment of supervised independent living services, to develop standards regarding a supervised independent living program, to approve supervised independent living services for the purpose of providing foster care placement, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection.
22. With the approval of the governor, to lease or transfer use of any part of the life skills and transition center facilities or properties, located in section thirteen, township one hundred fifty-seven north, range fifty-three west, located in Walsh County, North Dakota, to the federal government, or any public or private agency, organization, or business enterprise, or any worthy undertaking, under the following provisions:
 - a. The department determines that the facility or property is not needed to serve any present or reasonably foreseeable need of the life skills and transition center.
 - b. The transaction is exempt from the provisions of section 50-06-06.6.
 - c. The term of any lease may not exceed ninety-nine years.
 - d. All required legal documents, papers, and instruments in any transaction must be reviewed and approved as to form and legality by the attorney general.
 - e. Any funds realized by any transaction must be deposited in the state's general fund.
23. To act as a decedent's successor for purposes of collecting amounts due to the department or human service zone, unless otherwise directed or determined by the department. Any affidavit submitted by the department under section 30.1-23-01 must conform to the requirements of that section except that the affidavit may state that twenty days have elapsed since the death of the decedent.
24. To provide those services necessary for the department and for human service zones to comply with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department.
25. For purposes of administration of programs, and subject to legislative appropriation, funds are obligated at the time a written commitment is made to pay a vendor or contractor for services or supplies either delivered or to be delivered. This subsection applies to payments and commitments made on or after January 1, 1997.
26. To determine eligibility for medical assistance and children's health insurance program benefits when the department receives a joint application for these benefits.

27. To develop a system of services and supports to provide behavioral health services and supports in the community for children at risk of or identified as having a behavioral health condition and for the families of these children. This system must include early intervention, treatment, and recovery services and supports and must interface with, but not include, child protective services or juvenile court.
28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community.
29. To administer, allocate, and distribute any funds made available for kinship care services and payments and services in response to the federal Family First Prevention Services Act as part of the Bipartisan Budget Act of 2018 [Pub. L. 115-123].
30. To contract with another human service zone or any other public or private person to discharge any of the department's duties or exercise any of the department's powers to administer human services.
31. To act on behalf of the department of public instruction to administer part B, section 619 of the Individuals with Disabilities Education Act [Pub. L. 108-446; 229 Stat. 2647; 20 U.S.C. 1411 et seq.].
32. In the event of a disruption of operations, to provide meals at a fair value or without a charge to employees of the department at the North Dakota state hospital, life skills and transition center, and ~~regional human service centers~~state-operated behavioral health clinics twenty-four hour staffed residential units as required by the job assignments of the employees.
33. May pay a stipend, within the limit of legislative appropriation, to a recipient or a provider of a recipient receiving assistance or services under any program administered by or under the supervision and direction of the department to allow the recipient or provider to serve on a council or board.
34. Notwithstanding any other requirements, to appeal an order of a judge of the district court or juvenile court that orders the department to perform or provide a function, service, or duty.
35. To require providers that receive funding from the department to submit process and outcome measures to the department for programs and services supported by state funding for the department to evaluate the administration of the programs and services using the appropriation for the program or service.

SECTION 19. AMENDMENT. Section 50-06-05.2 of the North Dakota Century Code is amended and reenacted as follows:

50-06-05.2. ~~Regional human service centers~~State-operated behavioral health clinics - Licensure.

Human

1. Community-based behavioral health services must be delivered through ~~regional human service centers~~state-operated behavioral health clinics in the areas designated by the governor's executive order 1978-12 dated October 5, 1978. The department shall request appropriations and resources sufficient for accreditation.

- a. Accreditation and to ensure maintenance of the accreditation for the ~~regional human service centers~~state-operated behavioral health clinics, including associated facilities, by ~~the council on accreditation~~the social current or by a similar national accrediting body accepted by the department; and
 - b. Certification as a certified community behavioral health clinic.
2. ~~The regional human service centers~~state-operated behavioral health clinics are subject to licensing or certification by the department. The department may use the accreditation as a basis for licensing in lieu of adopted rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. The department ~~shall~~may adopt rules for the operation of the ~~regional human service centers~~state-operated behavioral health clinics. A ~~regional human service center~~state-operated behavioral health clinic may not operate without a license or certification issued in accordance with this section or section 32 of this Act. ~~Regional human service centers~~State-operated behavioral health clinics are authorized to receive federal and other funds available to finance, in whole or in part, the services and operations of the ~~centers~~state-operated behavioral health clinics.

SECTION 20. AMENDMENT. Section 50-06-05.3 of the North Dakota Century Code is amended and reenacted as follows:

50-06-05.3. Regional human service centers~~State-operated behavioral health clinics~~ - Powers - Duties - ~~Human service advisory~~Advisory groups.

1. ~~Regional human service centers~~State-operated behavioral health clinics shall provide human services and assistance to all eligible individuals and families to ~~help individuals and families achieve or maintain~~support individuals in achieving social, emotional, and economic self-sufficiency by providing ~~human services and assistance~~ to:
 - a. ~~Prevent, reduce, or eliminate dependency~~Build resilience, self-sufficiency, and independence;
 - b. ~~Prevent or reduce inappropriate~~Support individuals to succeed in the least restrictive environments, reduce the need for institutional care by providing for care while institutionalized or providing for access to community-based and other forms of less restrictivesupportive services that span the continuum of care;
 - c. ~~Secure referral or admission for institutional care~~Facilitate access to specialized care when needed and coordinate timely referrals and transitions to appropriate levels of care;
 - d. Provide outpatient diagnostic and treatment services; and
 - e. Provide ~~rehabilitation~~rehabilitative and crisis ~~services for patients with support for individuals with mental health, emotional, or substance use disorders, an intellectual disability, and other psychiatric conditions, particularly for those patients who have received prior treatment in a~~challenges, including those with complex needs, to promote continuity of care and successful reentry from inpatient facilitysettings.

2. ~~Regional human service centers~~State-operated behavioral health clinics shall deliver services in the manner prescribed by the department.
3. ~~Regional human service centers~~State-operated behavioral health clinics may provide behavioral health collaborative care and consultation services, including psychiatric consultation, with private providers and correctional facility providers.
4. Each ~~regional human service center~~state-operated behavioral health clinic must have a ~~human service~~behavioral health clinic advisory group consisting of the human service zone directors of the region served, the public health directors of the region served, two current county commissioners appointed by the commissioner of the department or the commissioner's designee, and five additional members appointed by the commissioner of the department or the commissioner's designee. Each behavioral health clinic advisory group member must be a resident of the region the member is appointed to serve. The term of office for each appointed member is two years and arranged so that the term of three of the appointed members expires at the end of the first year and the term of the remaining four appointed members expires at the end of the second year, except for those first members appointed, three members shall serve a one-year term and four members shall serve a two-year term. The commissioner of the department or the commissioner's designee shall select the appointed members of each ~~human service~~behavioral health clinic advisory group on the basis of population of the counties in the region served by the ~~regional human service center~~state-operated behavioral health clinic. Each county in the region must be represented by at least one member on the ~~human service~~behavioral health clinic advisory group. To the extent possible, appointed membership of the behavioral health clinic advisory group must reflect regional interests in the fields of ~~developmental disabilities, social services,~~ mental health, and substance use disorders. The commissioner of the department or the commissioner's designee shall appoint a chairman for each behavioral health clinic advisory group from the membership of the behavioral health clinic advisory group. The commissioner of the department or the commissioner's designee shall fill a vacancy occurring within ~~an~~ a behavioral health clinic advisory group for other than the expiration of a term in the same manner as original appointments, except that appointments must be made only for the unexpired term. The department shall compensate appointed members of a ~~human service~~behavioral health clinic advisory group at the rate of forty-five dollars per day, not to exceed twenty-five days in any one year. The department also shall pay members for mileage and actual expenses incurred in attending meetings and in the performance of their official duties in the amounts provided by law for other state officers.

SECTION 21. AMENDMENT. Section 50-06-05.4 of the North Dakota Century Code is amended and reenacted as follows:

50-06-05.4. Duties of ~~human service~~behavioral health clinic advisory groups.

Each ~~human service~~behavioral health clinic advisory group of the ~~regional human service centers~~state-operated behavioral health clinics shall perform the following duties:

1. Provide information to the department relative to needs assessment and the planning and development of ~~health and social~~ resources for the effective and efficient delivery of high-quality ~~human~~behavioral health services fully accessible to all citizens.

2. Review services and programs provided by the ~~regional human service centers~~state-operated behavioral health clinics and make periodic recommendations for improvement in services, programs, or facilities.
3. Promote cooperation and working agreements with public agencies, including public health and corrections and private ~~human service~~behavioral health agencies.
4. Promote local and regional financing from public and private sources.

SECTION 22. AMENDMENT. Section 50-06-05.5 of the North Dakota Century Code is amended and reenacted as follows:

50-06-05.5. Director of ~~regional~~state-operated behavioral health clinic - Medical director.

Each ~~regional human service center~~state-operated behavioral health clinic must be headed by a ~~regional~~ director ~~appointed by the commissioner of the department~~. The ~~regional~~state-operated behavioral health clinic director must be accountable to the commissioner of the department or the commissioner's designee. Each ~~regional~~state-operated behavioral health clinic director may employ the staff necessary to discharge the ~~center's~~state-operated behavioral health clinic's responsibilities. A ~~regional~~state-operated behavioral health clinic director, subject to the approval of the commissioner of the department or the commissioner's designee, and within the limit of legislative appropriations, may make contractual arrangements with public or private agencies or with individuals and organizations to discharge the ~~regional human service center's~~state-operated behavioral health clinic's service delivery responsibilities. Each regional director shall hire a qualified medical professional who must be designated as the medical director of the ~~center~~state-operated behavioral health clinic. The medical director is responsible for coordinating mental health and medically related services. The medical director's position may be part time or full time as determined appropriate by the ~~regional~~state-operated behavioral health clinic director, with the concurrence of the commissioner of the department or the commissioner's designee. As used in this section, "qualified medical professional" means a board-eligible or board-certified psychiatrist, when such an individual can be employed, and when this is not possible, an individual possessing at least a medical degree.

SECTION 23. AMENDMENT. Section 50-06-06.2 of the North Dakota Century Code is amended and reenacted as follows:

50-06-06.2. Clinic services - Provider qualification - Utilization of federal funds.

Within the limits of legislative appropriation therefor and in accordance with rules established by the department, the department may defray the costs of preventive diagnostic, therapeutic, rehabilitative, or palliative items or services furnished medical assistance eligible individuals by ~~regional human service centers~~state-operated behavioral health clinics or designated behavioral health providers. Within the limits of legislative appropriations and to the extent permitted by state and federal law and regulations established thereunder, it is the intent of the legislative assembly that federal funds available under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] be utilized to defray the costs of identifiable mental health clinic services furnished eligible individuals in ~~regional human service centers~~state-operated behavioral health clinics and that federal funds available under title XX of the Social Security Act [42 U.S.C. 1397 et seq.] be utilized to defray the costs of identifiable human services furnished to eligible individuals by human service zones and ~~regional human service centers~~state-operated behavioral health clinics.

SECTION 24. AMENDMENT. Section 50-06-06.5 of the North Dakota Century Code is amended and reenacted as follows:

50-06-06.5. Continuum of services for individuals with serious and persistent mental illness.

1. The department shall develop a plan for an integrated, multidisciplinary continuum of services for individuals with serious and persistent mental illness. The continuum may consist of an array of services provided by private mental health professionals, private agencies, human service zones, ~~regional human service centers~~ state-operated behavioral health clinics, community-based residential care and treatment facilities, and private and public inpatient psychiatric hospitals. ~~When appropriate, access to the continuum must be through regional human service centers.~~ Within the limits of legislative appropriations, the plan for a continuum may include:
 - a. Programs, and appropriate related facilities, to provide socialization skills.
 - b. Programs, and appropriate related facilities, to provide basic living skills.
 - c. Appropriate residential facilities and other housing options.
 - d. Appropriate training, placement, and support to enhance potential for employment.
 - e. Appropriate delivery and control of necessary medication.
 - f. Appropriate economic assistance.
 - g. An inpatient facility with appropriate programs to respond to persons who require hospitalization.
 - h. Peer and recovery support.
 - i. Crisis service that is available twenty-four hours a day seven days a week.
2. The continuum of care must provide that a person requiring treatment be submitted to the least restrictive available conditions necessary to achieve the purposes of treatment. The department shall ensure appropriate cooperation with human service zones and private providers in achieving the continuum of care.

SECTION 25. AMENDMENT. Section 50-06-06.13 of the North Dakota Century Code is amended and reenacted as follows:

50-06-06.13. Treatment services for children with serious emotional disorders.

1. The department shall establish a program to provide out-of-home treatment services for a Medicaid-eligible child with a serious emotional disorder. The department may not require a parent or legal guardian to transfer legal custody of the child in order to have the child placed in an out-of-home treatment program if the sole reason for the placement is the need to obtain services for the child's emotional or behavioral problems. With departmental approval, a parent with legal and physical custody or a legal guardian of the child may obtain treatment services for the child through the program. A parent

without physical custody of a child, who disagrees with a child's treatment under this section, may request a judicial determination regarding the child's treatment.

2. The department may establish a program to prevent out-of-home placement for a Medicaid-eligible child with a behavior health condition as defined in the "Diagnostic and Statistical Manual of Mental Disorders", American psychiatric association, fifth edition, text revision (2013).

SECTION 26. AMENDMENT. Subsections 1 and 3 of section 50-06-15 of the North Dakota Century Code are amended and reenacted as follows:

1. Individually identifiable information concerning an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department is confidential, except that any such information, including an individual's social security number, may be used and disclosed:
 - a. In the administration of any such program;
 - b. In accordance with a program's participation in the department's master client index data matching system, unless prohibited by federal law;
 - c. As specifically authorized by the rules of the department; ~~or~~
 - d. As permitted or required by other law; or
 - e. Notwithstanding confidentiality laws set forth in titles 14, 23, 25, 43, and 50 and the department's rules, within and between the department's divisions to assist with or to provide assistance or services under any program administered by or under the supervision and direction of the department. The disclosure of information under this subdivision must comply with applicable federal laws and regulations.
3. As used in this section, "individually identifiable information" means information, including an individual's name, address, telephone number, facsimile number, social security number, electronic mail address, program identification number, protected health information, personally identifiable information, or any other unique identifying number, characteristic, or code, as well as demographic information collected from an individual, that:
 - a. Is created or received by the department; and
 - b. Relates to:
 - (1) The past, present, or future assistance or services applied for or received by an individual under any program administered by or under the supervision and direction of the department that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual; or
 - (2) A report, or any other information obtained, concerning an applicant or a provider of or an individual applying for or receiving assistance or services under any program administered by or under the supervision and direction of the department.

¹⁹³ **SECTION 27. AMENDMENT.** Section 50-06-33 of the North Dakota Century Code is amended and reenacted as follows:

50-06-33. Dementia care services.

As used in this section, "dementia" means the condition of an individual involving loss of memory and impairment of cognitive functions severe enough to interfere with the individual's daily life. The department shall contract with a private provider for a dementia care services program in each area of the state served by a ~~regional human service center~~state-operated behavioral health clinic. The dementia care services must include:

1. Identifying available services within the region;
2. Providing information to medical professionals, law enforcement, and the public regarding the symptoms of dementia, the benefits of early detection and treatment, and the services available to individuals with dementia and their caregivers;
3. Assessing the needs of individuals with dementia and their caregivers;
4. Training care providers to manage and provide for the care of individuals with dementia;
5. Providing consultation services to individuals with dementia and their caregivers; and
6. Facilitating the referral of individuals with dementia and their caregivers to appropriate care and support services.

SECTION 28. AMENDMENT. Section 50-06-41.3 of the North Dakota Century Code is amended and reenacted as follows:

50-06-41.3. Behavioral health bed management system.

1. The department shall establish and maintain a behavioral health bed management system to improve utilization of behavioral health bed capacity.
2. Public and private providers of residential or inpatient behavioral health services, except the department of corrections and rehabilitation and geropsychiatric facilities, shall participate in and report daily.
3. Geropsychiatric facilities shall participate in and report weekly and within forty-eight hours of a bed becoming available.
4. Public and private providers of residential or inpatient behavioral health services required to participate in and report to the department shall provide the information and documentation necessary to maintain the behavioral health bed management system in the form and manner prescribed by the department, unless otherwise specified.

¹⁹³ Section 50-06-33 was also amended by section 1 of Senate Bill No. 2140, chapter 442.

¹⁹⁴ **SECTION 29. AMENDMENT.** Subsection 1 of section 50-06-42 of the North Dakota Century Code is amended and reenacted as follows:

1. The department shall establish and administer, within the limits of legislative appropriations, a voucher system to address underserved areas and gaps in the state's substance abuse treatment system and to assist in the payment of addiction treatment services provided by licensed substance abuse treatment programs, excluding ~~regional human service centers~~ state-operated behavioral health clinics and hospital- or medical clinic-based programs for medical management of withdrawal. An out-of-state licensed substance abuse treatment program located within a bordering state may participate in the voucher program to serve an underserved area of this state pursuant to the rules adopted by the department. The department shall develop rules to include processes and requirements for an out-of-state provider to receive reimbursement only for outpatient and community-based services upon a provider completing an assessment of need and receiving approval from the department.

SECTION 30. AMENDMENT. Subsection 1 of section 50-06-42.1 of the North Dakota Century Code is amended and reenacted as follows:

1. A licensed substance abuse treatment program, excluding ~~regional human service centers~~ state-operated behavioral health clinics and hospital or medical clinic-based programs for medical management of withdrawal, may apply for a competitive substance use disorder treatment voucher system grant. A licensed substance abuse treatment program is eligible for a one-time grant award. To receive a grant, a licensed substance abuse treatment program shall:
 - a. Submit an application in the form and manner prescribed by the department;
 - b. Enter a grant agreement with the department;
 - c. Use grant funds for a licensed substance abuse treatment program with fewer than seventeen beds in an underserved area, as determined by the department, in the state's substance abuse treatment system;
 - d. Use the grant funds to support the provision of substance use disorder treatment in underserved areas of the state's substance abuse treatment system;
 - e. Provide and disclose information needed to comply with the department's data collection requirements; and
 - f. Operate in compliance with grant requirements.

SECTION 31. AMENDMENT. Section 50-06-46 of the North Dakota Century Code is amended and reenacted as follows:

50-06-46. Cross-disability advisory council - Appointment - Duties. (Expired effective August 1, 2025~~2027~~)

¹⁹⁴ Section 50-06-42 was also amended by section 39 of House Bill No. 1012, chapter 11.

1. The cross-disability advisory council shall participate with and provide feedback to the department regarding the implementation, planning, and design of the cross-disability children's waiver, level of care reform for the comprehensive developmental disabilities Medicaid home and community-based waiver, and a service option that will allow payment to a legally responsible individual who provides extraordinary care to an eligible individual through the Medicaid 1915(c) waivers. This subsection does not apply to the Medicaid 1915(c) home and community-based services aged and disabled waivers.
2. The department shall contract with a qualified, independent third party to facilitate and provide support services to the council. The contracted facilitator and the department shall appoint the cross-disability advisory council members in accordance with subsection 3 and establish the length of member terms and the structure of the cross-disability advisory council. A representative from the contracted facilitator shall serve as the presiding officer of the advisory council.
3. The cross-disability advisory council consists of ~~up to~~ fifteen voting members. ~~A majority of the members of the council must be family members of individuals with a disability, or must be who represent a broad range of disabilities and regions of the state. The members are:~~
 - a. Two individuals with a disability, who receive Medicaid home and community-based services. The remaining members of the council must be appointed based on their professional subject matter expertise in or knowledge of the needs and interests of individuals with disabilities. The council's membership must represent different regions of the state and a broad range of disabilities that pertain to the Medicaid home and community-based services.
 - b. One individual with a developmental disability or who is Medicaid qualified, who does not receive Medicaid home or community-based services;
 - c. Seven individuals that work with individuals with disabilities, individuals with behavioral health needs, or individuals with fetal alcohol spectrum disorder;
 - d. One individual representing tribal communities, with a focus on disability services;
 - e. Two individuals who are parents or guardians of children under the age of eighteen with disabilities; and
 - f. Two individuals who are parents or guardians of individuals age eighteen or over with disabilities.
4. Upon request of the department, state agency representatives shall participate with the cross-disability advisory council in a nonvoting role.
- 4-5. The cross-disability advisory council shall meet at least quarterly and may appoint subcommittees to address specific topics or disabilities, which may include autism spectrum disorder, traumatic brain injury, and fetal alcohol spectrum disorder. A majority of the voting members of the council constitutes a quorum.

~~5-6.~~ The cross-disability advisory council shall:

- a. Discuss strategies to address gaps or needs regarding individuals with disabilities and Medicaid home and community-based services, including eligibility of legally responsible individuals;
- b. Provide for the active participation of stakeholders, including consumers and providers; and
- c. Receive information from the department and its consultants.

~~6-7.~~ The cross-disability advisory council members, excluding the contracted facilitator, are entitled to reimbursement from the department for travel and lodging at the same rate as provided for state officers and employees.

SECTION 32. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Certified community behavioral health clinics - Rules.

1. To operate in this state, a certified community behavioral health clinic must be certified by the department.
2. The department shall adopt rules for the certification of community behavioral health clinics, including assessment of need in the proposed location.
3. The department may deny a request to become or revoke a certified community behavioral health clinic's certification based on failure to comply with the rules adopted by the department or deny a request to become a certified community behavioral health clinic based on the assessment of need determination.

SECTION 33. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Financing of health and human services.

1. The powers and duties carried out by the department under this title may be financed out of a special fund within the state treasury to be known as the health and human services operating special fund;
2. The commissioner of the department or the commissioner's designee and the state treasurer shall deposit in the health and human services operating special fund, at such times as they may become available;
 - a. All moneys received from any of the counties within the state;
 - b. All moneys received from the United States under the provisions of the Social Security Act;
 - c. Such moneys as may be periodically required from legislative appropriations for department purposes; and
 - d. All public moneys received from any other source.

3. Expenditures made under this title must be paid upon vouchers prepared by the office of management and budget drawn on the state treasurer against the health and human services operating special fund and signed by the state auditor and state treasurer after approval by the office of management and budget. Expenditures to be supported by itemized vouchers must be signed by the commissioner of the department or by the commissioner's designee and certified to the office of management and budget.
4. Any funds received from federal agencies must be deposited and disbursed as provided and in accordance with Acts of Congress or the regulations of the federal agencies from which the funds were received.

SECTION 34. AMENDMENT. Section 50-06.2-01 of the North Dakota Century Code is amended and reenacted as follows:

50-06.2-01. Purpose - Interpretation.

It is the purpose of this chapter to establish a system for planning, coordinating, and providing comprehensive human services administered by human service zones and ~~human service centers~~ state-operated behavioral health clinics. This chapter must be construed to effectuate the following public purposes:

1. To help individuals or their families to achieve, maintain, or support the highest attainable level of personal independence and economic self-sufficiency.
2. To prevent, remedy, or alleviate neglect, abuse, or exploitation of children and adults unable to protect their own interests.
3. To provide a continuum of community-based services adequate to appropriately sustain individuals in their homes and in their communities and to delay or prevent institutional care.
4. To preserve, rehabilitate, and reunite families.
5. To assist in securing referral or admission of individuals to institutional care when other forms of care are not appropriate.

SECTION 35. AMENDMENT. Section 50-06.2-02 of the North Dakota Century Code is amended and reenacted as follows:

50-06.2-02. Definitions.

As used in this chapter:

1. "Comprehensive human services" means services included in the comprehensive human services plan published by the state agency and human services required by state law or state agency regulation or federal law or regulation as a condition for the receipt of federal financial participation in programs administered under the provisions of this title.
2. "Family home care" means the provision of room, board, supervisory care, and personal services to an eligible elderly or disabled person by the spouse or by one of the following relatives, or the current or former spouse of one of the following relatives, of the elderly or disabled person: parent, grandparent, adult child, adult sibling, adult grandchild, adult niece, or adult nephew. The family home care provider need not be present in the home on a twenty-four-hour basis if the welfare and safety of the client is maintained.

3. ~~"Human service center" means a regional center established under section 50-06-05.3.~~
4. "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the state agency.
- ~~5-4.~~ "Human service zone plan" means the human service zone plan required by section 50-06.2-04.
- ~~6-5.~~ "Human services" means:
- A service or assistance provided to an individual or an individual's family in need of services or assistance, including child welfare services, economic assistance programs, medical service programs, and aging service programs, to assist the individual or the individual's family in achieving and maintaining basic self-sufficiency, including physical health, mental health, education, welfare, food and nutrition, and housing.
 - A service or assistance provided, administered, or supervised by the department in accordance with chapter 50-06.
 - Licensing duties as administered or supervised by the department or delegated by the department to a human service zone.
- ~~7-6.~~ "Qualified service provider" means a human service zone or independent contractor which agrees to meet standards for service and operations established by the state agency.
- ~~8-7.~~ "State agency" means the department of health and human services.
8. "State-operated behavioral health clinic" means a department-operated behavioral health clinic established under section 50-06-05.2.

SECTION 36. AMENDMENT. Section 50-06.2-03 of the North Dakota Century Code is amended and reenacted as follows:

50-06.2-03. Powers and duties of the state agency.

1. The state agency has the following powers or duties under this chapter:
- a. To act as the official agency of the state in the administration of the human services for individuals and families in conformity with state and federal requirements.
 - b. To prepare, at least biennially, a comprehensive human services plan which must:
 - (1) Include human services determined essential in effectuating the purposes of this chapter.
 - (2) Detail the human services identified by the state agency for provision by human service centers and the services which the human service zones make available in approved human service zone plans as a condition for the receipt of any funds allocated or distributed by the state agency.

- 3- c. To make available, through human service zone or ~~human service centers~~state-operated behavioral health clinics, any or all of the services set out in the comprehensive human services plan on behalf of those individuals and families determined to be eligible for those services under criteria established by the state agency.
4. d. To supervise and direct the comprehensive human services administered by human service zone and ~~human service centers~~state-operated behavioral health clinics through standard-setting, technical assistance, approval of human service zone and regional plans, preparation of the comprehensive human services plan, evaluation of comprehensive human services, and distribution of public money for services.
- 5- e. Within the limits of legislative appropriations and at rates determined payable by the state agency, to pay qualified service providers, which meet standards for services and operations, for the provision of the following services as defined in the comprehensive human services plan which are provided to individuals who, on the basis of functional assessments, income, and resources, are determined eligible for the services in accordance with rules adopted by the state agency:
- a- (1) Homemaker services;
 - b- (2) Chore services;
 - c- (3) Respite care;
 - d- (4) Home health aide services;
 - e- (5) Case management;
 - f- (6) Family home care;
 - g- (7) Personal attendant care;
 - h- (8) Adult family foster care; and
 - i- (9) Such other services as the state agency determines to be essential and appropriate to sustain individuals in their homes and in their communities and to delay or prevent institutional care.
- 6- f. To take actions, give directions, and adopt rules as necessary to carry out the provisions of this chapter.
2. For purposes of this chapter, resources do not include the individual's primary home and the first fifty thousand dollars of liquid assets.

SECTION 37. AMENDMENT. Section 50-06.3-02 of the North Dakota Century Code is amended and reenacted as follows:

50-06.3-02. Fees for services at regional centers.

The department may charge and collect fees and expenses for services provided through its ~~regional human service centers~~state-operated behavioral health clinics, and may authorize charging of fees for child support services. The department may establish fee scales which recognize the service recipient's or responsible relative's ability to pay. The department shall adopt such rules as are necessary to implement this chapter and to define terms used in this chapter.

SECTION 38. AMENDMENT. Section 50-06.3-04 of the North Dakota Century Code is amended and reenacted as follows:

50-06.3-04. Liability for payment.

The recipient, patient, recipient's or patient's estate, and recipient's or patient's spouse are liable for fees and expenses for services rendered by the department, through its ~~regional human service centers~~state-operated behavioral health clinics, and for care and treatment expenses charged at the state hospital. The parents of a recipient or patient are responsible for services, care, and treatment provided prior to the eighteenth birthday of the recipient or patient.

SECTION 39. LEGISLATIVE MANAGEMENT STUDY - NON-OPIOID TREATMENT OPTIONS TO REDUCE PAIN. During the 2025-26 interim, the legislative management shall consider studying options to help patients with moderate to severe pain reduce pain while safely improving functional outcomes and quality of care. The study may include an examination of non-opioid pharmacological treatment options and existing opioid settlement funds, and explore options to use those funds to develop and implement an education and awareness campaign on non-opioid treatment options. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement its recommendations, to the seventieth legislative assembly.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 442

SENATE BILL NO. 2140

(Senators Dever, Cleary, Hogan, Lee)
(Representatives Dobervich, Vetter)

AN ACT to amend and reenact section 50-06-33 of the North Dakota Century Code, relating to the dementia care services program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁹⁵ **SECTION 1. AMENDMENT.** Section 50-06-33 of the North Dakota Century Code is amended and reenacted as follows:

50-06-33. Dementia care services.

As used in this section, "~~dementia~~" "~~client~~" means ~~the condition of an individual involving loss of memory and impairment of cognitive functions severe enough to interfere with the individual's daily life~~ an individual with symptoms in alignment with mild cognitive impairment or dementia and the individual's caregivers. The department shall contract with a private provider for a statewide dementia care services program ~~in each area of the state served by a regional human service center~~. The dementia care services must include:

1. ~~Identifying available services within the region;~~
2. Providing information to medical professionals, law enforcement, first responders, public health officials, and the public regarding ~~the~~:
 - a. The symptoms of Alzheimer's disease and related dementia, ~~the~~;
 - b. The benefits of early detection and treatment, and the diagnosis;
 - c. Availability of treatments;
 - d. Research opportunities; and
 - e. Available services ~~available to individuals with dementia and their caregivers;~~
3. ~~Assessing the needs of individuals with dementia and their caregivers;~~
4. ~~Training;~~
2. Providing consultation services to assess biological, psychological, social, emotional, and spiritual needs;
3. Facilitating the referral of clients; and

¹⁹⁵ Section 50-06-33 was also amended by section 27 of Senate Bill No. 2113, chapter 441.

4. Offering on demand training to direct care providers to manage and provide for the care of individuals with symptoms in alignment with mild cognitive impairment or dementia;
5. ~~Providing consultation services to individuals with dementia and their caregivers; and~~
6. ~~Facilitating the referral of individuals with dementia and their caregivers to appropriate care and support services.~~

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 443

HOUSE BILL NO. 1066

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to create and enact a new section to chapter 50-06.1 of the North Dakota Century Code, relating to the compensation rate paid by the department of health and human services under the senior community service employment program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-06.1 of the North Dakota Century Code is created and enacted as follows:

Senior community service employment program - Compensation rate.

The hourly rate of compensation for individuals paid by the department under the senior community service employment program is twelve dollars or the amount established by the department by administrative rule, within the limits of legislative appropriation.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 444

SENATE BILL NO. 2070

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact sections 50-10.2-01, 50-10.2-02, and 50-10.2-02.1 of the North Dakota Century Code, relating to the rights of health care facility residents.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-10.2-01 of the North Dakota Century Code is amended and reenacted as follows:

50-10.2-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Authorized electronic ~~monitoring~~ recording" means the placement and use of an authorized electronic ~~monitoring~~ recording device, by a resident or resident representative, in the resident's room.
2. "Authorized electronic ~~monitoring~~ recording device" means ~~video surveillance cameras, monitoring devices, web-based cameras, video phones, or audio recording or transmitting devices, or a combination of these devices, a device that is installed in the room of a resident which are designed to acquire, transmit, broadcast, interact, or is intended to record or is recording and transmitting video, communications, or other sounds occurring in the room. The term does not include still cameras or devices used for the purpose of the resident having contact with another person but not for the purpose of electronically monitoring a resident.~~
3. "Conflict of interest" means any type of ownership in a facility or membership on the governing body of a facility by a provider of goods or services to that facility or by a member of that individual's immediate family.
4. "Department" means the department of health and human services.
5. "Facility" means a skilled nursing care facility, basic care facility, assisted living facility, or swing-bed hospital approved to furnish long-term care services.
6. "Immediate family" means husband, wife, father, mother, brother, sister, son, daughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepchild, uncle, aunt, niece, nephew, or grandchild.
7. "Remodeling" means any alteration in structure, refurbishing, or repair that would:
 - a. Prevent the facility staff from providing customary and required care; or

- b. Seriously endanger or inconvenience any resident with noise, dust, fumes, inoperative equipment, or the presence of remodeling workers.
- 8. "Resident" means an individual residing in a facility.
- 9. "Resident representative" means a person authorized to act as a resident's agent under power of attorney for health care or guardianship.
- 10. "Technology device" means a device capable of remote audio or video communications which is used for the purpose of the resident having contact with another person but not for the purpose of virtual monitoring or recording audio or video of a resident and the resident's room. A technology device includes a cellular mobile telephone used primarily for telephonic communication, an electronic tablet not used for virtual monitoring or recording, and an assistive communication device.
- 11. "Virtual monitoring" means remote live action monitoring conducted without recording of a resident by a third party via the placement and use of a virtual monitoring device in the resident's room.
- 12. "Virtual monitoring device" means a device owned and operated by the resident or resident representative placed in the resident's room which allows live action monitoring without recording of a resident by a third party.
- 13. "Virtual visitation" means remote visitation between a resident and another individual using a technology device.

SECTION 2. AMENDMENT. Section 50-10.2-02 of the North Dakota Century Code is amended and reenacted as follows:

50-10.2-02. Residents' rights - Implementation.

- 1. All facilities shall, upon a resident's admission, provide in hand to the resident and a member of the resident's immediate family or ~~any existing legal guardian of the resident representative~~ a statement of the resident's rights during the admission process and while living in the facility. Within thirty days after admission, the statement must be orally explained to the resident and, if the resident is unable to understand, to the resident's immediate family member ~~or members and any existing legal guardian of the resident representative,~~ and thereafter annually so long as the resident remains in the facility. The statement must include rights, responsibilities of both the resident and the facility, and the facility rules governing resident conduct. ~~Facilities~~A facility shall treat ~~residents~~a resident in accordance with provisions of the statement. The statement must include provisions ensuring each resident the following minimum rights:
 - a. The right to civil and religious liberties, including knowledge of available choices, the right to independent personal decisions without infringement, and the right to encouragement and assistance from the staff of the facility to promote the fullest possible exercise of these rights.
 - b. The right to have private meetings, associations, and communications with any person of the resident's choice within the facility.
 - c. The right to participate in the community.

- d. ~~The right of each resident, the resident's immediate family, any existing legal guardian of the resident representative, friends, facility staff, and other persons to present complaints on the behalf of the resident to the facility's staff, the facility's administrator, governmental officials, or to any other person, without fear of reprisal, interference, coercion, discrimination, or restraint. The facility shall adopt a grievance process and make the process known to each resident and, if the resident is unable to understand, to the resident's immediate family member or members and any existing legal guardian of the resident. An individual making a complaint in good faith is immune from any civil liability that otherwise might result from making the complaint.~~
- e-e. The right to send and receive unopened personal mail and electronic mail and the right of access to and use of telephones and electronic devices for private conversations.
- e-f. The right to assured private visits, subject to restrictions to protect the health or safety of the resident, by one's spouse, partner, or significant other, or if both are residents of the same facility, the right to share a room, within the capacity of the facility, unless sharing a room is not medically advisable as documented in the medical records by the attending physician.
- f-g. The right to manage one's own financial affairs if not under legal guardianship, or to delegate ~~that the~~ responsibility in writing to the administrator or manager of the facility, but only to the extent of funds held in trust by the facility for the resident. ~~If such a trust is established, then a written quarterly accounting of any transactions made on behalf of the resident must be furnished along with an explanation by the facility to the resident or the person legally responsible for the resident.~~
- g-h. The right to be fully informed in writing prior to or at the time of admission and during one's stay, of services provided and the charges for those services, including ancillary charges. ~~Residents, or their legal guardians, must be informed at least thirty days prior to any change in the costs or availability of the services. No facility may demand or receive any advance payment or gratuity to assure admission.~~
- h-i. The right to be adequately informed of one's medical condition and proposed treatment and to participate in the planning of all medical treatment, including the right to refuse medication and treatment, to be discharged from the facility upon written request, and to be notified by the resident's attending physician of the medical consequences of any such actions.
- i-j. The right to have privacy in treatment and in caring for personal needs, ~~to use personal belongings, to have security in storing and using personal possessions,~~ and to have confidentiality in the treatment of personal and medical records. ~~The resident has the right to view, and authorize release of, any personal or medical records.~~
- j-k. The right to keep and use personal possessions, including furnishings and clothing as space permits, unless keeping or using the personal possession would infringe upon the rights, health, or safety of another resident.

- l. The right to be treated courteously, fairly, and with the fullest measure of dignity.
- ~~k-m.~~ The right to be free from mental and physical abuse, neglect, and financial exploitation, and the right to be free from physical or chemical restraint except in documented emergencies or when necessary to protect the resident from injury to self or to others. ~~In such cases, the restraint must be authorized and documented by a physician for a limited period of time and, if the restraint is a chemical one, it must be administered by a licensed nurse or physician. Except as provided in this subdivision, drugs or physical restraints may not be used or threatened to be used for the purposes of punishment, for the convenience of staff, for behavior conditioning, as a substitute for rehabilitation or treatment, or for any other purpose not part of an approved treatment plan.~~
- l-n. The right not to be transferred or discharged except for:
 - (1) Medical reasons;
 - (2) The resident's welfare or that of other residents, the safety of an individual in the facility who is endangered due to the clinical or behavioral status of the resident;
 - (3) Nonpayment of one's rent or fees; ~~or~~
 - (4) A temporary transfer during times of remodeling; or
 - (5) The facility ceases to operate.
- ~~m-o.~~ The right to receive at least a thirty-day written advance notice of any transfer or discharge when the resident is being discharged to another facility or the resident's own home, or when the resident is being transferred or discharged because of a change in the resident's level of care; however, advance notice of transfer or discharge may be less than thirty days if the resident has urgent medical needs that require a more immediate transfer or discharge, or a more immediate transfer or discharge is required to protect the health and safety of residents and staff within the facility.
- n-p. The right to refuse to perform services on behalf of the facility, unless agreed to by the resident or legal guardian and established in the plan of care.
- o-q. The right to a claim for relief against a facility for any violation of rights guaranteed under this chapter.
- p-r. The right to have each facility display a notice that the following information is available for public review and make the information available on request:
 - (1) A complete copy of every inspection report, deficiency report, and plan of correction the facility received during the previous ~~two~~ three years.
 - (2) The facility's grievance process.

- (3) A copy of the statement of ownership, board membership, and partners.
 - (4) A statement of ownership setting forth any conflict of interest in the operation of the facility.
- ~~q.s.~~ The right to a pharmacist of the resident's choice irrespective of the type of medication distribution system used by the facility, and to not be charged a fee or receive a financial incentive or disincentive for choosing a pharmacy other than the facility's preferred pharmacy. The resident may not be charged for repackaging if that cost can be included on the facility cost report.
- ~~r.t.~~ The right to not be discriminated against by a facility in the admissions process or in the provision of appropriate care on the basis of the resident's source of payment to the facility. ~~Any applicant for admission to a facility who is denied admission must be given the reason for the denial in writing upon request.~~
- ~~s.u.~~ The right of residents and their families to organize, maintain, and participate in resident advisory and family councils.
- ~~t.v.~~ The right of residents receiving services performed by a provider from outside the facility to be informed, on request, of the identity of the provider.
2. If there is a change in the resident rights, laws, or regulations, the facility shall promptly notify the resident, and, if the resident is unable to understand, a member of the resident's immediate family or the resident representative.
 3. For involuntary transfer and discharge actions taken by a facility, the written transfer or discharge notice issued by the facility must include:
 - a. The reason for the transfer or discharge.
 - b. The effective date of transfer or discharge.
 - c. The location the resident is to be transferred or discharged to.
 - d. The name, mailing and electronic mail address, and telephone number of the office of the state long-term care ombudsman.
 4. The facility shall protect the resident from retaliation. The facility shall adopt a grievance process and make the process known to each resident, the resident's immediate family member, and the resident representative. A person making a complaint in good faith is immune from any civil liability that otherwise might result from making the complaint.
 5. If a trust is established by the facility to hold the resident's funds, the facility shall provide to the resident, resident representative, or an agent under a power of attorney for financial decisions a written quarterly accounting of transactions made on behalf of the resident, including an explanation of the transactions by the facility. The facility shall pay out in full:

- a. A resident's personal funds deposited with the facility or refunds due to the resident upon discharge or eviction within thirty days, and provide a final accounting of those funds to the resident, or in the case of death, in accordance with state law.
 - b. Refunds due as a result of an overpayment to the facility within thirty days from the date the overpayment is discovered.
 - c. Other refunds due to the resident upon discharge, eviction, or death within thirty days from the resident's date of discharge from the facility.
6. The facility shall inform a resident, resident representative, an agent under a power of attorney for financial decisions, or immediate family member, at least thirty days before any change in the costs or availability of the services. A facility may not demand or receive advance payment or gratuity to assure admission or for the resident to be placed on a waiting list for admission.
 7. A resident and the resident representative may view and authorize release of any personal or medical records.
 8. The use of a physical or chemical restraint in an emergency or if necessary to protect the resident from injury to self or others must be authorized and documented by a physician, nurse practitioner, or physician's assistant for a limited period of time. A chemical restraint must be administered by a licensed nurse, physician, nurse practitioner, or physician's assistant. Except as provided in this subsection, a drug or physical restraint may not be used or threatened to be used for the purpose of punishment, for the convenience of staff, for behavior conditioning, as a substitute for rehabilitation or treatment, or for any other purpose not included in an approved treatment plan.
 9. Upon request, a facility shall provide an applicant for admission to a facility who is denied admission the reason for the denial in writing. The facility shall note in the written denial if the denial is based on the special characteristics or service limitations of the facility.
 10. A facility shall ensure a resident council meeting is attended by residents only or at the invitation of a resident.
 11. Waiver of any of the rights guaranteed by this chapter may not be made a condition of admission to a facility or ongoing residence.
 - ~~3-12.~~ Each facility shall prepare a written plan and provide staff training to implement this chapter.
 - ~~4-13.~~ The department shall develop and coordinate with the facility licensing and regulatory agencies a relocation plan in the event a facility is decertified or unlicensed.

SECTION 3. AMENDMENT. Section 50-10.2-02.1 of the North Dakota Century Code is amended and reenacted as follows:

50-10.2-02.1. Authorized electronic monitoring - Penalty.

1. A resident and the resident representative may treat the resident's living quarters as the resident's home and, subject to rules to protect the privacy and safety of another resident, may purchase and use a technology device of

the resident's choice, including a technology device that may facilitate virtual monitoring or virtual visitation with family and other persons, provided operation and use of the technology device does not violate an individual's right to privacy under state or federal law. Subsections 3 through 12 apply if a technology device or a virtual monitoring device is used to record.

2. A resident may use a device of the resident's choice that facilitates virtual monitoring, provided:
 - a. The purchase, activation, installation, maintenance, repair, deactivation, and removal of such device is at the expense of the resident; and
 - b. The device and images obtained from the device are used by the resident and any person communicating with the resident in a manner that does not violate an individual's right to privacy under state or federal law.
3. A facility shall permit a resident or the resident representative to conduct authorized electronic ~~monitoring~~recording of the resident's room through an authorized electronic ~~monitoring~~recording device if:
 - a. The authorized electronic ~~monitoring~~recording device is placed in the resident's room;
 - b. The electronic ~~monitoring~~recording device is placed in a fixed, stationary position; ~~monitors~~records only the area occupied by the resident and not the area occupied by the resident's roommate; and protects the privacy and dignity of the resident;
 - c. The facility is given written notice of the placement and use which must include an installation plan in compliance with the facility's standards and regulations the facility ~~provides~~shall provide to the resident;
 - d. A video tape or recording created using an authorized electronic ~~monitoring~~recording device records the date and time;
 - e. All costs, except for electricity, associated with the authorized electronic ~~monitoring~~recording device, including installation, operation, removal, repairs, room damage, and maintenance, are paid by the resident or resident representative who initiated the use of the authorized electronic ~~monitoring~~recording device; and
 - f. A signed authorization for the disclosure of protected health information, as defined by title 45, Code of Federal Regulations, part 160, section 103, compliant with the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.] and consenting to the use of the device is given by each resident occupying the same room, or by that resident's resident representative in accordance with subsection 45.
2. A facility that uses an authorized electronic monitoring device in compliance with this chapter is not guilty of a crime or civilly liable under this code for a violation of a resident's privacy.

- ~~3-4.~~ The facility shall cooperate to accommodate the placement of the authorized electronic ~~monitoring~~recording device, unless doing so would place undue burden on the facility.
- ~~4-5.~~ Before placing and using the authorized electronic ~~monitoring~~recording device or virtual monitoring device, a resident or resident representative shall obtain the signed authorization of any other resident residing in the room in accordance with subsection ~~4-3~~. The authorization may be signed by ~~that~~the resident's resident representative.
- a. The resident's or the resident representative's authorization may limit the use of an authorized electronic ~~monitoring~~recording device to only audio ~~monitoring~~recording or only video ~~monitoring~~recording and may limit the device's time of operation, direction, and focus.
- b. At any time, a resident or resident representative who did not request the authorized electronic ~~monitoring~~recording device in the resident's room may withdraw, in writing, the signed authorization for the use of the device. The resident who requested the device or the resident's resident representative is responsible for having the device disabled in compliance with the facility's standards and regulations after receipt of the written withdrawal.
- ~~5-6.~~ The facility shall make a reasonable attempt to accommodate a resident if a resident or resident representative of a resident who is residing in a shared room wants to have an authorized electronic ~~monitoring~~recording device placed in the room and another resident living in the same shared room refuses to authorize the use of the authorized electronic monitoring device.
- ~~6-7.~~ If authorized electronic ~~monitoring~~recording is being conducted in the room of a resident, and another resident will be moved into the room, the resident who requested the device or the resident's resident representative is responsible for having the existing authorized electronic ~~monitoring~~recording device disabled in compliance with the facility's standards and regulations unless the new resident or the resident's resident representative authorizes the device pursuant to subsections ~~4-3~~ and ~~4-5~~.
- ~~7-8.~~ A facility may not refuse to admit an individual and may not remove a resident from a facility because of authorized electronic ~~monitoring~~recording of a resident's room. A person may not intentionally retaliate or discriminate against a resident for authorization of authorized electronic ~~monitoring~~recording.
- ~~8-9.~~ A facility clearly and conspicuously shall post a sign where authorized electronic ~~monitoring~~recording is being conducted to alert and inform visitors.
- ~~9-10.~~ A facility or staff of the facility may not access any video or audio recording created through an authorized electronic ~~monitoring~~recording device placed in a resident's room without the written consent of the resident or resident representative or court order.
- ~~10-11.~~ ~~A person~~An individual that intentionally hampers, obstructs, tampers with, or destroys a recording or an authorized electronic ~~monitoring~~recording device or virtual monitoring device placed in a resident's room, without the express written consent of the resident or resident representative, is subject to a

class B misdemeanor. ~~A person~~An individual that places an electronic ~~monitoring~~recording device in the room of a resident or which uses or discloses a tape or other recording made by the device may be guilty of a crime or civilly liable for any unlawful violation of the privacy rights of another. In any civil proceeding, administrative proceeding, or survey process, material obtained through the use of an authorized electronic ~~monitoring~~recording device may not be used if ~~a person~~an individual intentionally hampered, obstructed, or tampered with the material without the express written consent of the resident or resident representative, or if the material was obtained through the operation of an electronic ~~monitoring~~recording device which was not compliant with this section.

- ~~44-12.~~ A person may not intercept a communication or disclose or use an intercepted communication of an authorized electronic ~~monitoring~~recording device ~~or a virtual monitoring device~~ placed in a resident's room, without the express written consent of the resident or the resident representative.

Approved April 30, 2025

Filed May 1, 2025

CHAPTER 445

HOUSE BILL NO. 1072

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact sections 50-11-03.2 and 50-11-07 of the North Dakota Century Code, relating to foster care homes for children and adults.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-11-03.2 of the North Dakota Century Code is amended and reenacted as follows:

50-11-03.2. Use of public funds.

1. Public funds for the purchase of foster care for children or adults may be used only in facilities licensed, certified, or approved by the department. No person acting on behalf of any state, county, or local governmental entity may arrange for or promote care provided in a facility that does not have a license, certification, or approval issued by the department. This section does not apply to any home or institution under the management and control of the state.
2. Nonfederal funds may be used to reimburse the costs of shelter care placements for no more than seven days if the shelter care services are certified by the department. If the entity has diligently pursued other placement, the department may grant an extension for the health and safety of the child or due to unforeseeable circumstances.
3. Nonfederal funds may be used for maintenance payments to an unlicensed identified ~~relative~~relative or unlicensed kinship ~~relative~~relative for no more than six months and to a guardian with a subsidy approval made by the department.

SECTION 2. AMENDMENT. Section 50-11-07 of the North Dakota Century Code is amended and reenacted as follows:

50-11-07. Denial or revocation of license or certification.

The department may deny or revoke the license or certification of any facility upon proper showing of any of the following:

1. Any of the conditions set forth in section 50-11-02 as prerequisites for the issuance of the license or certification do not exist.
2. The application contains false or misleading material information or the applicant intentionally withheld material information.
3. The license or certification was issued upon false, misleading, or intentionally withheld material information.

4. An operator, licensee, certification holder, caregiver, employee, or an agent of the facility has violated a provision of this chapter or any of the rules of the department.
5. An applicant, licensee, or certification holder providing family foster care for children has been involved in a court action in which a child in their household is currently or within the last five years has been removed from the home due to a contrary to the welfare findings ~~findings~~ finding issued by a court.
6. An operator, applicant, licensee, certification holder, caregiver, employee, or agent of the facility has been convicted of an offense determined by the department to have a direct bearing upon the person's ability to serve the public or residents of the facility, or the department determines, following conviction of any other offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 446

HOUSE BILL NO. 1460

(Representatives D. Anderson, Vollmer)
(Senator Thomas)

AN ACT to create and enact two new sections to chapter 50-11 of the North Dakota Century Code, relating to substitute caregiver and respite care provider requirements in foster homes for adults and the permitted use of an electronic monitoring device by an adult foster care provider; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-11 of the North Dakota Century Code is created and enacted as follows:

Substitute caregivers and respite care providers - Requirements.

1. As used in this section:
 - a. "Respite care provider" means an individual enrolled as a qualified service provider who provides respite care to private pay adult residents in the absence of the provider.
 - b. "Substitute caregiver" means an individual who meets qualified service provider standards and provides respite care to private pay adult residents in the absence of the provider.
2. The department may not limit the services of a substitute caregiver or a respite care provider providing resident care on behalf of a foster home for adults to less than two hundred twenty calendar days during the twenty-four-month period immediately following the renewal date of the initial license or for less than one hundred ten calendar days during the twelve-month period immediately following the date of the issuance of the initial license.
3. Unless a substitute caregiver or a respite care provider provided resident care on behalf of a foster home for adults for more than twelve hours during a calendar day, the department may not count the calendar day toward the limit determined by the department in accordance with subsection 2.
4. This section applies to private pay adult foster care providers.

SECTION 2. A new section to chapter 50-11 of the North Dakota Century Code is created and enacted as follows:

Adult foster care providers - Temporary assistants - Permitted use of electronic device for monitoring.

An adult foster care provider may:

1. Employ a temporary assistant as needed to assist with private pay adult residents that have physical limitations that require more than one provider to properly assist.
2. Use an electronic device for monitoring an otherwise unattended adult resident within a limited range, which allows the provider to remain nearby while ensuring the safety of the resident. Before implementing an electronic device for monitoring, the use of the device must be approved in writing by the resident or, if the resident is incapacitated, a family member or legal representative of the resident.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - LICENSING OF FOSTER HOMES FOR ADULTS. During the 2025-26 interim, the legislative management shall consider studying the licensing of foster homes for adults. The study must consider the barriers to receiving services for older adults and adults with disabilities; regulatory restrictions that create challenges for facilities, providers, and caregivers; and any funding or reimbursement limitations in federal and state law. The study must include input from the department of health and human services, older adults and adults with disabilities in need of services and their family members, residents and their family members, facilities, providers, and caregivers. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 447

SENATE BILL NO. 2107

(Senator Beard)

AN ACT to amend and reenact subsection 11 of section 50-11.1-03 of the North Dakota Century Code, relating to early childhood services training for licensure; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 11 of section 50-11.1-03 of the North Dakota Century Code is amended and reenacted as follows:

11. Any hours of department-approved training related to child care which an applicant or staff member completes after submitting the fees and application as required under subsection 8 must be counted toward the licensing annual requirements for the following year.

SECTION 2. EFFECTIVE DATE. This Act becomes effective on January 1, 2026.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 448

HOUSE BILL NO. 1497

(Representatives Maki, Marschall, Monson, Jonas)
(Senator Schaible)

AN ACT to amend and reenact subsection 1 of section 50-11.1-21 and section 50-11.1-23 of the North Dakota Century Code, relating to age requirements for an approved four-year old program; and eligibility for the best in class program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 50-11.1-21 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~Any~~ A person or school district operating or seeking to operate a four-year old program may request approval for a two-year period of the four-year old program from the department. The department shall approve a four-year old program if the program:
 - a. Is taught by individuals licensed or approved to teach in early childhood education by the education standards and practices board ~~or approved to teach in early childhood education by the education standards and practices board~~;
 - b. Follows four-year old program requirements approved by the department;
 - c. Is in compliance with all municipal and state health, fire, and safety requirements;
 - d. Limits enrollment to children who have reached the age of four years old before August first in the year of enrollment, unless the child will be four years old before December first and the school district determines, based on child development factors, including development milestones, school readiness, and other individual considerations, to allow a child to enroll based on a request;
 - e. Submits a nonrefundable fee of fifty dollars ~~at the time when~~ the application is filed. All fees collected under this section must be paid to the department and must be used to defray the cost of investigating, inspecting, and evaluating applications for approval; and
 - f. Is in compliance with this chapter.

SECTION 2. AMENDMENT. Section 50-11.1-23 of the North Dakota Century Code is amended and reenacted as follows:

50-11.1-23. Eligibility for best in class program.

1. An approved four-year old program, federally funded head start program, or early childhood program may submit, in the form and manner prescribed by the department, an application to the department under section 50-11.1-22, if the provider certifies to the department the provider:

- a. Operates an approved four-year old program, federally funded head start program, or early childhood program in this state;
 - b. Operates a program for children who have reached four years of age before August first in the year of enrollment, unless otherwise provided in subdivision d of subsection 1 of section 50-11.1-21;
 - c. Operates a program that has a duration of at least four hundred hours over a period of at least thirty-two consecutive weeks;
 - d. Incorporates within the program at least ten hours of research-based family engagement;
 - e. Has been determined to meet the standards and expectations of no less than step three in the North Dakota early childhood quality improvement system; has met the standards and expectations of a nationally recognized early childhood accrediting entity; has met the federal performance standards for head start; or has obtained approval or certification from the department of public instruction;
 - f. Admits children of all learning abilities;
 - g. Admits children who receive assistance from the child care assistance program; and
 - h. Operates in compliance with the program requirements, including:
 - (1) Complying with requirements related to qualifications, training, and professional development of staff delivering services in the best in class program; and
 - (2) Adhering to expectations established by the department related to best in class program monitoring, operation, and oversight.
2. The department may distribute funds under this section to approved applicants.
 3. The department may recapture funds from an awarded program that is found by the department to be out of compliance with requirements established for the best in class program.
 4. The requirements of chapter 54-44.4 do not apply to the selection of a recipient, award, or payments made under this section.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 449

HOUSE BILL NO. 1120

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact sections 14-15-09, 14-15-11, 50-12-09, 50-12-10, and 50-12-17 of the North Dakota Century Code, relating to the revised uniform adoption act and child-placing agencies; to repeal sections 50-12-02.1 and 50-12-11 of the North Dakota Century Code, relating to out-of-state child-placing agencies and revocation of license; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-15-09 of the North Dakota Century Code is amended and reenacted as follows:

14-15-09. Petition for adoption.

1. A petition for adoption must be signed and verified by the petitioner, filed with the clerk of the court, and state:
 - a. The date and place of birth of the individual to be adopted, if known.
 - b. The name to be used for the individual to be adopted.
 - c. The date petitioner acquired custody or date of placement of the minor and the name of the individual placing the minor.
 - d. The full name, age, place, and duration of residence of the petitioner.
 - e. The marital status of the petitioner, including the date and place of marriage, if married.
 - f. That the petitioner has facilities and resources, including those available under a subsidy agreement, suitable to provide for the nurture and care of the minor to be adopted, and that it is the desire of the petitioner to establish the relationship of parent and child with the individual to be adopted.
 - g. A description and estimate of value of any property of the individual to be adopted.
 - h. The name of any individual whose consent to the adoption is required, but who has not consented, and facts or circumstances which excuse the lack of the individual's consent normally required to the adoption.
 - i. The department as respondent.
 - j. The human service zone as respondent if the minor to be adopted is in the custody of the human service zone.

- ~~k. That the petitioner's expenses were reasonable as verified by the court. Reasonable fees may be charged for professional services and living expenses if reflected in a report of agreements and disbursements filed under this chapter and approved by the court. The fees may not be contingent upon placement of the child for adoption, consent to adoption, or cooperation in the completion of adoption. Reasonable fees may include:~~
- ~~(1) Preplacement counseling, adoption assessment, placement of the child, foster care, or other preadoption services, which must be paid directly to the provider of the services;~~
 - ~~(2) Legal fees relating to the petition for relinquishment or adoption, that must be paid directly to the provider of the services;~~
 - ~~(3) Medical expenses relating to prenatal care and the birth of the child, that are not already covered by health insurance;~~
 - ~~(4) Expenses for transportation, meals, and lodging incurred for placement of the child or in order to receive counseling, legal, or medical services related to the pregnancy, birth, or placement; and~~
 - ~~(5) Living expenses of the birth mother which are needed to maintain an adequate standard of living, which the birth mother is unable to otherwise maintain because of loss of income or other support resulting from the pregnancy.~~
 - ~~(a) The payments may cover expenses incurred during the pregnancy-related incapacity but not for a period longer than six weeks following the delivery, unless the court determines within the six week period that the birth mother is unable to be employed due to physical limitations relating to the birth of the child.~~
 - ~~(b) Living expenses do not include expenses for lost wages, gifts, educational expenses, vacations, or other similar expenses of a birth mother.~~
2. A certified copy of the birth certificate or verification of birth record of the individual to be adopted, if available, and the required consents and relinquishments must be filed with the clerk.
 3. Any individual filing a petition shall pay to the clerk of court a filing fee as prescribed in subsection 1 of section 27-05.2-03.

SECTION 2. AMENDMENT. Section 14-15-11 of the North Dakota Century Code is amended and reenacted as follows:

14-15-11. Notice of petition - Investigation and hearing.

1. a. After the filing of a petition to adopt a minor, the court shall fix a time and place for hearing the petition. At least twenty days before the date of hearing, notice of the filing of the petition and of the time and place of hearing must be given by the petitioner to the department and if the minor to be adopted is in the custody of the human service zone to the human service zone; any agency or individual whose consent to the adoption is required by this chapter but who has not consented; an individual whose

consent is dispensed with upon any ground mentioned in subdivisions a, b, f, h, i, and j of subsection 1 of section 14-15-06 but who has not consented; any appropriate Indian tribe; and any individual identified by the court as a biological parent or a possible biological parent of the minor, upon making inquiry to the extent necessary and appropriate, as in proceedings under section 27-20.3-22, unless the individual has relinquished parental rights or the individual's parental rights have been previously terminated by a court. The notice to the department and if the minor to be adopted is in the custody of the human service zone to the human service zone must be accompanied by a copy of the petition.

- b. Notice of the filing of a petition to adopt an adult must be given by the petitioner at least twenty days before the date of the hearing to each living parent of the adult to be adopted.
2. An investigation must be made by a licensed child-placing agency or by the department when a child-placing agency has a conflict of interest to inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether:
 - a. The proposed adoption is in the best interest of the minor; and
 - b. The adoptive home is suitable for the minor. The licensed child-placing agency shall obtain and consider the foster care assessment of an applicant who is also a licensed, ~~certified~~, or approved family foster home for children in the manner prescribed by the department. An adoptive home is presumed suitable if, in the manner prescribed by the department, the petitioner is continuously licensed, ~~certified~~, or approved as a family foster home for children under chapter 50-11 to furnish foster care for children ~~for more than one year~~ without a correction order, fiscal sanction, or license revocation proceeding, unless the custodial agency reasonably believes the use of the foster care assessment or the licensed, ~~certified~~, or approved family foster home for children is not in the best interest of the minor.
3. A written report of the investigation must be filed with the court by the investigator before the petition is heard.
4. The report of the investigation must contain:
 - a. A review of the child's history;
 - b. A preplacement adoption assessment of the petitioner, including a criminal history record investigation of the petitioner;
 - c. A postplacement evaluation of the placement with a recommendation as to the granting of the petition for adoption;
 - d. The petitioner's foster care assessment to demonstrate the presumed suitability of the adoptive home if a foster care assessment was considered in the investigation under subsection 2 of this section; and
 - e. Any other information the court requires regarding the petitioner or the minor.

5. An investigation and report is not required in cases in which a stepparent is the petitioner or the individual to be adopted is an adult. The department and human service zone, when required to consent to the adoption, may give consent without making the investigation. If the petitioner is a court-appointed legal guardian or a relative other than a stepparent of the minor, the minor has lived with the petitioner for at least nine months, no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household, and the court is satisfied that the proposed adoptive home is appropriate for the minor, the court may waive the investigation and report required under this section.
6. The department and human service zone, when required to consent to the adoption, may request the licensed child-placing agency to conduct further investigation and to make a written report thereof as a supplemental report to the court.
7. After the filing of a petition to adopt an adult, the court by order shall direct that a copy of the petition and a notice of the time and place of the hearing be given to any individual whose consent to the adoption is required but who has not consented and to each living parent of the adult to be adopted. The court may order an appropriate investigation to assist it in determining whether the adoption is in the best interest of the individuals involved.
8. Notice must be given in the manner appropriate under the North Dakota Rules of Civil Procedure for the service of process in a civil action in this state or in any manner the court by order directs. Proof of the giving of the notice must be filed with the court before the petition is heard.

SECTION 3. AMENDMENT. Section 50-12-09 of the North Dakota Century Code is amended and reenacted as follows:

50-12-09. Compensation for child placing.

1. A child-placing agency in making an adoptive placement may be reimbursed/compensated by the adoptive couple/family for the cost of making the adoptive study of the home and the supervision and evaluation of any placement which may be made prior to the legal adoption. No couple may be deprived of receiving a child for adoption on the basis of inability to pay any portion of such expense/reasonable fees.
2. Child-placing agency compensation only may be received for services provided to the adoptive family if reflected in a financial agreement. An itemized receipt of reasonable fees paid by the child-placing agency must be provided to the adoptive family.
3. The fees may not be contingent upon placement of the child for adoption, consent to adoption, or cooperation in the completion of adoption.
4. Reasonable fees may include:
 - a. Facilitation fees charged and completed by the child-placing agency including the cost of preplacement birth parent counseling, adoption home study assessment, placement costs for children not in public custody, utilizing a foster care placement prior to finalization, placement supervision, or other preadoption services offered by the child-placing agency;

- b. Legal fees relating to the petition for relinquishment or adoption on behalf of the birth parent;
 - c. Medical expenses relating to prenatal care and the birth of the child, which are not already covered by the birth mother's health insurance or other public assistance programs;
 - d. Expenses incurred by the birth parent for transportation, meals, and lodging in order to receive counseling, legal, or medical services related to the pregnancy, birth, or placement of the child; and
 - e. Living expenses of the birth mother which are needed to maintain an adequate standard of living, not already covered by public assistance programs.
- (1) The payments may cover expenses incurred during the pregnancy-related incapacity and for up to six weeks following the delivery.
- (2) Living expenses do not include lost wages, gifts, educational expenses, vacations, or other similar expenses of a birth mother.

SECTION 4. AMENDMENT. Section 50-12-10 of the North Dakota Century Code is amended and reenacted as follows:

50-12-10. Revocation of license - Grounds.

The department of health and human services may revoke the license of any child-placing agency upon a proper showing of any of the following:

1. The licensee has violated any ~~requirements~~requirement under this chapter.
2. The license was issued upon a fraudulent or untrue ~~representations~~representation.
3. The licensee has violated any ~~of the rules and regulations~~rule or regulation of the department.
4. The licensee has ~~been guilty of an offense determined by the department to have a direct bearing upon a person's ability to serve the public as a licensee, or the department determines, following conviction of any offense, the person is not sufficiently rehabilitated under section 12-1-33 02.4~~made a false or misleading report to the department.

SECTION 5. AMENDMENT. Section 50-12-17 of the North Dakota Century Code is amended and reenacted as follows:

50-12-17. Licensure requirement - Registration requirement - Penalty.

1. A person may not place or cause to be placed any child in a family home for adoption without a license to do so from the department of health and human services ~~except that a~~.
2. Adoption services may be provided by the department when a conflict of interest with a child-placing agency exists and another child-placing agency is unable to provide the service.

3. A parent, upon giving written notice to the department, may place the parent's child in the home of the child's parent, stepparent, grandparent, adult brother or sister, adult uncle or aunt, or guardian for adoption by the person receiving the child. The child must be considered abandoned if proceedings for the adoption or guardianship of the child are not initiated by such relative within one year following the date of notice of placement.
4. A person who willfully violates this chapter is guilty of a class C felony.
5. For purposes of this section, "~~to place or cause to be placed~~" means to ~~place~~:
 - a. Place a child for adoption; ~~arrange~~
 - b. Arrange or provide for short-term foster care for a child pending an adoptive placement; ~~facilitate~~
 - c. Facilitate placement of a child by maintaining a list in any form of birth parents or prospective adoptive parents; or ~~advertise~~
 - d. Advertise in any public medium that the person knows of a child who is available for adoption or is willing to accept a child for adoption or that the person knows of prospective adoptive parents of a child.

SECTION 6. REPEAL. Sections 50-12-02.1 and 50-12-11 of the North Dakota Century Code are repealed.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 450

HOUSE BILL NO. 1067

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact sections 50-24.1-02.6 and 50-24.1-26 of the North Dakota Century Code, relating to medical assistance benefits and Medicaid waivers; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁹⁶ **SECTION 1. AMENDMENT.** Section 50-24.1-02.6 of the North Dakota Century Code is amended and reenacted as follows:

50-24.1-02.6. Medical assistance benefits - Eligibility criteria.

1. The department shall provide medical assistance benefits to otherwise eligible persons who are medically needy persons who have countable income that does not exceed an amount determined under subsection 2.
2. The department shall establish an income level for medically needy persons at an amount no less than required by federal law.
3. The department shall provide medical assistance benefits to children and families coverage groups and pregnant women without consideration of assets.
4. The department shall provide medical assistance benefits to otherwise eligible pregnant women who are lawfully present in the United States.
5. The department may require, as a condition of eligibility, individuals eligible for Medicare part A, B, or D to apply for such coverage.
6. The department shall disregard social security survivor income and court-ordered child support for a child who is under the age of eighteen years and is enrolled in a medicaid waiver under section 1915(c) of the Social Security Act [42 U.S.C. 1915(c)].

SECTION 2. AMENDMENT. Section 50-24.1-26 of the North Dakota Century Code is amended and reenacted as follows:

50-24.1-26. Medicaid waivers - In-home services.

The department shall administer Medicaid waivers to provide in-home services to children with extraordinary medical needs and to children ~~up to the age of eighteen~~ diagnosed with an autism spectrum disorder who are under the age of twenty-one and would otherwise meet institutional level of care. The department may prioritize applicants for the waiver for children with extraordinary medical needs by degree of need.

¹⁹⁶ Section 50-24.1-02.6 was also amended by section 1 of House Bill No. 1485, chapter 451.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act is effective on July 1, 2026.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 451

HOUSE BILL NO. 1485

(Representatives McLeod, Rios, Satrom, Schauer, Swiontek, Weisz, Karls, Wagner)
(Senators Lee, Dever, Hogan, Cleary)

AN ACT to amend and reenact section 50-24.1-02.6 of the North Dakota Century Code, relating to the personal needs allowance amount for eligible beneficiaries; to provide for an increase in the personal monthly needs allowance; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁹⁷ **SECTION 1. AMENDMENT.** Section 50-24.1-02.6 of the North Dakota Century Code is amended and reenacted as follows:

50-24.1-02.6. Medical assistance benefits - Eligibility criteria.

1. The department shall provide medical assistance benefits to otherwise eligible persons who are medically needy persons who have countable income that does not exceed an amount determined under subsection 2.
2. The department shall establish an income level for medically needy persons at an amount no less than required by federal law.
3. The department shall provide medical assistance benefits to children and families coverage groups and pregnant women without consideration of assets.
4. The department shall provide medical assistance benefits to otherwise eligible pregnant women who are lawfully present in the United States.
5. The department may require, as a condition of eligibility, individuals eligible for Medicare part A, B, or D to apply for such coverage.
6. The department shall provide a personal monthly needs allowance, to be reviewed and adjusted annually based on inflation.

SECTION 2. PERSONAL MONTHLY NEEDS ALLOWANCE INCREASE. The department of health and human services shall increase the personal monthly needs allowance by fifteen dollars for an individual covered under section 50-24.1-02.6, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 3. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - PERSONAL MONTHLY NEEDS ALLOWANCE INCREASE. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$762,894, or so much of the sum as may be necessary, and from other funds derived from federal and special funds, the sum of

¹⁹⁷ Section 50-24.1-02.6 was also amended by section 1 of House Bill No. 1067, chapter 450.

\$689,466, or so much of the sum as may be necessary, to the department of health and human services for the purpose of a personal monthly needs allowance increase, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 452

HOUSE BILL NO. 1252

(Representatives Dobervich, Brown, Davis, Finley-DeVile, Holle, Mitskog)
(Senators Marcellais, Schaible)

AN ACT to amend and reenact subsection 3 of section 50-24.1-40 of the North Dakota Century Code, relating to the tribal health care coordination fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 50-24.1-40 of the North Dakota Century Code is amended and reenacted as follows:

3. There is created in the state treasury a tribal health care coordination fund.
 - a. Moneys in the fund are appropriated to the department on a continuing basis for distribution to a tribal government in accordance with an agreement between the department and a tribal government. The agreement between the department and a tribal government must require the tribe to:
 - (1) Use the money distributed under this section for purposes related to the ten essential services of public ~~health~~health identified by the federal centers for disease control and prevention and the development or enhancement of community health representative programs or services; ~~however, through June 30, 2025, no more than fifty percent, and thereafter, no more than thirty five percent, may be used for capital construction.~~
 - (2) Submit to the department annual reports detailing the use of the money distributed under this section.
 - (3) Submit to the department every two years an audit report, conducted by an independent licensed certified public accountant, of the tribal government use of the money distributed under this section. A tribal government may use money distributed under this section to pay for this audit report. At the discretion of a tribal government, an audit may be conducted more often than every two years.
 - b. The distribution of moneys from the fund to a tribal government must be in proportion to the federal funding received from care coordination agreement requests for services originating from within that tribal nation.
 - c. At least annually, upon completion of any auditing and verification actions of the department, the department shall distribute moneys from the fund to the tribal government.
 - d. If a tribal government fails to file with the department a timely annual report or audit report, the department shall withhold distribution of moneys from the fund to the tribal government until the report is filed.

- e. If an audit report or the department's review of the annual report finds a tribal government used moneys distributed from the fund for a purpose inconsistent with this section, the department shall withhold future distributions to that tribal government in an amount equal to the money used improperly. The department shall distribute money withheld from a tribal government under this subdivision if a future audit report indicates moneys distributed from the fund are used for purposes consistent with this section.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 453

SENATE BILL NO. 2305

(Senators Hogan, Cleary, Lee, Weston)
(Representative Dobervich)

AN ACT to amend and reenact section 50-24.1-47 of the North Dakota Century Code, relating to the family paid caregiver service pilot project and the cross-disability advisory council; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-24.1-47 of the North Dakota Century Code is amended and reenacted as follows:

50-24.1-47. Family paid caregiver service pilot project —~~Report~~. (Contingent expiration date - See note)

1. The department shall ~~establish~~manage and operate the family paid caregiver service pilot project to ~~assist in making payments~~make payments to a legally responsible individual who provides extraordinary care to an eligible individual who is a participant in the Medicaid 1915(c) waivers, excluding the home and community-based services aged and disabled waiver.
2. The family paid caregiver service pilot project ~~may~~must include funding for extraordinary care, which means care:
 - a. Exceeding the range of activities a legally responsible individual would ordinarily perform in the household on behalf of an individual without extraordinary medical or behavioral needs; and
 - b. Is necessary to assure the health and welfare and avoid institutionalization of the individual in need of care.
3. The department may adopt rules addressing management of the family paid caregiver service pilot project and establish the eligibility requirements and exclusions for the family paid caregiver service pilot project. The department shall manage and operate the family paid caregiver service pilot project in accordance with the adopted rules and within the limits of legislative appropriation for the family paid caregiver service pilot project. The department shall utilize an assessment of an eligible individual to determine the level of care authorized and to determine the best interests of the individual in need of care. The pilot project may not provide a payment for need for extraordinary care which must consider the unique needs and circumstances of applicants including age, activities of daily living, medical needs, and social emotional needs. The department may not make payments to a legally responsible individual which duplicate any care that is otherwise compensated through a service or assistance provided, administered, or supervised by the department, including Medicaid 1915(c) waiver or the Medicaid state plan. A legally responsible individual shall attest on an annual basis that the legally responsible individual agrees not to seek reimbursement for extraordinary care through the family paid caregiver service pilot project on days when other 1915(c) waiver services are paid by the department.

4. A decision on an application which is issued by the department under this section may be appealed as provided under chapter 28-32. An individual may not appeal a denial, a revocation, a reduction in payment, or the termination of the family paid caregiver service pilot project administered by the department due to the unavailability of funding received for the purpose of issuing payments as part of the family paid caregiver service pilot project for the biennium.
5. ~~The department shall provide the legislative management with periodic reports on the impact, usage, and costs associated with the family caregiver service pilot project.~~A payment under this section to a legally responsible individual must be commensurate with the rate for family caregiving in the home and community-based services aged and disabled waiver.
6. The cross-disability advisory council under section 50-06-46 shall participate with and provide feedback to the department on the planning, design, and ongoing implementation of the family paid caregiver service pilot project and future centers for Medicare and Medicaid services children's cross-disability 1915(c) waiver. The council shall provide input into the development of the assessment method used to determine the need for extraordinary care.

SECTION 2. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - ONE-TIME FUNDING - FAMILY PAID CAREGIVER SERVICE PILOT PROJECT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$7,300,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of establishing and issuing payments as part of the family paid caregiver service pilot project, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 454

SENATE BILL NO. 2399

(Senators Lee, Larson, Roers)
(Representatives Mitskog, M. Ruby)
(Approved by the Delayed Bills Committee)

AN ACT to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance reimbursement of psychiatric residential treatment facilities; to provide for a legislative management report; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

Reimbursement of psychiatric residential treatment facilities.

The department shall amend the rules for medical assistance reimbursement of psychiatric residential treatment facilities for direct care costs, including the applicable costs related to clinical supervisors, medical directors, engagement of families in care, therapeutic leave days, and an administrative costs cap. Reimbursements for therapeutic leave days may not exceed five hundred dollars per day. The department shall implement utilization controls, including service authorization for therapeutic leave days.

SECTION 2. DEPARTMENT OF HEALTH AND HUMAN SERVICES - MEDICAL ASSISTANCE REIMBURSEMENT - LEGISLATIVE MANAGEMENT REPORT. The department shall submit a report to the legislative management by October 1, 2026, regarding changes to medical assistance reimbursement of psychiatric residential treatment facilities for direct care costs, including the applicable costs related to clinical supervisions, medical directors, engagement of families in care, therapeutic leave days, and an administrative cost cap and progress towards value-based care.

SECTION 3. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES-PSYCHIATRIC RESIDENTIAL FACILITIES. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$647,149, or so much of the sum as may be necessary, and from other funds derived from federal and special funds, the sum of \$660,025, or so much of the sum as may be necessary, to the department of health and human services for the purpose of psychiatric residential treatment facility reimbursement, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 30, 2025

Filed May 1, 2025

CHAPTER 455

SENATE BILL NO. 2081

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact section 50-24.4-29 of the North Dakota Century Code, relating to geropsychiatric facilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-24.4-29 of the North Dakota Century Code is amended and reenacted as follows:

50-24.4-29. Geropsychiatric facilities.

The department may select ~~one or more~~ skilled nursing ~~homes~~ facilities within the state to operate a unit that ~~exclusively~~ provides geropsychiatric services. Admission to one of the skilled nursing ~~homes~~ facilities that ~~exclusively~~ provides geropsychiatric services ~~for the purpose of receiving geropsychiatric services~~ may be granted only after the state hospital has performed an evaluation of the individual being admitted ~~which indicates the individual is in need of nursing home geropsychiatric services~~ an individual practicing within the scope of their practice determines the individual meets the criteria for skilled nursing, and needs psychiatric behavioral health services. Admissions from the state hospital will be given first priority for admission to the units. If at any time the department determines that the number of approved ~~geropsychiatric~~ units that provide geropsychiatric services in the state is insufficient to meet the needs, the department may select ~~a geropsychiatric unit~~ additional units based on the experience, qualification, and capacity of the skilled nursing ~~homes~~ facilities that propose to provide geropsychiatric services. ~~The state hospital may not offer geropsychiatric services through a unit set up exclusively to provide those services.~~

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 456

SENATE BILL NO. 2271

(Senators Cleary, Dever, Lee)
(Representatives Beltz, Ista, McLeod)

AN ACT to create and enact a new section to chapter 50-24.5 of the North Dakota Century Code, relating to adult residential facility payment rates; to amend and reenact section 50-24.5-01 of the North Dakota Century Code, relating to the definition of adult residential facility; to provide for a legislative management report; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-24.5-01 of the North Dakota Century Code is amended and reenacted as follows:

50-24.5-01. Definitions.

In this chapter, unless the context otherwise requires:

1. "Adult residential facility" means a licensed basic care facility that meets the program and provider requirements of the Medicaid 1915(c) home and community-based services aged and disabled waiver, specializing in the care of individuals eligible for services under a medical assistance home and community-based waiver or similar program with chronic moderate to severe memory loss or significant emotional, behavioral, or cognitive impairment, which provides therapeutic, social, and recreational programming and assistance with activities of daily living and instrumental activities of daily living.
2. "Aged" means at least sixty-five years of age.
- 2-3. "Blind" has the same meaning as the term has when used by the social security administration in the supplemental security income program under titles II and XVI of the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.].
- 3-4. "Congregate housing" means housing shared by two or more individuals not related to each other which is not provided in an institution.
- 4-5. "Department" means the department of health and human services.
- 5-6. "Disabled" has the same meaning as the term has when used by the social security administration in the supplemental security income program under titles II and XVI of the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.].
- 6-7. "Eligible beneficiary" means a resident of this state who:
 - a. (1) Is aged; or

- (2) Is at least eighteen years of age and is disabled or blind;
- b.
 - (1) Has applied for and is eligible to receive and receives benefits under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.], and who has applied for and is receiving benefits, if the individual is eligible to receive benefits, under titles II and XVI of the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.]; or
 - (2) Has applied for and is eligible to receive and receives benefits under section 50-24.1-37 for long-term services and supports pursuant to an asset test established under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.] and section 50-24.1-02;
- c. Meets the requirements of section 23-09.3-08.1;
- d. Based on a functional assessment, is not severely impaired in any of the activities of daily living of toileting, transferring to or from a bed or chair, or eating and:
 - (1) Has health, welfare, or safety needs, including a need for supervision or a structured environment; or
 - (2) Is impaired in three of the following four instrumental activities of daily living: preparing meals, doing housework, taking medicine, and doing laundry; and
- e. Is determined to be eligible pursuant to rules adopted by the department.

~~7-8.~~ "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the department.

~~8-9.~~ "Institution" means a facility licensed under chapter 23-09.3.

~~9-10.~~ "Living independently" includes living in congregate housing. The term does not include living in an institution.

~~40-11.~~ "Personal needs allowance" means an amount retained by the eligible beneficiary to cover the costs of clothing and other personal needs.

~~44-12.~~ "Proprietor" means an individual responsible for day-to-day administration and management of a facility.

~~42-13.~~ "Remedial care" means services that produce the maximum reduction of an eligible beneficiary's physical or mental disability and the restoration of an eligible beneficiary to the beneficiary's best possible functional level.

~~43-14.~~ "Would be eligible to receive the cash benefits except for income" refers to an individual whose countable income, less the cost of necessary remedial care that may be provided under this chapter, does not exceed an amount equal to the cash benefit under titles II and XVI of the Social Security Act [42 U.S.C. 401-434 and 42 U.S.C. 1381 et seq.] which the individual would receive if the individual had no income, plus the amount allowed as the personal needs allowance.

SECTION 2. A new section to chapter 50-24.5 of the North Dakota Century Code is created and enacted as follows:

Adult residential facility payment rates - Report.

1. The department shall require an adult residential facility to submit cost reports and supplemental information by October 31, 2025, which the department shall use to pay the facility its current costs beginning January 1, 2026.
2. The department shall require adult residential facilities to submit cost reports and supplemental information by December 31, 2026, which the department shall use to provide a rate recalculation beginning July 1, 2027.

SECTION 3. DEPARTMENT OF HEALTH AND HUMAN SERVICES - BASIC CARE STUDY - ASSET LIMIT - LEGISLATIVE MANAGEMENT REPORT. The department of health and human services shall submit a report to the legislative management by January 31, 2026, and August 31, 2026, regarding progress on the basic care study recommendations addressing the adult residential facility and basic care payment systems, and review the asset limit for home and community-based services aged and disabled waiver.

SECTION 4. DEPARTMENT OF HEALTH AND HUMAN SERVICES - PAYMENT MODEL CONTINUUM RECOMMENDATIONS - LEGISLATIVE MANAGEMENT REPORT.

1. During the biennium beginning July 1, 2025, and ending June 30, 2027, the department of health and human services shall make recommendations for the development of a basic care, assisted living, and adult residential facilities payment model continuum. The recommendations must include:
 - a. Appropriate methods for reimbursing property costs;
 - b. Options to calculate operating margin;
 - c. The methodology for applying annual inflationary adjustments, including whether an independent inflation index should be utilized;
 - d. Rate determination for specialized basic care services provided to individuals with a dementia-related diagnosis or head injury; and
 - e. A new licensing structure that includes assisted living, basic care, and adult residential facilities.
2. The department of health and human services shall collaborate with providers and key stakeholders to develop the recommendations.
3. The department of health and human services shall report the recommendations to the the legislative management by August 30, 2026.

SECTION 5. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - ADULT RESIDENTIAL FACILITY RATE ADMINISTRATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,709,302, or so much of the sum as may be necessary, and from other funds derived from federal and special funds, the sum of \$1,709,302, or so much of the sum as may be necessary, to the department of health and human services for the purpose of administering adult residential facility rates, for the biennium beginning July 1, 2025, and ending June 30, 2027.

Approved April 30, 2025

Filed May 1, 2025

CHAPTER 457

SENATE BILL NO. 2076

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact section 50-24.6-04 of the North Dakota Century Code, relating to prior authorization and certification of medically necessary medication.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-24.6-04 of the North Dakota Century Code is amended and reenacted as follows:

50-24.6-04. Prior authorization program - Certification program.

1. The department shall develop and implement a prior authorization program that meets the requirements of 42 U.S.C. 1396r-8(d) to determine coverage of drug products when a medical assistance recipient's health care provider prescribes a drug that is identified as requiring prior authorization. Authorization must be granted for provision of the drug if:
 - a. The drug not requiring prior authorization has not been effective, or with reasonable certainty is not expected to be effective, in treating the recipient's condition;
 - b. The drug not requiring prior authorization causes or is reasonably expected to cause adverse or harmful reactions to the health of the recipient; or
 - c. The drug is prescribed for a medically accepted use supported by a compendium or by approved product labeling unless there is a therapeutically equivalent drug that is available without prior authorization. The department shall work with the medical assistance recipient's health care provider to assure treatment can be found for diagnoses with no compendia supported medications.
2. For any drug placed on the prior authorization program, the department shall provide medical and clinical criteria, cost information, and utilization data to the drug use review board for review and consideration. The board may consider department data and information from other sources to make a decision about placement of the drug on prior authorization.
3. ~~a. For individuals eighteen years of age and older, except~~ Except for quantity limits that may be no less than the pharmaceutical manufacturer's package insert, brand name drugs with a generic equivalent drug for which the cost to the state postrebate is less than the brand name drugs, generic drugs with a brand name equivalent drug for which the cost to the state postrebate is less than the generic drug, or medications that are considered line extension drugs, the department may not prior authorize substantially all drugs in the following medication classes:

- (1) Antipsychotics;
 - (2) Antidepressants;
 - (3) Anticonvulsants;
 - (4) Antiretrovirals, for the treatment of human immunodeficiency virus;
 - (5) Antineoplastic agents; and
 - (6) Immunosuppressants, for prophylaxis of organ transplant rejection.
- b. ~~For individuals under eighteen years of age, except for quantity limits that may be no less than the pharmaceutical manufacturer's package insert, brand name drugs with a generic equivalent drug for which the cost to the state postrebate is less than the brand name drugs, generic drugs with a brand name equivalent drug for which the cost to the state postrebate is less than the generic drug, or medications that are considered line extension drugs, the department may not prior authorize substantially all drugs in the following medication classes:~~
- ~~(1) Antipsychotics;~~
 - ~~(2) Antidepressants;~~
 - ~~(3) Anticonvulsants;~~
 - ~~(4) Antiretrovirals, for the treatment of human immunodeficiency virus;~~
 - ~~(5) Antineoplastic agents; and~~
 - ~~(6) Immunosuppressants, for prophylaxis of organ transplant rejection.~~
- e. ~~The restrictions of subdivision b do not apply for individuals under eighteen years of age, who have five or more concurrent prescriptions for psychotropic medications.~~
- d. ~~Prior authorization for individuals under eighteen years of age is required for five or more concurrent prescriptions for antipsychotics, antidepressants, anticonvulsants, benzodiazepines, mood stabilizers, sedative, hypnotics, or medications used for the treatment of attention deficit hyperactivity disorder. The department shall grant authorization to exceed the limits after a prescriber requesting authorization consults with a board-certified child and adolescent psychiatrist approved by the department.~~
- e. The restrictions of this subsection do not apply if prior authorization is required by the centers for Medicare and Medicaid services.
- f.c. The restrictions of this subsection do not apply to a medication class in subdivision a if a manufacturer of a drug in that class excludes the department from supplemental rebate offers or value-based purchasing agreement offers due to the existence of the prior authorization exclusion in subdivision a.

- d. As used in this subsection, "line extension drug" means a new formulation of a drug. The term does not include an abuse-deterrent formulation of a drug.
- ~~g-e.~~ As used in this subsection, "substantially all" means ~~that all drugs and unique dosage forms in the medication classes outlined in paragraphs 1 through 6 of subdivisions~~ subdivision a and b are expected to be covered without prior authorization, ~~with the following exceptions~~ except:
- (1) Multisource brands of the identical molecular structure;
 - (2) Extended release products when the immediate-release product is included;
 - (3) Products that have the same active ingredient or moiety; and
 - (4) Dosage forms that do not provide a unique route of administration.
4. The department may use contractors to collect and analyze the documentation required under this section and to facilitate the prior authorization program.
5. The department shall consult with the board in the course of adopting rules to implement the prior authorization program. The rules must:
- a. Establish policies and procedures necessary to implement the prior authorization program.
 - b. Develop a process that allows prescribers to furnish documentation required to obtain approval for a drug without interfering with patient care activities.
 - c. Allow the board to establish panels of physicians and pharmacists which provide expert guidance and recommendations to the board in considering specific drugs or therapeutic classes of drugs to be included in the prior authorization program.
6. The department may negotiate additional rebates from drug manufacturers to supplement the rebates required by federal law governing the medical assistance program. Additionally, the department may join a multistate supplemental drug rebate pool, and if the department negotiates additional rebates outside this pool, any other manufacturer must be allowed to match those rebates.
7. The department shall develop a certification program to verify the medical necessity of each medication in a regimen containing five or more concurrent prescriptions for antipsychotic, antidepressant, anticonvulsant, benzodiazepine, mood stabilizer, sedative hypnotic, or attention deficit hyperactivity disorder medications.
- a. The certification program shall require each prescriber of a medication in an impacted regimen to certify annually the medication prescribed is medically necessary for the patient.

- b. If a prescriber does not certify a medication as a medically necessary part of the patient's regimen, the department may deny payment of the medication until the medication is certified by the prescriber.
- c. The certification program shall apply to individuals under the age of twenty-two and may apply to other individuals at the discretion of the department.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 458

SENATE BILL NO. 2173

(Senators Lee, Cleary, Larson)
(Representatives Beltz, Ista, Jonas)

AN ACT to amend and reenact subsection 10 of section 50-25.1-02 and section 50-25.1-11.1 of the North Dakota Century Code, relating to the definition of a children's advocacy center and the confidentiality of communications and records in the possession of a children's advocacy center.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 10 of section 50-25.1-02 of the North Dakota Century Code is amended and reenacted as follows:

10. "Children's advocacy center" means a ~~full~~ full ~~an~~ accredited or associate member of the national children's alliance which assists in the coordination of the investigation in response to allegations of child abuse by providing a dedicated child-friendly location at which to conduct forensic interviews, forensic medical examinations, and other appropriate services and which promotes a comprehensive multidisciplinary team response to allegations of child abuse. The team response may include forensic interviews, forensic medical examinations, mental health and related support services, advocacy, and case review.

SECTION 2. AMENDMENT. Section 50-25.1-11.1 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-11.1. Children's advocacy centers - Confidentiality of records - Criminal history record checks.

1. Records and digital media in the possession of a children's advocacy center relating to a forensic medical examination, forensic interview, advocacy, or therapy are confidential and only may be released ~~only~~ to a person other than a law enforcement agency, the department or the department's authorized agent, a prosecutor, a court, another children's advocacy center, or a medical or mental health professional when the child comes before the medical or mental health professional in that person's professional capacity, upon service of a subpoena signed by a judge.
2. The staff of a children's advocacy center may communicate with a law enforcement agency, the department or the department's authorized agent, a prosecutor, a court, another children's advocacy center, or a medical or mental health professional in that individual's official capacity, for the purpose of discussing a forensic medical examination, forensic interview, advocacy, or therapy.
3. The department may submit a request for a criminal history record check under section 12-60-24 on a board member, an employee, a final applicant for employment of a children's advocacy center, a contractor, or a volunteer of a children's advocacy center who has contact with a child at or through a children's advocacy center.

- ~~3-4.~~ As used in this section, "board member" means an individual serving on the board of a children's advocacy center.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 459

HOUSE BILL NO. 1338

(Representatives M. Ruby, Beltz, Bolinske, J. Olson, D. Johnston, Klemin)
(Senators Bekkedahl, Dever, Lee, Roers, Wobbema)

AN ACT to create and enact a new subsection to section 50-25.1-05 of the North Dakota Century Code, relating to a determination by the department of health and human services of an individual's military status in child abuse and neglect assessments.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 50-25.1-05 of the North Dakota Century Code is created and enacted as follows:

The department or authorized agent shall determine the military status of any individual subject to an assessment, at the initiation of a child abuse or neglect assessment. If the department determines an allegation of abuse or neglect involves a military-affiliated individual, the department shall notify the nearest military installation's family advocacy program of the allegation and investigation. The military installation is responsible for reporting the data to the federal department of defense. The department may develop a memorandum of understanding for use by the human service zone. For purposes of this subsection:

- a. "Military-affiliated individual" means an individual with an active military status and the individual's dependents.
- b. "Military status" includes any branch of the United States military, and the national guard or reserve.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 460

HOUSE BILL NO. 1205

(Representatives Holle, Bolinske, Meier, Pyle, M. Ruby, Schauer, S. Olson)
(Senators Boschee, Castaneda, Mathern, Weston, Larson)

AN ACT to amend and reenact section 50-25.1-15 of the North Dakota Century Code, relating to abandonment of infants in newborn safety devices.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-25.1-15 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-15. Abandoned infant - Approved location procedure - Reporting immunity.

1. As used in this section:

- a. "Abandoned infant" means an infant who has been abandoned at birth at a hospital or before reaching the age of one year regardless of the location of birth and who has been left with an on-duty staff member or, if an infant is less than sixty days old, left in a newborn safety device, at an approved location in an unharmed condition.
- b. "Approved location" means a hospital or other location as designated by administrative rule adopted by the department.
- c. "Hospital" means a facility licensed under chapter 23-16.
- d. "Newborn safety device" means a device that is:
 - (1) Physically part of the building at an approved location;
 - (2) Staffed twenty-four hours a day seven days a week;
 - (3) Temperature-controlled and ventilated for the safety of newborns;
 - (4) Equipped with a functional alarm system which automatically triggers an alarm inside the building when an infant is placed in the device; and
 - (5) Located in a manner that the interior point of access is in an area that is conspicuous and visible to the employees of the approved location.

2.
 - a. A parent of an infant less than sixty days old, or an agent of the parent with the parent's consent, may leave the infant in a newborn safety device at an approved location.
 - b. A parent of an infant under the age of one year, or an agent of the parent with the parent's consent, may leave the infant with an on-duty staff member at an approved location. ~~Neither the parent nor the~~

- c. A parent or agent is not subject to prosecution under sections 14-07-15 and 14-09-22 for leaving an abandoned infant under this section.
3. An infant left under this section must be accepted at an approved location shall accept an infant left under this section. TheAn approved location is not required to possess a newborn safety device.
4. Except as provided in subsection 6, the approved location may request information regarding the parents and shall provide the parent or the agent with a medical history form and an envelope with the approved location's return address. If a hospital accepting thean infant has the infant's medical history, the hospital is not required to provide the parent or the agent with a medical history form. Neither theA parent nor theor agent is not required to provide any information.
- 4-5. Except as provided in subsection 6, if an infant is left at a hospital, the hospital shall provide the parent or the agent with a numbered identification bracelet to link the parent or the agent to the infant, unless due to birth of the infant, the infant and parent currentlyalready have an identification bracelet. Possession of an identification bracelet does not entitle the bracelet holder to take custody of the infant on demand. If an individual possesses a bracelet linking the individual to an infant left at a hospital under this section and parental rights have not been terminated, possession of the bracelet creates a presumption that the individual has standing to participate in a protection services action brought under this chapter or chapter 27-20.3. Possession of the bracelet does not create a presumption of maternity, paternity, or custody.
- 5-6. If an abandoned infant is left in a newborn safety device at an approved location, the approved location may not inquire as to the identity of the parent or agent. Except as provided in subsection 10, if the identity of the parent or agent of the abandoned infant is known to the approved location, the approved location shall keep all information as to the identity of the parent or agent of the abandoned infant confidential. The parent or agent of the abandoned infant is not required to provide any information to the approved location but may voluntarily provide information, including the medical history of the parents or infant.
7. The approved location may provide the parent or the agent with any relevant information, including information about:
- a. Information about theThe safe place for abandoned infant programs;
 - b. Information about adoptionAdoption and counseling services; and
 - c. Information about whomWhom to contact if reunification is sought.
- 6-8. Within twenty-four hours of receiving an infant under this section, the approved location shall report to the department or authorized agent, as required by section 50-25.1-03, that an infant has been left at thean approved location. The report may not be made before the parent or the agent leaves the approved location.
- 7-9. The approved location and its employees and agents are immune from any criminal or civil liability for accepting an infant under this section.

- ~~8-10.~~ Upon receiving a report of an abandoned infant under this section, the department or authorized agent shall proceed as required under this chapter if it appears ~~that~~ the abandoned infant was not harmed, except the department or authorized agent may not attempt to identify or contact the parent or ~~the~~ agent. If it appears the infant who was left was harmed, the approved location shall disclose to the department or authorized agent any known information as to the identity of the parent or agent, and the department or authorized agent shall initiate a child protection assessment of the matter as required by law.
- ~~9-11.~~ If an individual claiming to be the parent or ~~the~~ agent contacts the department or authorized agent and requests to be reunited with ~~the infant who was left an abandoned infant~~, the department or authorized agent may identify or contact the individual as required under this chapter and all other applicable laws. If an individual contacts the department or authorized agent seeking information only, the department or authorized agent may attempt to obtain information regarding the identity and medical history of the parents and may provide information regarding the procedures in a case involving an infant who was left at an approved location. The individual is under no obligation to respond to the request for information, and the department or authorized agent may not attempt to compel response to investigate the identity or background of the individual.
- ~~10-12.~~ The department shall develop and implement a public awareness campaign to provide information, public service announcements, and educational materials regarding this section to the public, including medical providers, law enforcement, and social service agencies.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 461

SENATE BILL NO. 2232

(Senators Meyer, Lee, Roers)
(Representatives Dobervich, O'Brien, Stemen)

AN ACT to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to an exemption for postpartum exposure to controlled substances and alcohol; to amend and reenact sections 50-25.1-16 and 50-25.1-17 of the North Dakota Century Code, relating to reporting requirements for prenatal exposure to controlled substances and alcohol abuse and toxicology test requirements; and to repeal section 50-25.1-18 of the North Dakota Century Code, relating to reporting requirements for prenatal exposure to alcohol misuse.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-25.1-16 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-16. Prenatal exposure to controlled substances or alcohol misuse - Reporting requirements.

1. ~~An~~Except as provided under subsection 2, an individual required to report under section 50-25.1-03 who has knowledge of or reasonable cause to suspect that a woman is pregnant and has ~~used~~aengaged in the abuse of a controlled substance for a nonmedical purpose or alcohol misuse during the pregnancy shall report the circumstances to the department or authorized agent if the knowledge or suspicion is derived from information received by that individual in that individual's official or professional capacity.
2. An individual required to report under section 50-25.1-03 is exempt from reporting under subsection 1 if the individual is providing or collaborating with other professionals to provide the woman with prenatal or substance abuse services, including voluntary entrance into a licensed treatment program. If the woman discontinues regular prenatal care, fails to follow treatment recommendations, or continues to engage in the abuse of a controlled substance or alcohol misuse, the individual shall report in accordance with subsection 1.
3. Any individual may make a voluntary report if the individual has knowledge of or reasonable cause to suspect that a woman is pregnant and ~~has used~~aengaged in the abuse of a controlled substance for a nonmedical purpose or alcohol misuse during the pregnancy.
34. If a report alleges a pregnant woman's ~~use~~abuse of a controlled substance ~~for a nonmedical purpose or alcohol misuse~~, the department or authorized agent immediately shall initiate an appropriate assessment that must include a referral for assessment of the presence of a substance use disorder with expectation to follow any treatment recommendations, and a referral for prenatal care. The department or authorized agent may also take any appropriate action under chapter 25-03.1.

4. ~~A report and assessment under this section is not required if the pregnant woman voluntarily enters treatment in a licensed treatment program. If the pregnant woman does not complete voluntary treatment, continues to use controlled substances for a nonmedical purpose, or fails to follow treatment recommendations, an individual required to report under section 50-25.1-03 who has knowledge of the failure to complete voluntary treatment, continued use of controlled substance for nonmedical purpose, or failure to follow treatment recommendations shall make a report as required by this section.~~
5. A report under this section must be made as described in section 50-25.1-04 and must be sufficient to identify the woman, the nature and extent of use, if known, and the name and address of the individual making the report.

SECTION 2. AMENDMENT. Section 50-25.1-17 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-17. Toxicology testing - Requirements.

1. If the woman has obstetrical complications that are a medical indication of possible use of a controlled substance for a nonmedical purpose or alcohol misuse, upon the consent of the pregnant woman, or without consent if a specimen is otherwise available, a physician ~~shall~~may administer a toxicology test to a pregnant woman under the physician's care or to a woman under the physician's care within eight hours after delivery to determine whether there is evidence that she has ingested a controlled substance or alcohol. If the test results are positive, the physician ~~shall~~may report the results under section 50-25.1-03.1. A negative test result or the pregnant woman's refusal to consent to a test does not eliminate the obligation to report under section 50-25.1-03 if other evidence gives the physician reason to believe the patient has used a controlled substance for a nonmedical purpose or has engaged in alcohol misuse.
2. If a physician has reason to believe based on a medical assessment of the mother or the infant that the mother used a controlled substance for a nonmedical purpose or engaged in alcohol misuse during the pregnancy, the physician ~~shall~~may administer, without the consent of the child's parents or guardian, to the newborn infant born under the physician's care a toxicology test to determine whether there is evidence of prenatal exposure to a controlled substance or alcohol. If the test results are positive, the physician ~~shall~~may report the results as neglect under section 50-25.1-03. A negative test result does not eliminate the obligation to report under section 50-25.1-03 if other medical evidence of prenatal exposure to a controlled substance or alcohol misuse is present.
3. A physician or any other medical personnel administering a toxicology test to determine the presence of a controlled substance or alcohol in a pregnant woman, in a woman within eight hours after delivery, or in a child at birth or during the first month of life is immune from civil or criminal liability arising from administration of the test if the physician ordering the test believes in good faith that the test is required under this section and the test is administered in accordance with ~~an established protocol and~~ reasonable medical practice. A physician or any other medical personnel who determines in good faith not to administer a toxicology test under this section is immune from liability for not administering the test.

SECTION 3. A new section to chapter 50-25.1 of the North Dakota Century Code is created and enacted as follows:

Postpartum exposure to controlled substances or alcohol misuse - Reporting requirements.

An individual required to report under section 50-25-03 with knowledge or reasonable cause to suspect a postpartum woman has engaged in the abuse of a controlled substance or alcohol misuse is exempt from reporting when the individual is providing or collaborating with other professionals to provide the woman or her infant with postpartum or substance abuse services, including voluntary entrance into a licensed treatment program. If the woman discontinues regular postnatal care, fails to cooperate in the provision of services for the infant, fails to follow treatment recommendations, or continues to engage in the abuse of a controlled substance or alcohol misuse, the individual shall report in accordance with section 50-25-03.

SECTION 4. REPEAL. Section 50-25.1-18 of the North Dakota Century Code is repealed.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 462

HOUSE BILL NO. 1070

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to amend and reenact section 50-29-04 of the North Dakota Century Code, relating to the children's health insurance program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-29-04 of the North Dakota Century Code is amended and reenacted as follows:

50-29-04. Plan requirements.

The plan:

1. Must be consistent with coverage provided to children eligible for medical assistance in the state; and
2. Must provide:
 - a. A modified adjusted gross income eligibility limit of ~~two hundred~~ two hundred five percent of the poverty line; and
 - b. Current eligibility may be established from the first day of the month in which the application was received. Retroactive eligibility may be established for the three calendar months that immediately preceded the month in which the application was received even if there is no eligibility in the month of application. Eligibility can be established if all factors of eligibility are met during each month.

Approved March 14, 2025

Filed March 14, 2025

SALES AND EXCHANGES

CHAPTER 463

HOUSE BILL NO. 1515

(Representatives D. Ruby, Bosch, Ista, Lefor, Weisz, Vigessaa)
(Senators Hogan, Hogue, Klein)

AN ACT to amend and reenact section 51-07-29 of the North Dakota Century Code, relating to motor vehicle warranty work compensation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 51-07-29 of the North Dakota Century Code is amended and reenacted as follows:

51-07-29. Warranty work compensation.

1. a. A motor vehicle manufacturer or distributor shall include reasonable compensation for diagnostic work, as well as repair service, parts, and labor, in warranty work compensation. In addition, a motor vehicle manufacturer shall provide adequate time allowances for diagnosis and performance of warranty work and service for the work performed. The hourly labor rate paid by a motor vehicle manufacturer to the dealer for warranty services may reasonably compensate its dealers for labor and parts provided by the dealer in connection with the following manufacturer or distributor sponsored, issued, or required items:

(1) Predelivery preparation.

(2) Installation of accessories or components required by the manufacturer or distributor to be installed before the sale of a vehicle to a consumer.

(3) Diagnostic work.

(4) Maintenance programs.

(5) Extended warranty.

(6) Certified preowned warranty.

(7) Service contracts.

(8) Parts exchange programs.

(9) Recall, goodwill, and warranty work performed by the dealer.

- b. Reasonable compensation for labor for the services identified in subdivision a may not be less than the average retail rate charged by the

~~dealer for like service to nonwarranty customers for nonwarranty service as provided under subsection 5. A motor vehicle manufacturer may not reimburse a dealer for parts used in the performance of warranty repair at a lower rate multiplied by the time guide used by the dealer for nonwarranty customer-paid service repair orders. To establish a time guide, a dealer shall provide written notice to the manufacturer or distributor with the name of the time guide the dealer uses. The manufacturer or distributor may not require the dealer to provide any other information to establish the time guide the dealer uses. If no time guide exists for a warranty repair, compensation for warranty labor must equal the dealer's average retail rate multiplied by the time spent to complete the repair, and may not be less than the time charged to a retail customer for the same or similar work provided. A dealer shall use time allowances for the diagnosis and performance of work and service which are reasonable and adequate for a qualified technician to perform the work or services. Reasonable compensation for parts for the services identified in subdivision a may not be less than the average retail rate customarily charged by the dealer for these parts as provided under subsection 4.~~

2. A dealer shall submit a claim for reimbursement for services within ninety days from the completion of the services identified in subdivision a of subsection 1. A motor vehicle manufacturer or distributor shall pay a dealer on a claim made by a dealer under this section within thirty days of the approval of the claim. The manufacturer or distributor shall either approve or disapprove a claim within thirty days after the claim is submitted to the manufacturer or distributor. The manufacturer or distributor may prescribe the manner in which and the forms on which the dealer must present the claim. A claim not specifically disapproved in writing within thirty days after the manufacturer or distributor receives the claim must be construed to be approved and the manufacturer or distributor shall pay the claim within thirty days. If a manufacturer or distributor disapproves a claim in writing within thirty days, the manufacturer or distributor shall contemporaneously provide the dealer with a detailed written explanation of the reason the claim was disapproved. The dealer has thirty days from the receipt of the disapproval to resubmit a corrected claim.
3. ~~A motor vehicle manufacturer, factory branch, or distributor, or distributor branch shall fully compensate its motor vehicle dealers licensed in this state for warranty parts, work, and service and labor specified in this section. Failure to fully compensate includes a reduction in the amount due under this section to the dealer or imposing a separate charge, surcharge, or other imposition by which the motor vehicle manufacturer, factory branch, or distributor, or distributor branch seeks to recover the costs of complying with this section from the dealer.~~
4. The retail rate customarily charged by the dealer for parts is established by the dealer submitting to the manufacturer or distributor one hundred sequential nonwarranty customer-paid service repair orders that contain warranty-like parts or ninety consecutive days of nonwarranty customer-paid service repair orders that contain warranty-like parts, whichever is less, covering repairs made no more than one hundred eighty days before the submission and declaring the average percentage markup.
5. The retail rate customarily charged by the dealer for labor must be established using the same process as provided under subsection 4 and declaring the average labor rate. The average labor rate must be determined by dividing the

amount of the dealer's total labor sales by the number of total hours that generated those sales. If a labor rate and parts markup rate are simultaneously declared by the dealer, the dealer may use the same repair orders to complete each calculation as provided under subsection 4.

6. In calculating the retail rate customarily charged by the dealer for parts and labor as provided in subsections 4 and 5, the following work may not be included in the calculation:
 - a. Repairs for manufacturer or distributor special events, specials, or promotional discounts for retail customer repairs;
 - b. Parts sold at wholesale;
 - c. Parts or labor used in manufacturer or distributor sponsored programs that restrict the pricing for repairs;
 - d. Routine maintenance not covered under any retail customer warranty, including fluids, filters, and belts not provided in the course of repairs;
 - ~~d-e.~~ Nuts, bolts, fasteners, and similar items that do not have an individual part number;
 - e. ~~Tires~~
 - f. Replacement or work on tires, including wheel or tire rotations or balancing, or replacements of brakes, including brake drums, rotors, shoes, or pads; and
 - ~~f-g.~~ Vehicle reconditioning;
 - h. Alignments, unless necessary as part of a mechanical repair;
 - i. Batteries, other than electric vehicle or hybrid vehicle propulsion batteries;
 - j. Repairs of a motor vehicle owned by the dealer or an employee of the dealer;
 - k. Installation of accessories;
 - l. Repairs to or with aftermarket parts; and
 - m. Repairs performed on motor vehicles of a line make other than that for which the dealer is franchised by the motor vehicle manufacturer.
7. a. The average of the parts markup rates and labor rate calculated under subsections 4 through 6 is presumed to be fair and reasonable and must go into effect thirty days following the manufacturer's ~~approval~~ receipt of the submission subject to the manufacturer or distributor's ability to contest the rate as provided in this subsection. The motor vehicle manufacturer or distributor may not issue more than one notice to the dealer contesting any declared labor rate or parts markup, and may not add to, expand, supplement, or otherwise modify any reason for contesting the declared rate or parts markup. A manufacturer or distributor may rebut the presumption by reasonably substantiating that a rate is unreasonable in

light of the practices of all other franchised motor vehicle dealers in an economically similar area of the state offering the dealer's declaration of the same line make vehicles, not later than thirty days after submission. If the average parts markup rate or average labor rate is rebutted, or both, the manufacturer or distributor shall propose an adjustment of the average percentage markup based on that rebuttal not later than thirty days after submission. contest the material accuracy of the rate calculated under this section by providing a written objection to the dealer within thirty days after receiving the dealer's submission, and shall:

- (1) Provide the dealer with a copy of all calculations used by the motor vehicle manufacturer or distributor to make the determination of the dealer's labor rate or parts markup, a written explanation of the basis for any inaccuracy alleged by the motor vehicle manufacturer or distributor, and evidence substantiating any written explanation.
 - (2) Provide a proposed adjustment of the dealer's labor rate or parts markup based solely upon the information provided by paragraph 1.
 - (3) Commence paying the dealer at the proposed adjusted labor rate or parts markup determined by the motor vehicle manufacturer or distributor as provided in this section. This section applies to all proposed adjusted labor rates or parts markups, even if the motor vehicle manufacturer's or distributor's determination of the labor rate or parts markup is different from the labor rate or parts markup provided in the dealer's submission.
- b. If a motor vehicle manufacturer or distributor fails to comply with the requirements of subdivision a within thirty days of receipt of submission, the submission is approved.
- c. If a dealer agrees with the conclusions of the motor vehicle manufacturer or distributor and any corresponding adjustment to the labor rate or parts markup contained within the written objection, no further action is required. The new adjusted rate is effective thirty days after the dealer's submission is received by the manufacturer or distributor.
- d. If a motor vehicle manufacturer or distributor provides a written objection that complies with the requirements under subdivision a, and the dealer does not agree with the proposed adjusted labor rate or parts markup contained within the written objection, or if the dealer disputes the motor vehicle manufacturer or distributor complied with the provisions of subdivision a, the dealer may bring an action in a court of competent jurisdiction. In such proceeding:
- (1) The motor vehicle manufacturer or distributor has the burden of proof by a preponderance of the evidence, and must show:
 - (a) The manufacturer or distributor complied with subdivision a;
 - (b) The dealer's submitted labor rate or parts markup was materially inaccurate; and

- (c) The manufacturer's or distributor's proposed adjustment to the dealer's submitted labor rate or parts markup was materially accurate.
- (2) If the dealer prevails in the action, the dealer's labor rate or parts markup is retroactive to the date thirty days following the motor vehicle manufacturer's or distributor's receipt of the submission, and the dealer shall recover all expenses in bringing and maintaining the action, including reasonable attorney fees. If a court finds the motor vehicle manufacturer or distributor willfully violated this section, the dealer is entitled to recover three times the amount of the retroactive labor rate or parts markup.
8. ~~Each manufacturer, in establishing a schedule of compensation for warranty work, shall rely on the vehicle dealer's written schedule of hourly labor rates and parts and may not obligate any vehicle dealer to engage in unduly burdensome or time-consuming documentation of rates or parts, including obligating vehicle dealers to engage in transaction-by-transaction or part-by-part calculations.~~In establishing a rate under this section, the dealer's labor rate or parts markup must be calculated using the method prescribed in subsections 4 through 6.
9. A dealer ~~or~~ manufacturer or distributor may demand that the average parts markup or average labor rate be calculated using the process provided under subsections 4 and 5; however, the demand for the average parts markup may not be made within twelve months of the last parts markup declaration and the demand for the average labor rate may not be made within twelve months of the last labor rate declaration. If a parts markup or labor rate is demanded by the dealer or manufacturer or distributor, the dealer shall determine the repair orders to be included in the calculation under subsections 4 and 5.
10. a. If a motor vehicle manufacturer or distributor furnishes, or causes to be furnished, a part to a dealer at no cost or at a reduced cost for use in performing the services identified in subdivision a of subsection 1, the motor vehicle manufacturer or distributor shall compensate the dealer in the same manner as parts compensation under this section by paying the dealer for the dealer's cost of the part, if any, plus an amount equal to the dealer's parts markup, multiplied by the wholesale value of the part. The wholesale value of the part must be the greater of:
- (1) The amount the dealer paid for the part or a substantially identical part if already owned by the dealer;
- (2) The cost of the part shown in a current, or prior, motor vehicle manufacturer's, distributor's, or furnishing party's established price schedule; and
- (3) The cost of a substantially identical part shown in a current, or prior, motor vehicle manufacturer's, distributor's, or furnishing party's established price schedule.
- b. A motor vehicle manufacturer or distributor may not establish or implement a special part number for any part used in the services identified in subdivision a of subsection 1 if it results in lower compensation to the dealer than as calculated under this section.

11. A motor vehicle manufacturer or distributor may not:

- a. Require or influence or attempt to influence a dealer to implement or change the prices for which it sells parts or labor in retail repairs.
- b. Implement or continue a policy, procedure, or program to any of its dealers in this state for compensation under this section which is inconsistent with this section unless otherwise agreed by the dealer and the manufacturer or distributor.
- c. Take, or threaten to take, adverse action against a dealer that seeks to obtain compensation under this section, including:
 - (1) Creating or implementing an obstacle or process that is inconsistent with the motor vehicle manufacturer's obligations to the dealer under this chapter;
 - (2) Acting in bad faith; or
 - (3) Hindering, delaying, or rejecting the proper and timely payment of compensation due to a dealer under this section, provided nothing in this paragraph may restrict or impair audits or chargebacks conducted in accordance with section 51-07-02.4.

12. This section applies to all manufacturers and distributors as defined by section 51-07-00.1, and any other person that supplies a component or part installed on a new motor vehicle for which the warranty of the component or part is warranted by another person that is not the manufacturer.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 464

HOUSE BILL NO. 1561

(Representatives Swiontek, Bosch, Fisher, Karls, Novak, Pyle, Nelson)
(Senators Hogan, Lee, Myrdal, Axtman)

AN ACT to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to a commercial entity's liability for publishing or distributing sexual material harmful to a minor; to provide a penalty; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁹⁸ **SECTION 1.** A new section to chapter 51-07 of the North Dakota Century Code is created and enacted as follows:

Liability for publishing or distributing sexual material harmful to minors - Age verification requirement - Damages.

1. As used in this section:

- a. "Commercial entity" includes a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legally recognized business entity.
- b. "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.
- c. "Minor" means an individual under eighteen years of age.
- d. "News-gathering organization" means an employee of a:
 - (1) Newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, who is acting within the scope of employment and can provide documentation of employment with the newspaper, news publication, or news source; or
 - (2) Radio broadcast station, television broadcast station, cable television operator, or wire service, who is acting within the scope of employment and can provide documentation of employment with the radio broadcast station, television broadcast station, cable television operator, or wire service.
- e. "Publish" means to communicate or make information available to another person on a publicly available internet website.
- f. "Reasonable age verification methods" includes verifying the individual seeking to access the material is eighteen years of age or older by using:

¹⁹⁸ Section 51-07-32 was also created by section 1 of Senate Bill No. 2380, chapter 465.

- (1) A digitized identification card; or
 - (2) Requiring the individual attempting to access the material to comply with a commercial age verification system including the use of:
 - (a) Government-issued identification; or
 - (b) Any commercially reasonable method that relies on public or private transactional data to verify the age of the individual attempting to access the information is eighteen years of age or older.
 - g. "Sexual material harmful to a minor" includes material that:
 - (1) The average individual applying contemporary community standards would find, taking the material as a whole and with respect to a minor, is designed to appeal to or pander to the prurient interest;
 - (2) In a manner patently offensive with respect to a minor, exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated displays or depictions of:
 - (a) An individual's pubic hair, anus, genitals, or the nipple of the female breast;
 - (b) Touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or
 - (c) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and
 - (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value for a minor.
 - h. "Substantial portion" means more than thirty-three and one-third percent of total material on a website is sexual material harmful to a minor.
 - i. "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event. The term includes records from mortgage, education, and employment entities.
- 2. A commercial entity that knowingly publishes or distributes sexual material harmful to a minor on the internet from a website that contains a substantial portion of material, must be held liable if the entity fails to perform reasonable age verification methods to verify the age of an individual attempting to access the material.
- 3. A commercial entity or third party that performs the required age verification may not retain any identifying information of the individual after access has been granted to the material.

4. A commercial entity found to have violated subsection 2 or 3 is liable for damages.
5. A civil action may be brought against any commercial entity, or third party that performs the required age verification on behalf of the commercial entity, by:
 - a. A parent or guardian whose minor child was allowed access to the material in violation of subsection 2; or
 - b. An individual whose identifying information is retained in violation of subsection 3.
6. An individual authorized to bring a civil action under subsection 5 may seek and the court may award:
 - a. An injunction to enjoin continued violation of this section;
 - b. Compensatory and exemplary damages; and
 - c. Costs and fees, including reasonable attorney fees.
7. This section does not apply to any bona fide news or public interest broadcast, website video, report, or event, and may not be construed to affect the rights of any news-gathering organization.
8. An internet service provider or its affiliates or subsidiaries, a search engine, an application store, or a cloud service provider may not be held to have violated this section solely for providing access or connection to or from a website or other information or content on the internet or a facility, system, or network not under the provider's control, including transmission, downloading, intermediate storage, access software, or other forms of access or storage to the extent the provider is not responsible for the creation of the content of the communication that constitutes sexual material harmful to a minor.

SECTION 2. APPLICATION. This Act applies to websites accessed on or after the effective date of this Act.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 465

SENATE BILL NO. 2380

(Senators Boehm, Beard, Paulson)
(Representatives VanWinkle, Steiner, Klemm)

AN ACT to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to a commercial entity's liability for publishing or distributing sexual material harmful to a minor; to provide a penalty; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

¹⁹⁹ **SECTION 1.** A new section to chapter 51-07 of the North Dakota Century Code is created and enacted as follows:

Liability for publishing or distributing sexual material harmful to minors - Age verification requirement - Damages.

1. As used in this section:

- a. "Commercial entity" includes a corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legally recognized business entity.
- b. "Distribute" means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.
- c. "Minor" means an individual under eighteen years of age.
- d. "News-gathering organization" means an employee of a:
 - (1) Newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, who is acting within the scope of employment and can provide documentation of employment with the newspaper, news publication, or news source; or
 - (2) Radio broadcast station, television broadcast station, cable television operator, or wire service, who is acting within the scope of employment and can provide documentation of employment with the radio broadcast station, television broadcast station, cable television operator, or wire service.
- e. "Publish" means to communicate or make information available to another person on a publicly available internet website.
- f. "Reasonable age verification methods" includes verifying the individual seeking to access the material is eighteen years of age or older by using:

¹⁹⁹ Section 51-07-32 was also created by section 1 of House Bill No. 1561, chapter 464.

- (1) A digitized identification card; or
 - (2) Requiring the individual attempting to access the material to comply with a commercial age verification system including the use of:
 - (a) Government-issued identification;
 - (b) A commercially available database regularly used by a business or government entity for the purpose of age and identity verification; or
 - (c) Any commercially reasonable method that relies on public or private transactional data to verify the age of the individual attempting to access the information is eighteen years of age or older.
 - g. "Sexual material harmful to a minor" includes material that:
 - (1) The average individual applying contemporary community standards would find, taking the material as a whole and with respect to a minor, is designed to appeal to or pander to the prurient interest;
 - (2) In a manner patently offensive with respect to a minor, exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated displays or depictions of:
 - (a) An individual's pubic hair, anus, genitals, or the nipple of the female breast;
 - (b) Touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals; or
 - (c) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act; and
 - (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value for a minor.
 - h. "Substantial portion" means if more than thirty-three and one-third percent of total material on a website is sexual material harmful to a minor.
 - i. "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event. The term includes records from mortgage, education, and employment entities.
 - 2. A commercial entity that knowingly publishes or distributes sexual material harmful to a minor on the internet from a website that contains a substantial portion of the material must be held liable if the entity fails to perform reasonable age verification methods to verify the age of an individual attempting to access the material.

3. A commercial entity or third party that performs the required age verification may not retain any identifying information of the individual after access has been granted to the material.
4. A commercial entity found to have violated subsection 2 or 3 is liable for damages.
5. A civil action may be brought against any commercial entity, or third party that performs the required age verification on behalf of the commercial entity, by:
 - a. A parent or guardian whose minor child was allowed access to the material in violation of subsection 2; or
 - b. An individual whose identifying information is retained in violation of subsection 3.
6. An individual authorized to bring a civil action under subsection 5 may seek and the court may award:
 - a. An injunction to enjoin continued violation of this section;
 - b. Compensatory and exemplary damages; and
 - c. Costs and fees, including reasonable attorney fees.
7. This section does not apply to any bona fide news or public interest broadcast, website video, report, or event, and may not be construed to affect the rights of any news-gathering organization.
8. An internet service provider or its affiliates or subsidiaries, a search engine, a cloud service provider, or an application store, may not be held to have violated this section solely for providing access or connection to or from a website or other information or content on the internet or a facility, system, or network not under the provider's control, including transmission, downloading, intermediate storage, access software, or other forms of access or storage to the extent the provider is not responsible for the creation of the content of the communication that constitutes sexual material harmful to a minor.

SECTION 2. APPLICATION. This Act applies to websites accessed on or after the effective date of this Act.

Approved April 24, 2025

Filed April 25, 2025

SPORTS AND AMUSEMENTS

CHAPTER 466

SENATE BILL NO. 2334

(Senators Gerhardt, Barta, Meyer)
(Representatives Koppelman, Rohr)

AN ACT to amend and reenact subsection 2 of section 53-06.1-01 of the North Dakota Century Code, relating to the definition of alcoholic beverage establishment for purposes of conducting gaming; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 53-06.1-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Alcoholic beverage establishment" means an establishment licensed under section 5-01-21 or chapter 5-02 where alcoholic beverages are sold, dispensed, and consumed by guests on the premises. The term does not include a liquor store, gas station, grocery store, or convenience store.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - OWNERSHIP OF ALCOHOLIC BEVERAGE ESTABLISHMENTS BY CHARITABLE GAMING ORGANIZATIONS.

1. During the 2025-26 interim, the legislative management shall consider studying the ownership of alcoholic beverage establishments by licensed charitable gaming organizations. The study must include:
 - a. The prevalence of the ownership of alcoholic beverage establishments by licensed charitable gaming organizations;
 - b. The process of obtaining ownership of alcoholic beverage establishments, including the use of subsidiaries, partnerships, and organizations;
 - c. The benefits and detriments of licensed charitable gaming organizations owning alcoholic beverage establishments; and
 - d. The interaction between gaming manufacturers and distributors and licensed charitable gaming organizations.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 467

HOUSE BILL NO. 1192

(Representatives Frelich, Bahl, Grueneich, J. Johnson, Wagner)
(Senators Burckhard, Klein, Meyer)

AN ACT to amend and reenact subdivision a of subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to the limitation on the value of a primary prize a permitted organization conducting gaming may award.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁰⁰ **SECTION 1. AMENDMENT.** Subdivision a of subsection 1 of section 53-06.1-03 of the North Dakota Century Code is amended and reenacted as follows:

- a. An organization recognized as a public-spirited organization by the governing body of a city or county may apply for permits. A local permit may allow the organization to conduct only raffles, bingo, or sports pools. A restricted event permit may allow the organization to conduct only raffles, bingo, sports pools, paddlewheels, twenty-one, and poker. The organization or closely related organizations as a whole may only award a primary prize that does not exceed ~~eighty-five~~ eighty thousand dollars and total prizes of all games do not exceed ~~forty-five~~ forty thousand dollars per year. These maximum prize amounts do not apply to raffles conducted under chapter 20.1-08. The determination of what is a "public-spirited organization" is within the sole discretion of the governing body. An organization shall disclose on the application its intended use of the net income from the gaming activity. A governing body may issue a permit for games to be held at designated times and places.

Approved March 17, 2025

Filed March 18, 2025

²⁰⁰ Section 53-06.1-03 was also amended by section 1 of House Bill No. 1615, chapter 468.

CHAPTER 468

HOUSE BILL NO. 1615

(Representatives Grueneich, Hagert, Koppelman, Vetter, O'Brien)
(Senator Roers)

AN ACT to amend and reenact subsection 2 of section 53-06.1-03 of the North Dakota Century Code, relating to securing approval for a gaming site authorization.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁰¹ **SECTION 1. AMENDMENT.** Subsection 2 of section 53-06.1-03 of the North Dakota Century Code is amended and reenacted as follows:

2. An eligible organization shall apply for a license to conduct only bingo, electronic quick shot bingo, raffles, calcuttas, pull tabs, punchboards, twenty-one, paddlewheels, poker, or sports pools by:
 - a. First securing approval for a site authorization from the governing body of the city or county in which the proposed site is located. ~~Approval, which may be granted at the discretion of the governing body, The approved authorization~~ must be recorded on a site authorization form that is to accompany the license application to the attorney general for final approval. An eligible organization may request a specific site location on the site authorization form.
 - (1) A governing body may deny a site authorization only in accordance with an ordinance or written policy adopted or amended following public comment. Under the ordinance or policy, the governing body:
 - (a) May not require an eligible organization to donate net proceeds to the city, county, or related political subdivision or for community programs or services within the city or county as a condition for receiving a site authorization from the city or county;
 - (b) May not deny a site authorization solely because the eligible organization has not conducted gaming at the site;
 - (c) May not require that an eligible organization be located at a specific site or require a site to enter a lease with a specific organization as a condition of site authorization;
 - (d) May require a signed agreement between an eligible organization and a site owner before approving a site authorization. The agreement must be contingent on securing approval for the site authorization from the governing body of the city or county;

²⁰¹ Section 53-06.1-03 was also amended by section 1 of House Bill No. 1192, chapter 467.

CHAPTER 469

SENATE BILL NO. 2288

(Senators Dever, Dwyer)
(Representative Klemin)

AN ACT to create and enact a new subsection to section 53-06.1-11.1 of the North Dakota Century Code, relating to the payment of a veterans organization's club expenses with net proceeds from charitable gaming.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 53-06.1-11.1 of the North Dakota Century Code is created and enacted as follows:

A veterans organization may use up to twenty percent of net proceeds per quarter for the costs of food and beverages, including alcoholic beverages, incurred operating the veterans organization's club. A veterans organization may operate one club in one location.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 470

SENATE BILL NO. 2205

(Senators Luick, Dever, Myrdal)
(Representatives Brown, Klemin)

AN ACT to amend and reenact section 53-06.1-11.2 of the North Dakota Century Code, relating to the charitable gaming operating fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 53-06.1-11.2 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-11.2. Charitable gaming operating fund - Attorney general - State treasurer - Allocations - Transfer to the general fund.

1. There is created in the state treasury the charitable gaming operating fund. The fund consists of all gaming taxes, monetary fines, and interest and penalties collected under this chapter.
2. Excluding moneys in the charitable gaming operating fund appropriated by the legislative assembly for administrative and operating costs associated with charitable gaming, the attorney general shall allocate remaining moneys in the charitable gaming operating fund on a quarterly basis as follows:
 - a. ~~Ten thousand~~ Seventy-five thousand dollars to the gambling disorder prevention and treatment fund.
 - b. Subject to legislative appropriations, five percent of the total moneys deposited in the charitable gaming operating fund to cities and counties in proportion to the taxes collected under section 53-06.1-12 from licensed organizations conducting games within each city, for sites within city limits, or within each county, for sites outside city limits. If a city or county allocation is less than two hundred dollars, that city or county is not entitled to receive a payment for the quarter and the undistributed amount must be included in the total amount to be distributed to other cities and counties for the quarter.
3. ~~On or before June thirtieth of each odd numbered year, the attorney general shall certify to the state treasurer the amount of accumulated funds. The attorney general shall transfer to the general fund the balance of net proceeds in the charitable gaming operating fund which exceed the amount appropriated by the legislative assembly for administrative and operating costs associated with charitable gaming for the subsequent biennium. The state treasurer shall transfer the certified amount from the charitable gaming operating fund to the general fund prior to~~ before the end of each biennium.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 471

HOUSE BILL NO. 1253

(Representatives Grueneich, Dockter, Koppelman, J. Olson, Stemen, Wagner)
(Senators Conley, Meyer, Roers)

AN ACT to amend and reenact subsection 10 of section 53-06.1-15.1 of the North Dakota Century Code, relating to the authority of the attorney general to impose fines for gaming violations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 10 of section 53-06.1-15.1 of the North Dakota Century Code is amended and reenacted as follows:

10. Impose a monetary fine on a licensed organization, organization that has a permit, distributor, manufacturer, owner of an authorized site, or third-party business operating gaming and working as an agent of the charity for failure to comply with this chapter or any gaming rule. This fine may be in addition to or in lieu of a license suspension or revocation. The monetary fine for each violation by ~~an~~
 - a. An organization is a minimum of twenty-five dollars and may not exceed two percent of the organization's average quarterly gross proceeds, or five thousand dollars, whichever is greater. ~~The monetary fine for each violation by a~~
 - b. A distributor is a minimum of one hundred dollars and may not exceed five thousand dollars. ~~The monetary fine for each violation by a~~
 - c. A manufacturer is a minimum of five hundred dollars and may not exceed two hundred fifty thousand dollars. ~~This fine may be in addition to or in place of a license suspension or revocation.~~
 - d. An owner of an authorized site is a minimum of two hundred fifty dollars and may not exceed two thousand five hundred dollars.

Approved March 17, 2025

Filed March 18, 2025

STATE GOVERNMENT

CHAPTER 472

HOUSE BILL NO. 1033

(Legislative Management)
(Juvenile Justice Committee)

AN ACT to create and enact section 54-01-09.4 of the North Dakota Century Code, relating to concurrent federal jurisdiction on military installations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 54-01-09.4 of the North Dakota Century Code is created and enacted as follows:

54-01-09.4. United States military installations - Concurrent jurisdiction.

1. The state accepts the relinquishment of exclusive legislative jurisdiction from the United States in accordance with this section.
2. The state has concurrent legislative jurisdiction with the United States over any United States military installation under the control of the United States which is located within the boundaries of this state.
3. The concurrent legislative jurisdiction over a United States military installation under this section is effective upon the governor's written acceptance of a request filed by the principal officer, or other authorized representative who has supervision or control over the military installation under chapter 159 of United States Code title 10 [10 U.S.C. 2683], of the military installation where concurrent legislative jurisdiction is sought, relinquishing exclusive legislative jurisdiction and retaining concurrent legislative jurisdiction over the military installation.
4. The governor may not accept a request filed under subsection 3 unless the request:
 - a. States the name, position, and authority of the individual requesting the cession;
 - b. States the subject matter for the concurrent jurisdiction request;
 - c. Describes by metes and bounds the United States military installation subject to the concurrent legislative jurisdiction request; and
 - d. Indicates whether the request includes future contiguous expansions of land acquired for military purposes.
5. If the governor accepts a request filed under subsection 3:

- a. The governor's acceptance must state each element of the request which is accepted; and
- b. The governor shall submit the following documents to the secretary of state to index and submit copies to the individual who filed the request for concurrent legislative jurisdiction:
 - (1) The request for concurrent legislative jurisdiction;
 - (2) The governor's written acceptance of concurrent legislative jurisdiction; and
 - (3) A description by metes and bounds of the United States military installation subject to the concurrent legislative jurisdiction.
- 6. The state may not incur or assume liability as a result of accepting concurrent legislative jurisdiction under this section.
- 7. After concurrent legislative jurisdiction is established under this section, a state agency or a political subdivision may enter a reciprocal agreement with a United States agency to designate duties related to the concurrent legislative jurisdiction between the parties.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 473

HOUSE BILL NO. 1186

(Representatives Vollmer, D. Anderson)
(Senator Thomas)

AN ACT to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to designating Knife River flint as the official state rock.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-02 of the North Dakota Century Code is created and enacted as follows:

State rock.

Knife River flint is the official rock of the state of North Dakota.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 474

HOUSE BILL NO. 1334

(Representative Heilman)

AN ACT to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to designating rhubarb as the official state vegetable.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-02 of the North Dakota Century Code is created and enacted as follows:

State vegetable.

Rhubarb, rheum rhabarbarum, is the official vegetable of the state of North Dakota.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 475

HOUSE BILL NO. 1397

(Representatives Porter, Holle, Martinson, Rohr, Toman)
(Senator Schaible)

AN ACT to create and enact a new section to chapter 54-02 and a new section to chapter 54-54 of the North Dakota Century Code, relating to the designation of the state waltz and state troubadour; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-02 of the North Dakota Century Code is created and enacted as follows:

State waltz.

"Dancing Dakota", written and composed by Chuck Suchy, is the North Dakota state waltz.

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

State troubadour.

The chairman of the North Dakota council on the arts shall designate an individual to serve as the official state troubadour or trobairitz for a term of five years. The chairman may fill any vacancy by appointment for the unexpired portion of the term vacated.

SECTION 3. APPLICATION. An official state troubadour must be appointed under section 2 of this Act at the conclusion of any term of the inaugural troubadour appointed by resolution by the sixty-ninth legislative assembly.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 476

HOUSE BILL NO. 1248

(Representatives Weisz, Frelich, McLeod, M. Ruby)
(Senators Lee, Dever)

AN ACT to amend and reenact section 54-03-28 of the North Dakota Century Code, relating to the cost-benefit analysis requirement for health insurance mandated coverage of services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-03-28 of the North Dakota Century Code is amended and reenacted as follows:

54-03-28. Health insurance mandated coverage of services - Cost-benefit analysis requirement.

1. ~~If the legislative management determines a legislative measure mandates health insurance coverage of services or payment for specified providers of services, the measure may not be referred to a committee of the legislative assembly unless a cost-benefit analysis provided by the legislative management is appended to that measure.~~
 - a. ~~If a committee of the legislative assembly determines a measure mandating health insurance coverage of services or payment of specified providers was referred to committee without a cost-benefit analysis, the committee shall request the legislative management provide a cost-benefit analysis. The committee may not act on the measure unless the measure is accompanied by the cost-benefit analysis.~~
 - b. ~~If a committee of the legislative assembly determines a proposed amendment to a measure mandates health insurance coverage of services or payment of specified providers, the committee may not act on the proposed amendment unless the amendment is accompanied by a cost-benefit analysis or amended cost-benefit analysis provided by the legislative management.~~
2. ~~Factors considered in the cost-benefit analysis must include:~~
 - a. ~~The extent to which the proposed mandate would increase or decrease the cost of the service.~~
 - b. ~~The extent to which the proposed mandate would increase the appropriate use of the service.~~
 - c. ~~The extent to which the proposed mandate would increase or decrease the administrative expenses of insurers and the premium and administrative expenses of insureds.~~
 - d. ~~The impact of the proposed mandate on the total cost of health care.~~

- ~~3. The legislative management shall adopt a procedure for identifying measures and proposed measures mandating health insurance coverage of services or payment for specified providers of services. The procedure must include solicitation of draft measures and proposals during the interim between legislative sessions from legislators and agencies with bill introduction privileges and must include deadlines for identification of the measures or proposals.~~
2. Except as provided in subsection 3, a committee of the legislative assembly may not act on a legislative measure that the legislative management or committee determines mandates health insurance coverage of services or payment for specified providers of services unless the measure as recommended by the committee provides:

 - a. The measure is effective through June thirtieth of the next odd-numbered year following the year in which the legislative assembly enacted the measure, and after that date the measure is ineffective.
 - b. The application of the mandate is limited to the public employees health insurance program and the public employee retiree health insurance program. The application of ~~such the~~ mandate begins with every contract for health insurance which becomes effective after June thirtieth of the year in which the measure becomes effective.
 - c. ~~That for the next legislative assembly, the public employees retirement system shall prepare and request introduction of a bill to repeal the expiration date and to extend the mandated coverage or payment to apply to accident and health insurance policies. The public employees retirement system shall append to the bill provide to the employee benefits programs~~ committee a report regarding the effect of the mandated coverage or payment on the system's health insurance programs. The report must include information on the utilization and costs relating to the mandated coverage or payment and a recommendation on whether the coverage or payment should continue for the system's health insurance programs. For purposes of this section, the bill is not a legislative measure mandating health insurance coverage of services or payment for specified providers of services, unless the bill is amended following introduction so as to change the bill's mandate.
- ~~4. The legislative management shall adopt a procedure for identifying measures and proposed measures mandating health insurance coverage of services or payment for specified providers of services. The procedure must include solicitation of draft measures and proposals during the interim between legislative sessions from legislators and agencies with bill introduction privileges and must include deadlines for identification of the measures or proposals.~~
3. If the legislative management determines a legislative measure mandating health insurance coverage of services or payment for specified providers of services has completed the process under subsection 2, the measure may not be referred to a committee of the legislative assembly unless a cost-benefit analysis provided by the legislative management is appended to the measure.

 - a. If a committee of the legislative assembly determines a measure or a proposed amendment to the measure mandating health insurance

- coverage of services or payment of specified providers of services was referred to committee without a cost-benefit analysis, the committee shall request the legislative management provide a cost-benefit analysis.
- b. The committee may not act on the measure unless the measure is accompanied by the cost-benefit analysis.
4. Factors considered in the cost-benefit analysis must include:
- a. The extent to which the proposed mandate would increase or decrease the cost of the service.
- b. The extent to which the proposed mandate would increase the appropriate use of the service.
- c. The extent to which the proposed mandate would increase or decrease the administrative expenses of insurers and the premium and administrative expenses of insureds.
- d. The impact of the proposed mandate on the total cost of health care.
5. ~~The legislative council shall contract with a private entity, after receiving one or more recommendations from the insurance commissioner, to provide the legislative management the cost-benefit analysis required by this section. The insurance commissioner shall pay the cost of the contracted services to the entity providing the services.~~

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 477

HOUSE BILL NO. 1170

(Representatives Motschenbacher, Bahl, Christy, Fisher, Dressler)
(Senators Cleary, Dwyer, Gerhardt)

AN ACT to amend and reenact section 54-06-14 of the North Dakota Century Code, relating to state employee annual leave; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-06-14 of the North Dakota Century Code is amended and reenacted as follows:

54-06-14. Annual leave and sick leave for state employees.

1.
 - a. Annual leave and sick leave must be provided for all ~~persons~~ individuals in the permanent employment of this state who are not employed under a written contract of hire setting forth the terms and conditions of their employment, within the limitations, terms, and provisions of this section.
 - b. A state agency, unit, or entity that employs an individual subject to this section shall, upon hire, grant the individual forty hours of new hire leave to use within the first year of employment. Any new hire leave remaining after completion of the first year of employment is eliminated. New hire leave is not earned paid time off and is not paid out upon separation of employment.
 - c. Annual leave for an employee entitled to it must be within a range of a minimum of one working day per month of employment to a maximum of two working days per month of employment, based on tenure of employment, to be fixed by rules adopted by the employing unit. The employing unit may grant, at hire, annual leave within the parameters of one to two working days per month, which may exceed the amount based on tenure of employment, if the position being hired for was previously identified as a hard-to-fill occupation under subsection 5 of section 54-06-31 and the agency has satisfied the requirements under subsection 1 of section 54-06-31. Sick leave for an employee entitled to it must be within a range of a minimum of one working day per month of employment to a maximum of one and one-half working days per month of employment, based on tenure of employment, to be fixed by rules adopted by the employing unit.
 - d. Annual leave must be compensated for on the basis of full pay for the number of working days' leave credited to the employee. Sick leave must be compensated for on the basis of full pay for absence due to illness on working days during tenure of employment. An employee with at least ten continuous years of state employment is entitled to a lump sum payment equal to one-tenth of the pay attributed to the employee's unused sick leave accrued under this section. An employee's years of state employment must be deemed continuous if, under the official personnel policy of an agency, unit, or entity, the employee's work is terminated

because of a reduction in force and the employee is reinstated in any agency, unit, or entity within two years, or if the employee is placed on voluntary leave status without pay and the leave lasts no longer than two years for education purposes, or one year for any other voluntary leave without pay. The pay attributed to the accumulated, unused sick leave must be computed on the basis of the employee's salary or wage at the time the employee leaves the employ of the state and at the rate of one hour of pay for each hour of unused sick leave. The agency, unit, or entity that last employed the employee shall make the lump sum payment from funds appropriated by the legislative assembly to that agency, unit, or entity for salaries and wages. ~~Any~~

2. A state agency, unit, or entity which employs persons ~~an individual~~ subject to this section shall formulate and adopt rules governing the granting of annual leave and sick leave which will effectuate the purpose of this section and best suit the factors of employment of that employing unit. Each employing unit shall file with the office of management and budget a copy of the rules adopted, including any amendments or additions to the rules.

SECTION 2. EFFECTIVE DATE. This Act becomes effective on May 1, 2026.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 478

HOUSE BILL NO. 1599

(Representatives O'Brien, Dockter, Martinson, Mitskog, Schreiber-Beck)
(Senators Axtman, Roers)

AN ACT to amend and reenact section 54-06-14.7 of the North Dakota Century Code, relating to shared leave for state employees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-06-14.7 of the North Dakota Century Code is amended and reenacted as follows:

54-06-14.7. State leave sharing program - Rulemaking. (Retroactive application - See note)

1. The human resource management services division of the office of management and budget shall establish a state leave sharing program for permanent employees of the state. The program must provide for a mechanism for state employees to donate accrued annual and sick leave to an employee who does not have available leave who is suffering from a severe, extreme, or life-threatening condition, or who is caring for an immediate relative or household member who is suffering from a severe, extreme, or life-threatening condition.
2. A temporary employee or contracted employee with a limited-term appointment is not eligible to participate in the leave sharing program. An employee may not use more than four months donated leave in any twelve-month period and an employee may not retain leave beyond the occurrence necessitating the leave.
3. The human resource management services division shall:
 - a. Require medical certification from a physician, physician assistant, psychologist, or advanced practice nurse practitioner verifying the ~~severe, extreme, or life-threatening nature of the~~ medical condition and the expected duration of the condition;
 - b. Track the amount of leave taken by permanent state employees under the program; and
 - c. Adopt rules in accordance with chapter 28-32 to implement this section.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 479

SENATE BILL NO. 2308

(Senators Roers, Hogue)
(Representatives Lefor, Louser)

AN ACT to create and enact a new section to chapter 23.1-01, a new section to chapter 54-07, and two new sections to chapter 61-03 of the North Dakota Century Code, relating to standards for well drilling and installation of water well pumps, pitless units, and monitoring wells, a boards review task force, a water well contractors advisory board, and requirements for firms engaged in water well work, installation of water well pump and pitless units, monitoring well work, and drilling of geothermal systems; to amend and reenact section 6-09-43, subdivision j of subsection 2 of section 15.1-01-04, sections 15.1-07-33 and 23-35-02.2, subsection 1 of section 50-06-01.4, sections 52-02-02 and 52-02-08, subsection 1 of section 54-07-01.2, sections 54-54-05, 54-59-26, 54-59-27, 54-59-34, 54-59-36, 54-59-37, 54-59-39, 61-03-01.3, 61-04.1-03, 61-04.1-08, 61-04.1-09, 61-04.1-12, 61-04.1-14, 61-04.1-15, 61-04.1-16, 61-04.1-17, 61-04.1-18, 61-04.1-19, 61-04.1-20, 61-04.1-21, 61-04.1-33, 61-04.1-34, 61-04.1-37, 61-04.1-38, and 61-04.1-39, and subdivision a of subsection 2 of section 65-02-03.1 of the North Dakota Century Code, relating to the wastewater recycling treatment guide, boards and commissions, the unemployment insurance advisory council, gubernatorial appointments, the committee on aging, health information technology advisory committee, statewide longitudinal data system committee, atmospheric resource board, the department of health and human services, the council on the arts, the state engineer, the superintendent of public instruction, job service North Dakota, and workforce safety and insurance coordinating committee; to repeal chapter 8-11.1, sections 12-48-06.1, 15.1-37-05, 15.1-37-06, and 15.1-37-08, chapter 17-07, sections 19-24.1-38, 19-24.1-39, and 23-35-02.3, chapters 34-16 and 43-35, sections 50-06-05.6, 50-06.4-10, 50-11.1-25, 50-11.1-26, 50-11.1-27, 52-02-07, 54-34.3-10, 54-54-10, 54-59-25, 54-59-33, 54-59-35, 54-59-38, 54-60-25, 55-01-13, 55-01-14, 61-04.1-04, 61-04.1-05, 61-04.1-06, 61-04.1-07, and 61-04.1-10, and chapter 61-36 of the North Dakota Century Code, relating to occupational and professional boards, the midwest interstate passenger rail compact, prison industry advisory committee, energy policy commission, medical marijuana advisory committee, onsite wastewater recycling technical committee, state board of water well contractors, committee on aging, brain injury advisory council, early childhood council, unemployment insurance advisory council, commission on the status of women, health information technology advisory committee, poet laureate nominating board, rural development council, America 250 commission, atmospheric resource board, and Devils Lake outlet management advisory committee; to provide for a legislative management report; to provide an effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 6-09-43 of the North Dakota Century Code is amended and reenacted as follows:

6-09-43. Health information technology planning loan fund - Appropriation.

1. The health information technology planning loan fund is established in the Bank for the purpose of providing low-interest loans to health care entities to assist those entities in improving health information technology infrastructure. This fund is a revolving loan fund. All moneys transferred into the fund, interest upon moneys in the fund, and collections of interest and principal on loans made from the fund are appropriated for disbursement according to this section.
2. The Bank shall make loans from this fund to health care entities as approved by the health information technology office director, ~~in collaboration with the health information technology advisory committee~~, in accordance with the criteria established by the health information technology director under section 54-59-26.
3. The Bank shall administer the health information technology planning loan fund. Funds in the loan fund may be used for loans as provided under this section and the costs of administration of the fund. Annually, the Bank may deduct a service fee for administering the revolving loan fund maintained under this section.
4. An application for a loan under this section must be made to the health information technology office. The health information technology office director, ~~in collaboration with the health information technology advisory committee~~, may approve the application of a qualified applicant that meets the criteria established by the health information technology office director. The health information technology office shall forward approved applications to the Bank. Upon approval of the application by the Bank, the Bank shall make the loan from the revolving loan fund as provided under this section.
5. The Bank may do all acts necessary to negotiate loans and preserve security as deemed necessary, to exercise any right of redemption, and to bring suit in order to collect interest and principal due the revolving loan fund under mortgages, contracts, and notes executed to obtain loans under this section. If the applicant's plan for financing provides for a loan of funds from sources other than the state of North Dakota, the Bank may make a loan subordinate security interest. The Bank may recover from the revolving loan fund amounts actually expended by the Bank for legal fees and to effect a redemption.

²⁰² **SECTION 2. AMENDMENT.** Subdivision j of subsection 2 of section 15.1-01-04 of the North Dakota Century Code is amended and reenacted as follows:

j. The following gubernatorial appointees:

(1) ~~An individual representing the statewide longitudinal data system committee;~~

(2) An individual representing tribal school interests;

(2) An individual employed as a public school administrator;

(3) An individual employed as a public school principal;

²⁰² Section 15.1-01-04 was also amended by section 1 of Senate Bill No. 2262, chapter 164.

- ~~(5)(4)~~ An individual employed as a public elementary school teacher;
- ~~(6)(5)~~ An individual employed as a public secondary school teacher;
- ~~(7)(6)~~ A director of a special education unit; and
- ~~(8)(7)~~ A director of a regional education association.

²⁰³ **SECTION 3. AMENDMENT.** Section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-33. Student information system - Exemption.

1. Notwithstanding any other technology requirements imposed by the superintendent of public instruction or the information technology department, each school district shall implement the state student information system administered by the ~~information technology department~~superintendent of public instruction and use it as its principal student information system. Each school district shall use a state course code, assigned by the department of public instruction, to identify all local classes in the state student information system.
2. The ~~statewide longitudinal data system committee~~superintendent of public instruction may exempt a school district from having to implement and utilize the state student information system if the school district demonstrates ~~that~~:
 - a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or
 - b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent.

²⁰⁴ **SECTION 4. AMENDMENT.** Section 23-35-02.2 of the North Dakota Century Code is amended and reenacted as follows:

23-35-02.2. Public health units to adopt onsite wastewater recycling treatment guide.

Each public health unit shall adopt the statewide technical guide for onsite wastewater recycling treatment technologies and sewage distribution technologies established by the ~~onsite wastewater recycling technical committee~~department of environmental quality.

SECTION 5. A new section to chapter 23.1-01 of the North Dakota Century Code is created and enacted as follows:

²⁰³ Section 15.1-07-33 was also amended by section 3 of House Bill No. 1357, chapter 169.

²⁰⁴ Section 23-35-02.2 was repealed by section 4 of Senate Bill No. 2267, chapter 248.

Standards for well drilling and installation of water well pumps, pitless units, and monitoring wells - Reports required.

1. All construction of water wells must comply with the rules adopted by the department of environmental quality.
2. All installation of water well pumps and pitless units must comply with the rules adopted by the department of environmental quality.
3. All monitoring wells constructed must comply with the rules adopted by the department of environmental quality. Each monitoring well contractor shall furnish all reports required by the rules of the department.
4. All drilling of geothermal systems must comply with the rules adopted by the department of environmental quality and the state geologist.

²⁰⁵ **SECTION 6. AMENDMENT.** Subsection 1 of section 50-06-01.4 of the North Dakota Century Code is amended and reenacted as follows:

1. The department includes the state hospital, the regional human service centers, a vocational rehabilitation unit, public health division, and other units or offices and administrative and fiscal support services as the commissioner of the department determines necessary. The department must be structured to promote efficient and effective operations and, consistent with fulfilling its prescribed statutory duties, shall act as the official agency of the state in the discharge of the following functions not otherwise by law made the responsibility of another state agency:
 - a. (1) Administration of programs for children and families, including adoption services and the licensure of child-placing agencies, foster care services and the licensure of foster care arrangements, certification of shelter care services, child protection services, children's trust fund, licensure of early childhood programs, refugee services, in-home community-based services, quality control, and administration of the interstate compacts on the placement of children and juveniles, and the early childhood services advisory board.
 - (2) Administration of programs to identify all available options for effectively maximizing the provision of early childhood services within the state and address the coordinated utilization of facilities and personnel for the provision of early childhood services within the state.
 - b. Administration of programs for individuals with developmental disabilities, including licensure of facilities and services, the establishment funding for family members and corporate guardianships, and the design and implementation of a community-based service system for persons in need of habilitation.
 - c. Administration of aging service programs, including nutrition, transportation, advocacy, social, ombudsman, recreation, and related services funded under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.], home and community-based services, licensure of adult foster care homes, and the committee on aging.

²⁰⁵ Section 50-06-01.4 was also amended by section 16 of Senate Bill No. 2113, chapter 441.

- d. Administration of behavioral health programs, including reviewing and identifying service needs and activities in the state's behavioral health system in an effort to ensure health and safety, access to services, and quality of services; establishing quality assurance standards for the licensure of substance use disorder program services and facilities; providing policy leadership in partnership with public and private entities; and providing chronic disease management, regional intervention services, and twenty-four-hour crisis services for individuals with behavioral health disorders.
- e. Administration of economic assistance programs, including temporary assistance for needy families, the supplemental nutrition assistance program, home energy assistance, child care assistance, refugee assistance, work experience, work incentive, and quality control.
- f. Administration of medical service programs, including medical assistance for children's health insurance program, Medicaid waivers, early and periodic screening, diagnosis and treatment, utilization control, autism services, and claims processing.
- g. Administration of general assistance.
- h. Administration of child support.
- i. Administration of program, services, and licensing outlined in title 23 and other previous duties of the state department of health and state health council.
- j. Administration of a program to improve the quality of life for an individual with brain injury and the individual's family through brain injury awareness, prevention, research, education, collaboration, support services, and advocacy.

SECTION 7. AMENDMENT. Section 52-02-02 of the North Dakota Century Code is amended and reenacted as follows:

52-02-02. Powers, duties, organization, and methods of procedure of bureau - Seal.

The bureau may adopt, amend, or rescind ~~such~~ rules and regulations, make ~~such~~ expenditures, require ~~such~~ reports, make ~~such~~ investigations, and take ~~such~~ other action as it deems necessary or suitable in the administration of the North Dakota unemployment compensation law. ~~Such rules~~ All rules and regulations are effective upon publication in the manner, not inconsistent with the provisions of the North Dakota unemployment compensation law, which the bureau shall prescribe. The bureau shall determine its own organization and methods of procedure in accordance with the provisions of the North Dakota unemployment compensation law and shall have an official seal which shall be noticed judicially.

SECTION 8. AMENDMENT. Section 52-02-08 of the North Dakota Century Code is amended and reenacted as follows:

52-02-08. Bureau and advisory councils to take steps to stabilize employment.

The bureau, ~~with the advice and aid of its advisory councils, and~~ through its appropriate divisions, shall take appropriate steps to:

1. Reduce and prevent unemployment.
2. Encourage and assist in the adoption of practical methods of career and technical education training, retraining, and career development counseling.
3. Investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the state, of reserves for public works to be used in times of business depression and unemployment.
4. Promote the re-employment of unemployed workers throughout the state in every other way that may be feasible.
5. Carry on and publish the results of investigations and research studies.

SECTION 9. AMENDMENT. Subsection 1 of section 54-07-01.2 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding sections 2-05-01, 4.1-05-02, 4.1-26-02, 6-01-03, 6-09-02.1, 12-55.1-02, 12-59-01, 15-39.1-05.1, 15.1-01-01, 15.1-13-02, 20.1-02-23, 23.1-01-02, 36-01-01, 37-18.1-01, ~~50-06-05.6, 54-34.3-10, 54-54-02, 55-01-01, and 61-02-04,~~ all members of the following boards and commissions must, subject to the limitations of this section, be considered to have resigned from such boards and commissions effective January first of the first year of each four-year term of the governor:
 - a. The aeronautics commission.
 - b. The milk marketing board.
 - c. The dairy promotion commission.
 - d. The state banking board.
 - e. The state credit union board.
 - f. The advisory board of directors to the Bank of North Dakota.
 - g. The pardon advisory board.
 - h. The state parole board.
 - i. The state board of public school education.
 - j. The education standards and practices board.
 - k. The board of trustees of the teachers' fund for retirement.
 - l. The state game and fish advisory board.

- m. The environmental review advisory council.
- n. The board of animal health.
- o. The administrative committee on veterans' affairs.
- p. ~~The committee on aging.~~
- q. ~~The commission on the status of women.~~
- r. The North Dakota council on the arts.
- s-q. The state historical board.
- t-r. The state water commission.

SECTION 10. A new section to chapter 54-07 of the North Dakota Century Code is created and enacted as follows:

Boards review task force - Report to legislative management.

1. The office of the governor shall provide staffing and administrative services to the boards review task force. The task force shall:
 - a. Review and assess all boards, commissions, committees, councils, and task forces for inefficiencies and duplication of responsibilities; and
 - b. Make recommendations to the legislative assembly regarding minimizing and streamlining government operations through the consolidation or elimination of boards, commissions, committees, councils, and task forces.
2. In addition to the governor or the governor's designee, who shall serve as the presiding officer of the task force, the task force must include:
 - a. A member of the senate, appointed by the senate majority leader.
 - b. A member of the house of representatives, appointed by the house of representatives majority leader.
 - c. A representative of an organization representing cities, appointed by the governor.
 - d. A representative of an organization representing counties, appointed by the governor.
 - e. A representative of the business community, appointed by the governor.
 - f. A representative of an occupational licensing board, appointed by the governor.
 - g. A member at large, appointed by the governor.
3. A member of the task force who is not a state employee is entitled to reimbursement for mileage and expenses as provided by law for state officers and employees, to be paid by the office of the governor. A state employee who is a member of the task force is entitled to receive that employee's regular

salary and is entitled to reimbursement for mileage and expenses to be paid by the employing agency. A member of the task force who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the task force. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the task force who is a member of the legislative assembly.

4. Before October 1, 2026, the task force shall provide a report of its findings and recommendations and any proposed legislation necessary to implement the recommendations to the legislative management.

SECTION 11. AMENDMENT. Section 54-54-05 of the North Dakota Century Code is amended and reenacted as follows:

54-54-05. Duties of council.

The duties of the council are:

1. To stimulate and encourage throughout the state the study and presentation of the performing and fine arts and public interest and participation therein.
2. To make such surveys as may be deemed advisable of public and private institutions engaged within the state in artistic and cultural activities, including but not limited to, music, theater, dance, painting, sculpture, architecture, and allied arts and crafts, and to make recommendations concerning appropriate methods to encourage participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the state.
3. To take such steps as may be necessary and appropriate to encourage public interest in the cultural heritage of our state and to expand the state's cultural resources.
4. To encourage and assist freedom of artistic expression essential for the well-being of the arts.
5. To determine the artistic value of property as provided by section 1-08-04.1.
6. To administer a poet laureate program that selects the poet laureate and requires the poet laureate to participate in at least four public events around the state each year.

SECTION 12. AMENDMENT. Section 54-59-26 of the North Dakota Century Code is amended and reenacted as follows:

54-59-26. Health information technology office - Duties - Loan and grant programs.

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 an 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.~~

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 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.
 - f. Facilitate and expand electronic health information exchange in the state, directly or by awarding grants.
 - g. Establish an application process and eligibility criteria for and accept and process applications for loans and grants under subdivisions e and f. The eligibility criteria must be consistent with federal requirements associated with federal funds received under subdivision a. The eligibility 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.
 - 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.
 - i. Consult and coordinate with the department of health and 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.
3. ~~If the health information technology advisory committee determines that establishing a health information exchange with another state or states will assist in providing health information exchange services in a cost effective~~

~~manner, the~~The health information technology office director, ~~in collaboration with the health information technology advisory committee,~~ may join with another state or states to establish, implement, and administer a health information exchange consistent with ~~other provisions of this chapter.~~

SECTION 13. AMENDMENT. Section 54-59-27 of the North Dakota Century Code is amended and reenacted as follows:

54-59-27. Health information technology office - Electronic health information exchange fund.

1. There is created an electronic health information exchange fund. The fund consists of moneys deposited in the fund from federal or other sources or moneys transferred into the fund as directed by the legislative assembly. The health information technology office shall administer this fund and shall distribute moneys in the fund accordingly. The moneys in the fund must be used to facilitate and expand electronic health information exchange. Moneys in the fund may be used, subject to legislative appropriations, to provide services directly, for grants as provided under this section, and for the costs of administration of the fund.
2. A grant applicant shall submit an application to the health information technology office, which shall determine the applicant's eligibility based upon criteria established by the health information technology office director ~~in collaboration with the health information technology advisory committee.~~
3. This section does not create an entitlement to any funds available for grants under this section. The health information technology office may award these grants to the extent funds are available and, within the office's discretion, to the extent such applications are approved.

SECTION 14. AMENDMENT. Section 54-59-34 of the North Dakota Century Code is amended and reenacted as follows:

54-59-34. Statewide longitudinal data system ~~committee~~ department - Information technology department - Duties.

1. The ~~statewide longitudinal data system committee~~department shall manage a statewide longitudinal data system among education, workforce, and training entities that:
 - a. Provides for the dissemination of management information to stakeholders and partners of state education, training, and employment systems;
 - b. Is required to provide on an annual basis to education and workforce development programs, to the extent permitted by federal law, the wage record interchange system 2 data sharing agreement and the state wage interchange system data sharing agreement and state performance reports that measure the aggregate outcomes of participants in the workforce and continuing education programs, including private workforce and education programs that request the reports; and
 - c. Uses data from educational and workforce systems as central sources of statewide longitudinal data.

2. The department may, subject to federal and state privacy laws, enter interagency agreements, including agreements designating authorized representatives of the educational agencies participating in the system, under the Family Educational Rights and Privacy Act [20 U.S.C. 1232(g); 34 CFR 99].
3. ~~The statewide longitudinal data system committee~~department shall establish policies and adopt rules addressing access to and the collection, storage, and sharing of information and the systems necessary to perform those functions, subject to applicable federal and state privacy laws and interagency agreements and restrictions relating to confidential information required to conform to applicable federal and state privacy laws.
- ~~3-4.~~ ~~The statewide longitudinal data system committee~~department shall provide operational oversight for information sharing activities and make recommendations for and provide oversight of information sharing budgets.
- ~~4-5.~~ ~~The statewide longitudinal data system committee in consultation with the information technology department shall:~~
 - a. Establish the terms and conditions under which a person may be authorized to access data through the statewide longitudinal data system;
 - b. Direct that all statewide longitudinal data system administrators implement approved data protection practices to ensure the security of electronic and physical data, provided that the practices include requirements for encryption and staff training;
 - c. Provide for biennial privacy and security audits of the statewide longitudinal data system;
 - d. Establish protocols, including procedures, for the notification of students and parents in the event of a data breach involving the statewide longitudinal data system;
 - e. Require that data retention and disposition by the statewide longitudinal data system be governed by the same policies as those instituted for the information technology department; and
 - f. Require the provision of annual training regarding data protection to any individuals who have access to the statewide longitudinal data system, including school district employees, employees of the North Dakota university system office and institutions under the control of the state board of higher education, and elected or appointed state or local governmental officials.
6. The department may authorize studies to benefit and improve workforce training and education.

SECTION 15. AMENDMENT. Section 54-59-36 of the North Dakota Century Code is amended and reenacted as follows:

54-59-36. Statewide longitudinal data system ~~committee~~ - Report to legislative management.

During each interim the ~~statewide longitudinal data system committee~~department shall provide a report regarding the statewide longitudinal data system to one or more committees designated by the legislative management and shall provide recommendations for further development, cost proposals, proposals for legislation, and recommendations for data sharing governance.

SECTION 16. AMENDMENT. Section 54-59-37 of the North Dakota Century Code is amended and reenacted as follows:

54-59-37. Statewide longitudinal data system ~~committee~~ - Continuing appropriation.

The ~~statewide longitudinal data system committee~~department may solicit and receive gifts, grants, and donations from public and private sources. Any moneys received in accordance with this section are appropriated on a continuing basis for the support of the statewide longitudinal data system.

SECTION 17. AMENDMENT. Section 54-59-39 of the North Dakota Century Code is amended and reenacted as follows:

54-59-39. State agencies - Mandatory provision of information - Confidentiality.

1. The information technology department may request from any state agency:
 - a. All information required by 20 U.S.C. 9871(e)(2)(D);
 - b. Any other educational information ~~the statewide longitudinal data system committee determines is~~ required for a longitudinal data system to comply with state or federal law; and
 - c. Unemployment insurance wage data from job service North Dakota for education and workforce development program evaluations, except that the information technology department may not redisclose any data identifying an individual unless the redisclosure is expressly permitted by a written agreement between job service North Dakota and the department or is otherwise expressly permitted or required by federal or state law.
2. A state agency providing information requested under subsection 1 shall enter an interagency agreement with the department which identifies applicable federal and state privacy laws and agency-established restrictions relating to its confidential information the agency has determined is required to comply with federal and state privacy laws.
3. Subject to applicable restrictions on the use and disclosure of confidential information required to comply with federal and state privacy laws and the terms of the interagency agreement, any state agency receiving a request for information under subsection 1 shall provide the information at the time and in the manner required by the information technology department.

SECTION 18. AMENDMENT. Section 61-03-01.3 of the North Dakota Century Code is amended and reenacted as follows:

61-03-01.3. Director - State engineer - Powers and duties.

1. The director shall:
 - a. Enforce all rules adopted by the department;
 - b. Hire a state engineer who is a qualified professional engineer, has appropriate hydrology experience, and will report to the director;
 - c. Hire other employees as necessary to carry out the duties of the department and director;
 - d. Organize the department in an efficient manner; and
 - e. Take any other action necessary and appropriate for administration of the department.
 - f. Adopt rules to license water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.
 - g. Advise the governor and the state water commission regarding operations of Devils Lake outlets.
 - h. Recommend an operational plan for the Devils Lake outlet based on Sheyenne River capacity and water quality considerations.
2. The state engineer is responsible for and shall manage the department's oversight of dam safety, water appropriations, and construction and drainage permits, and associated technical duties related to public safety and property protection.

SECTION 19. A new section to chapter 61-03 of the North Dakota Century Code is created and enacted as follows:

Water well contractors advisory board.

1. The water well contractors advisory board is established and consists of:
 - a. The director, or director's designee.
 - b. Three water well contractors, appointed by the governor.
 - c. One geothermal system driller or one monitoring well contractor, appointed by the governor.
 - d. One water well pump and pitless unit installer, appointed by the governor.
 - e. One member at large, appointed by the governor.
2. The advisory board:
 - a. Shall advise the department in the adoption and implementation of rules for the certification and regulation of water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.

- b. May receive reports from the department on the status and activities of the certification and regulation of water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.
- c. May provide recommendations to the department and the legislative management on the certification and regulation of water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.
- d. Shall collaborate with the department to manage the fiduciary responsibilities of certification and regulation of water well contractors, water well pump and pitless unit installers, monitoring well contractors, and geothermal system drillers.

SECTION 20. A new section to chapter 61-03 of the North Dakota Century Code is created and enacted as follows:

Requirements for firms engaged in water well work, installation of water well pumps and pitless units, monitoring well work, and drilling of geothermal systems - Exceptions.

- 1. A person, partnership, association, corporation, or limited liability company may not engage in the business of constructing a water well in this state unless at all times a certified water well contractor, who is responsible for the proper construction or alteration of a water well, is in charge. This section does not prohibit any person, partnership, association, corporation, or limited liability company from constructing any water well on the person's or entity's own premises for the person's or entity's own use.
- 2. A person may not engage in the business of installing water well pumps and pitless units in the state after July 1, 1986, unless a certified installer, who is responsible for the proper installation of the pump and pitless unit, is in charge of the installation. This chapter does not prohibit any person from installing water well pumps and pitless units on that person's own premises for that person's own use.
- 3. A person may not engage in the business of constructing a monitoring well in this state unless at all times a certified monitoring well contractor, who is responsible for the proper construction or alteration of the monitoring well, is in charge. This section does not prohibit any person from installing a monitoring well on that person's own premises for that person's own use.
- 4. A person may not engage in the business of drilling geothermal systems in the state after July 1, 2008, unless a certified driller, who is responsible for the proper drilling of the geothermal system, is in charge of the drilling. This section does not prohibit a person from drilling geothermal systems on that person's own premises for that person's own use.
- 5. Within thirty days after the completion of each well, each water well contractor shall report to the department, on forms provided by the department, any information required by the department, including a log of formations penetrated, well depth, and casing size and weight. Each water well contractor shall provide a copy of the report to the customer. All information submitted to the department must remain the property of the department.

SECTION 21. AMENDMENT. Section 61-04.1-03 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-03. Definitions.

As used in this chapter, unless the context otherwise requires:

1. ~~"Board" means the North Dakota atmospheric resource board which, in the exercise of the powers granted under this chapter, has all of the powers of an administrative agency as defined in chapter 28-32.~~
2. "Controller" refers to any licensee duly authorized in this state to engage in weather modification operations.
- ~~3-2.~~ "Geographical region" means a geographical area with a contiguous boundary that may enclose a portion of any county or counties.
- ~~4-3.~~ "Hail suppression" refers to the activation of any process that will reduce, modify, suppress, eliminate, or soften hail formed in clouds or storms.
- ~~5-4.~~ "Increasing precipitation" refers to the activation of any process that will actually result in greater amounts of moisture reaching the ground in any area from a cloud or cloud system than would have occurred naturally.
- ~~6-5.~~ "Initiating precipitation" refers to the process of causing precipitation from clouds which could not otherwise have occurred naturally or inducing precipitation significantly earlier than would have occurred naturally.
- ~~7-6.~~ "Operation" means the performance of any weather modification activity undertaken for the purpose of producing or attempting to produce any form of modifying effect upon the weather within a limited geographical area or within a limited period of time.
- ~~8-7.~~ "Research and development" means exploration, field experimentation, and extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production of models, devices, equipment, materials, and processes.
- ~~9-8.~~ "Weather modification" means and extends to the control, alteration, and amelioration of weather elements, including man-caused changes in the natural precipitation process, hail suppression or modification, and alteration of other weather phenomena, including clouds, temperature, wind direction, and velocity, and the initiating, increasing, decreasing, and otherwise modifying by artificial methods of precipitation in the form of rain, snow, hail, mist, or fog through cloud seeding, electrification, or by other means to provide immediate practical benefits.
- ~~10-9.~~ "Weather modification authority" means the governing body created by a board of county commissioners under section 61-04.1-22.1, 61-04.1-23, 61-04.1-27, 61-04.1-29, or 61-04.1-31.

SECTION 22. AMENDMENT. Section 61-04.1-08 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-08. Powers and duties of ~~board~~the department.

The ~~board~~department has the following powers and duties:

1. ~~The board shall appoint an executive director to serve at the board's discretion and to perform duties assigned by the board.~~
2. ~~The board shall authorize the employment of staff the board deems necessary to carry out the provisions of this chapter. The executive director shall hire the staff, subject to the approval of the board.~~
3. The ~~board~~department shall adopt rules concerning qualifications, procedures, and conditions for issuance, revocation, suspension, and modification of licenses and permits; standards and instructions governing weather modification operations, including monitoring and evaluation, recordkeeping, and reporting, and the ~~board~~department shall establish procedures and forms for this recordkeeping and reporting. The ~~board~~department may adopt all other rules necessary to the administration of this chapter. The provisions of chapter 28-32 apply to this chapter and rules of the ~~board~~department must be published in the North Dakota Administrative Code.
- 4-2. The ~~board~~department may contract with any person to carry out weather modification operations and, in connection with regulated weather modification operations in a county or geographical region, shall carry on monitoring and evaluation activities.
- 5-3. The ~~board~~department may order any person who is conducting weather modification operations in violation of this chapter or any rules adopted to implement this chapter, to cease and desist from those operations and the order is enforceable in any court of competent jurisdiction within this state.
- 6-4. The ~~board~~department may cooperate and contract with any person engaged in activities similar to the work of the ~~board~~department and may make contracts and agreements to carry out programs consistent with the purpose and intent of this chapter. The ~~board~~department may request and accept any grants of funds or services from any person and expend these funds or use these services to carry out this chapter.
- 7-5. The ~~board~~department shall monitor the current state of knowledge regarding the magnitude and impacts of possible regional and global climatic changes and shall provide information to other state agencies that may benefit from this knowledge.
- 8-6. The ~~board~~department shall administer and enforce the provisions of this chapter and do all things reasonably necessary to effectuate the purposes of this chapter.
- 9-7. The ~~board~~department may plan and study a hail suppression pilot program that would provide urban and rural hail suppression operations statewide or to any portion of the state.

SECTION 23. AMENDMENT. Section 61-04.1-09 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-09. ~~Board~~Department of water resources to establish research and development program - Hail suppression pilot program.

1. The ~~board~~department of water resources shall establish a program of weather modification research and development in this state. The ~~board~~department shall supervise and coordinate all research and development activities in the state or research and development activities outside of the state participated in or conducted by any state institution or state or county agency.
2. If the ~~board~~department plans and studies a hail suppression pilot program, the ~~board~~department may conduct a planning phase that includes studying the impact on the environment, providing public education, and formulating an operations plan.

SECTION 24. AMENDMENT. Section 61-04.1-12 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-12. Exemptions.

The ~~board~~department of water resources may provide by rule for exemption of the following activities from the license and permit requirements of section 61-04.1-11:

1. Research and development conducted by the state, political subdivisions of the state, colleges and universities of the state, agencies of the federal government, or bona fide research corporations.
2. Weather modification operations of an emergency nature taken against fire, frost, or fog.

Exempted activities ~~shall must~~ be conducted so as not to unduly interfere with weather modification operations conducted under a permit issued in accordance with this chapter.

SECTION 25. AMENDMENT. Section 61-04.1-14 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-14. Issuance of license - Fee.

The ~~board~~department of water resources shall provide, by rule, the procedure and criteria for the issuance of a license. The ~~board~~department, in accordance with its rules, shall issue a weather modification license to each applicant who:

1. Pays a license fee of fifty dollars.
2. Demonstrates competence to engage in weather modification operations, to the satisfaction of the ~~board~~department.
3. Designates an agent for the service of process pursuant to section 61-04.1-13 or chapter 10-19.1.

Each license issued by the ~~board~~department is nontransferable and ~~shall expire~~expires on December thirty-first of the year of issuance. A license ~~shall be~~is revocable for cause at any time prior to such date if, after holding a hearing upon due notice, the ~~board~~department determines that cause for revocation exists. License fees collected by the ~~board~~department ~~must~~ be paid into the general fund in the state treasury.

SECTION 26. AMENDMENT. Section 61-04.1-15 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-15. Revocation or suspension of license.

The ~~board~~department of water resources may suspend or revoke a license for any of the following reasons:

1. Incompetency.
2. Dishonest practice.
3. False or fraudulent representations made in obtaining a license or permit under this chapter.
4. Failure to comply with any provisions of this chapter or any rules adopted by the ~~board~~department pursuant to this chapter.

SECTION 27. AMENDMENT. Section 61-04.1-16 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-16. Permit required - Issuance of permit - Fee.

1. A weather modification permit ~~shall be~~ required for each geographical area, as set out in the operational plan required by subdivision b, in which a person intends to conduct weather modification operations. Each permit issued by the ~~board shall expire~~department of water resources expires on December thirty-first of the year of issuance. A person applying for a weather modification operational permit shall file an application with the ~~board~~department, in such form as the ~~board shall prescribe~~department prescribes, which application ~~shall~~must be accompanied by an application fee of twenty-five dollars and contain such information as the ~~board~~department, by rule, may require, and in addition, each applicant for a permit shall:
 - a. Furnish proof of financial responsibility as provided by section 61-04.1-19.
 - b. Set forth a complete operational plan for the proposed operation which ~~shall~~must include a specific statement of its nature and object, a map of the proposed operating area which specifies the primary target area for the proposed operation and shows the area that is reasonably expected to be affected by such operation, a statement of the approximate time during which the operation is to be conducted, a list of the materials and methods to be used in conducting the operation, and such other detailed information as may be needed to describe the operation.
2. The ~~board~~department may issue the permit if it determines that:
 - a. The applicant holds a valid weather modification license issued under this chapter.
 - b. The applicant has furnished satisfactory proof of financial responsibility in accordance with section 61-04.1-19.
 - c. The applicant has paid the required application fee.
 - d. The operation:

- (1) Is reasonably conceived to improve water quantity or quality, reduce loss from weather hazards, provide economic benefits for the people of this state, advance scientific knowledge, or otherwise carry out the purposes of this chapter.
 - (2) Is designed to include adequate safeguards to minimize or avoid possible damage to the public health, safety, welfare, or the environment.
 - (3) Will not adversely affect another operation for which a permit has been issued.
- e. The applicant has North Dakota workforce safety and insurance coverage for all employees working in this state.
 - f. The applicant has furnished a performance bond as required by section 61-04.1-34.
 - g. The applicant has complied with such other requirements for the issuance of permits as may be required by the rules ~~and regulations~~ of the ~~board~~department.
 - h. The applicant has furnished a bid bond.
 - i. The applicant has registered, with the North Dakota aeronautics commission, any aircraft intended to be used in connection with the operation.

To carry out the objectives and purposes of this chapter, the ~~board~~department may condition and limit permits as to primary target areas, time of the operation, materials, equipment, and methods to be used in conducting the operation, emergency shutdown procedure, emergency assistance, and such other operational requirements as may be established by the ~~board~~department.

3. The ~~board shall~~department may issue only one permit at a time for operations in any geographical area if two or more operations conducted in such an area according to permit limitations might adversely interfere with one another.
4. All permit fees collected by the ~~board shall~~department must be paid into the general fund of the state treasury.

SECTION 28. AMENDMENT. Section 61-04.1-17 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-17. Hearings.

The ~~board~~department of water resources shall give public notice, in the official county newspaper or newspapers in the area of the state reasonably expected to be affected by operations conducted under a permit, that it is considering an application for such permit, and, if objection to the issuance of the permit is received by the ~~board~~department within twenty days, the ~~board~~department may hold a public hearing for the purpose of obtaining information from the public concerning the effects of issuing the permit. The ~~board~~department may ~~also~~ hold such hearings upon its own motion.

SECTION 29. AMENDMENT. Section 61-04.1-18 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-18. Revocation, suspension, or modification of permit.

The board department of water resources may suspend or revoke a permit if it appears that the permittee no longer has the qualifications necessary for the issuance of an original permit or has violated any provision of this chapter, or any of the rules adopted under it.

The board department may revise the conditions and limits of a permit if:

1. The permittee is given notice and a reasonable opportunity for a hearing, to be held in accordance with chapter 28-32.
2. It appears to the board department that a modification of the conditions and limits of a permit is necessary to protect the public's health, safety, welfare, or the environment.

If it appears to the board department that an emergency situation exists or is impending which could endanger the public's health, safety, welfare, or the environment, the board department may, without prior notice or hearing, immediately modify the conditions or limits of a permit, or order temporary suspension of a permit. The issuance of such an order ~~shall~~ must include notice of a hearing to be held within ten days thereafter on the question of permanently modifying the conditions and limits or continuing the suspension of the permit. Failure to comply with an order temporarily suspending an operation or modifying the conditions and limits of a permit ~~shall be~~ is grounds for immediate revocation of the license and permit of the person controlling or engaged in the operation.

SECTION 30. AMENDMENT. Section 61-04.1-19 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-19. Proof of financial responsibility.

Proof of financial responsibility is made by showing to the satisfaction of the board department of water resources that the permittee has the ability to respond in damages to liability which might reasonably result from the operation for which the permit is sought. ~~Such proof~~ Proof of financial responsibility may be shown by:

1. Presentation to the board department of proof of a prepaid noncancelable insurance policy against such liability, in an amount approved by the board department.
2. Filing with the board department a corporate surety bond, cash, or negotiable securities in an amount approved by the board department.

SECTION 31. AMENDMENT. Section 61-04.1-20 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-20. Board Department of water resources may create operating districts - Representation of noncontracting counties.

The board department of water resources may place any county or geographical region for which a person contracts with the state for weather modification operations in any operational district the board department determines necessary to best provide that county or geographical region with the benefits of weather modification. In

determining the boundaries of an operating district, the ~~board~~department shall consider the patterns of crops within the state, climatic patterns, and the limitations of aircraft and other technical equipment. The ~~board~~department may assign any county that has not created a weather modification authority under this chapter to an operating district solely for the purpose of representation on the operations committee of that district.

SECTION 32. AMENDMENT. Section 61-04.1-21 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-21. District operations advisory committees created - Duties.

1. There must be a district operations advisory committee in each operations district created in accordance with section 61-04.1-20. Each committee must be composed of one commissioner of the weather modification authority, if a weather modification authority exists, from each county within the district; a representative of each person contracting for a geographical region assigned to the district; and one member of the board of county commissioners from each county assigned to the district. Each advisory committee, upon majority vote, with the concurrence of the ~~board~~department of water resources, shall adopt rules and bylaws necessary to govern that committee's procedures and meetings. Each committee shall evaluate weather modification operations within that committee's district and make recommendations and proposals to the ~~board~~department concerning these operations.
2. The weather modification authority of any county authorized to contract for weather modification operations under this chapter which is not assigned to an operations district shall assume the functions of the district operations committee and may exercise the powers and duties assigned to the operations committees by this chapter and by the rules of the ~~board~~department.

SECTION 33. AMENDMENT. Section 61-04.1-33 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-33. Bids required - When.

~~Whenever the board shall undertake to contract~~department of water resources contracts with any licensed controller in an amount in excess of ten thousand dollars in any one year, the ~~board~~department shall advertise for proposals for such weather modification activities and, in its proceedings with respect to bids therefor, shall substantially follow the manner and form required by the laws of this state for the purchase of supplies by the office of management and budget. The ~~board~~department ~~may not enter into a~~ contract or agreement for weather modification services except with a controller, holding the permit as required by this chapter, except for the purpose of gathering technical information, and making studies or surveys.

SECTION 34. AMENDMENT. Section 61-04.1-34 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-34. Performance bond, cash, or negotiable securities required.

~~Before the board shall contract~~department of water resources contracts with any controller, ~~the department~~ shall require the controller to furnish a surety bond or cash or negotiable securities for the faithful performance of the contract in such amount as determined by the ~~board~~department, conditioned that the licensee and the licensee's

agents will in all respects faithfully perform all weather modification contracts undertaken with the ~~board~~department and will comply with all provisions of this chapter and the contract entered into by the ~~board~~department and the licensee.

SECTION 35. AMENDMENT. Section 61-04.1-37 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-37. Liability of controller.

1. An operation conducted under the license and permit requirements of this chapter is not an ultrahazardous or abnormally dangerous activity which makes the permittee subject to liability without fault.
2. Dissemination of materials and substances into the atmosphere by a permittee acting within the conditions and limits of the permittee's permit ~~shall~~do not constitute trespass.
3. Except as provided in this section and in section 61-04.1-36, ~~nothing in this chapter shall~~does not prevent any person adversely affected by a weather modification operation from recovering damages resulting from negligent or intentionally harmful conduct by a permittee.
4. The fact that a person holds a license or was issued a permit under this chapter, or that the person has complied with the rules adopted by the ~~board pursuant to~~department of water resources under this chapter, is not admissible as a defense in any legal action which may be brought against the person.

SECTION 36. AMENDMENT. Section 61-04.1-38 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-38. ~~Board~~Department of water resources may receive and expend funds.

1. The ~~board~~department of water resources may receive and accept in the name of the state any funds that are offered or become available from any federal grant or appropriation, private gift, donation, or bequest, county funds, or funds from any other source except license and permit fees, and to expend these funds for the expense of administering this chapter, and, with the exception of county funds and funds from any other person contracting with the ~~board~~department for weather modification operations, for the encouragement of research and development in weather modification by any private person, the North Dakota state university, the university of North Dakota, or any other appropriate state, county, or public agency in this state by direct grant, contract, or other means.
2. All federal grants, federal appropriations, private gifts, donations, or bequests, county funds, or funds from any other source except license and permit fees, received by the ~~board~~department must be paid over to the state treasurer, who shall credit this amount to ~~a special fund in the state treasury known as the state weather modification fund~~the water commission fund. All proceeds deposited by the state treasurer in the ~~state weather modification~~water commission fund are appropriated to the ~~board~~department and, if expended, must be disbursed by warrant-check prepared by the office of management and budget upon vouchers submitted by the ~~board~~department and must be used for the purpose of paying for the expense of administration of this

chapter and, with the exception of county funds or funds from any other person contracting with the ~~board~~department for weather modification operations, for the encouragement of research and development in weather modification by any private person, the North Dakota state university, the university of North Dakota, or any other appropriate state, county, or public agency by direct grant, contract, or other means.

SECTION 37. AMENDMENT. Section 61-04.1-39 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-39. Payment for weather modification - State to provide funds.

Any weather modification authority or person that contracted with the ~~board~~department of water resources for weather modification operations under this chapter shall appropriate to the ~~state weather modification~~water commission fund the amount determined by the ~~board~~department to be necessary to provide that weather modification authority or person with weather modification operations. The ~~board~~department may expend, from the ~~state weather modification~~water commission fund, the funds the ~~board~~department deems necessary to provide a contracting weather modification authority or person with weather modification operations.

SECTION 38. AMENDMENT. Subdivision a of subsection 2 of section 65-02-03.1 of the North Dakota Century Code is amended and reenacted as follows:

- a. A departing member representing an employer must be replaced by a member representing an employer, most of whose employees are in a different rate classification than those of the employer represented by the departing member. The governor shall appoint the member for an employer representative from a list of three potential candidates submitted by ~~a coordinating committee appointed by the governor, composed of an organization of business associations. The organization shall accept qualified candidate recommendations received from~~ representatives from the associated general contractors of North Dakota, the North Dakota petroleum council, the greater North Dakota chamber of commerce, the North Dakota motor carriers association, the North Dakota hospital association, the national federation of independent business, the lignite energy council, and other statewide business interests.

²⁰⁶ **SECTION 39. REPEAL.** Chapter 8-11.1, sections 12-48-06.1, 15.1-37-05, 15.1-37-06, and 15.1-37-08, chapter 17-07, sections 19-24.1-38, 19-24.1-39, and 23-35-02.3, chapters 34-16 and 43-35, sections 50-06-05.6, 50-06.4-10, 50-11.1-25, 50-11.1-26, 50-11.1-27, 52-02-07, 54-34.3-10, 54-54-10, 54-59-25, 54-59-33, 54-59-35, 54-59-38, 54-60-25, 61-04.1-04, 61-04.1-05, 61-04.1-06, 61-04.1-07, and 61-04.1-10, and chapter 61-36 of the North Dakota Century Code are repealed.

SECTION 40. REPEAL. Sections 55-01-13 and 55-01-14 of the North Dakota Century Code are repealed.

²⁰⁶ Section 23-35-02.3 was also repealed by section 4 of Senate Bill No. 2267, chapter 248. Section 43-35-13 was amended by section 1 of Senate Bill No. 2058, chapter 400. Section 43-35-14 was amended by section 2 of Senate Bill No. 2058, chapter 400. Section 43-35-17 was amended by section 3 of Senate Bill No. 2058, chapter 400. Section 43-35-21 was amended by section 4 of Senate Bill No. 2058, chapter 400. Section 43-35-23 was amended by section 5 of Senate Bill No. 2058, chapter 400. Section 43-35-16 was also repealed by section 6 of Senate Bill No. 2058, chapter 400.

SECTION 41. EFFECTIVE DATE. Section 40 of this Act is effective December 31, 2026.

SECTION 42. EXPIRATION DATE. Sections 10 and 19 of this Act are effective through December 1, 2026, and after that date are ineffective.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 480

SENATE BILL NO. 2176

(Senators Axtman, Hogan)
(Representatives O'Brien, Pyle)

AN ACT to create and enact a new section to chapter 54-07 of the North Dakota Century Code, relating to the children's cabinet and designated working groups; to repeal section 50-06-43.1 of the North Dakota Century Code, relating to the children's cabinet; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁰⁷ **SECTION 1.** A new section to chapter 54-07 of the North Dakota Century Code is created and enacted as follows:

Children's cabinet - Membership - Duties - Working groups - Report.

1. The children's cabinet is created to assess, guide, and coordinate the care for children and families across the state's branches of government and the tribal nations.
2. The children's cabinet is composed of:
 - a. The governor, or the governor's designee;
 - b. The chief justice of the supreme court, or the chief justice's designee;
 - c. Two members of the house of representatives, appointed by the majority leader of the house of representatives to serve two-year terms;
 - d. Two members of the senate, appointed by the majority leader of the senate to serve two-year terms;
 - e. The superintendent of public instruction, or the superintendent's designee;
 - f. The director of the committee on protection and advocacy, or the director's designee;
 - g. The commissioner of the department of health and human services, or the commissioner's designee;
 - h. A representative of the tribal nations in the state, who is appointed by the governor; and
 - i. Five individuals, appointed by the governor to serve a term of two years at the pleasure of the governor, consisting of:
 - (1) A local school representative;

²⁰⁷ Section 54-07-13 was amended by section 43 of House Bill No. 1012, chapter 11.

- (2) A local special education representative;
 - (3) A human service zone director;
 - (4) A representative of a private agency that provides direct services to vulnerable children; and
 - (5) A parent.
- 3. The governor, in collaboration with the chairman of the legislative management, shall appoint as the presiding officer of the children's cabinet a member of the governor's cabinet or a legislator serving on the children's cabinet. The children's cabinet shall select one of its members to serve as the vice-presiding officer.
- 4. The children's cabinet shall meet at least quarterly. Additional meetings may be held at the discretion of the presiding officer.
- 5. The children's cabinet shall:
 - a. Coordinate broad-based leadership across programs, agencies, branches of government, and tribal nations to meet the needs of children and families;
 - b. Develop strategies to address gaps or needs regarding early care and education, medical and behavioral health, community, child welfare, and juvenile justice;
 - c. Develop strategies to provide for the full continuum of care in the delivery of services, including promotion, prevention, early identification and intervention, service delivery, and recovery;
 - d. Seek to engage cooperation across public and private service providers;
 - e. Provide a comprehensive vision for how and where children are best served, attending to children and families in a respectful and relevant manner;
 - f. Seek strategies to provide services to children without consideration of prior engagement with juvenile services;
 - g. Provide for the active participation of consumers and providers statewide on advisory committees;
 - h. Receive information and recommendations from the department of health and human services, department of corrections and rehabilitation, and other state agencies;
 - i. Establish and oversee designated working groups to develop policies impacting children and families; and
 - j. Provide an annual report to the legislative management and governor regarding the activities and findings of:
 - (1) The children's cabinet; and

(2) Other designated working groups on children and family issues.

6. The office of the governor shall provide staffing and administrative services for the children's cabinet and coordinate with other designated working groups on children and family issues.
7.
 - a. The presiding officer of the children's cabinet may designate working groups and appoint or remove liaisons to serve on the working groups.
 - b. A member of the children's cabinet or working group who is not a state employee is entitled to reimbursement for mileage and expenses as provided by law for state officers and employees, to be paid by the office of the governor.
 - c. A state employee who is a member of the children's cabinet or working group is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses to be paid by the employing agency.
 - d. A member of the children's cabinet or working group who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the children's cabinet or working group. The legislative council shall pay the per diem compensation and reimbursement for travel and such expenses as provided by law for any member of the children's cabinet or working group who is a member of the legislative assembly.

SECTION 2. REPEAL. Section 50-06-43.1 of the North Dakota Century Code is repealed.

Approved April 8, 2025

Filed April 8, 2025

CHAPTER 481

SENATE BILL NO. 2251

(Senators Cleary, Weston, Castaneda, Paulson)
(Representatives M. Ruby, Rohr)

AN ACT to amend and reenact section 54-10-01, subsection 5 of section 54-10-14, and sections 54-10-22 and 54-10-27 of the North Dakota Century Code, relating to audits conducted by the state auditor and charges for audits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-10-01 of the North Dakota Century Code is amended and reenacted as follows:

54-10-01. Powers and duties of state auditor - Report. (Retroactive application - See note)

1. The state auditor shall:
 - a. Be vested with the duties, powers, and responsibilities involved in performing the postaudit of all financial transactions of state government, detecting and reporting any defaults, and determining that expenditures have been made in accordance with law and appropriation acts.
 - b. Perform or provide for the audit of the general purpose financial statements and a review of the material included in the comprehensive annual financial report of the state in accordance with government auditing standards.
 - c. Except for the audit of the department of financial institutions as outlined in section 54-10-31, perform or provide for audits of state agencies in accordance with government auditing standards and legislative audit and fiscal review committee guidelines developed under section 54-35-02.10. Except for the annual audit of the North Dakota lottery required by section 53-12.1-03, the state auditor shall audit each state agency once every two to four years. Audits may be conducted at more frequent intervals if requested by the governor or the legislative audit and fiscal review committee. ~~The state auditor shall charge an amount equal to the cost of the audit and other services rendered by the state auditor to all agencies that receive and expend moneys from other than the general fund. This charge may be reduced for an agency that receives and expends both general fund and nongeneral fund moneys. The charge for an audit of an agricultural commodity group listed in section 4.1-44-04 must be six thousand dollars for an annual financial statement audit or four thousand dollars for a two-year single page financial statement audit performed during the biennium ending June 30, 2025, and may be increased by five percent on July first of each odd-numbered year thereafter. State agencies shall use nongeneral fund moneys to pay for the cost of the audit. If nongeneral fund moneys are not available, the agency may, upon approval of the legislative assembly, or the budget section if the legislative assembly is not in session, use general fund moneys to pay for the audit. Any budget section action under this subdivision must comply with section 54-35-02.9.~~

- d. Except for the audit of the department of financial institutions as outlined in section 54-10-31, perform or provide for performance audits of state agencies, or the agencies' blended component units or discreetly presented component units, as determined necessary by the legislative assembly, or the legislative audit and fiscal review committee if the legislative assembly is not in session. When determining the necessity of a performance audit, the legislative audit and fiscal review committee shall consider:
 - (1) The potential cost-savings or efficiencies that may be gained as a result of the performance audit;
 - (2) The staff resources of the state auditor's office and of the state agency being audited which will be required to conduct the audit;
 - (3) The potential for discovery of noncompliance with state law or legislative intent regarding the program or agency; and
 - (4) The potential for the performance audit to identify opportunities for program improvements.
- e. Report quarterly to the legislative audit and fiscal review committee regarding:
 - (1) Communication processes with audited entities and any changes to the processes;
 - (2) Billing practices and procedures, including the use of cost estimates for audits, an itemized invoicing methodology, and a defined change order process for audits that exceed the original estimate;
 - (3) Information on audits completed, including:
 - (a) Name of the audited organization;
 - (b) Organization type;
 - (c) Audit type;
 - (d) Audit period;
 - (e) Estimated and actual hours and costs; and
 - (f) Total audit cost and the total cost as a percentage of the audited organization's operating budget; and
 - (4) Audit schedules, including audits performed by private firms and audits performed by the state auditor's office.
- f. Report on the functions of the state auditor's office to the governor and the secretary of state in accordance with section 54-06-04 or more often as circumstances may require.
- g. Perform work on mineral royalties for the federal government in accordance with section 1735(a) of the Mineral Lands and Mining Act [30 U.S.C. 1735 et seq.].

- i. Report to the legislative audit and fiscal review committee regarding final report distribution policies and practices and any final audit reports released to the public prior to distribution of the final audit report to all individuals charged with the governance of the audit client.
 - i. Perform all other duties as prescribed by law.
2. The state auditor may:
- a. Conduct any work required by the federal government and charge an amount equal to the cost of the audit to be paid by the audited federal funds of the appropriate government agency and deposited into the general fund.
 - b. Within the resources available to the state auditor, perform or provide for performance audits of state agencies as determined necessary by the state auditor.
 - c. Audit the International Peace Garden at the request of the board of directors of the International Peace Garden.
 - d. Contract with a private certified public accountant or other qualified professional to conduct or assist with an audit, review, or other work the state auditor is authorized to perform or provide for under this section. Before entering any contract, the state auditor shall present information to the legislative audit and fiscal review committee on the need for the contract and its estimated cost and duration. Except for performance audits conducted under subdivision d of subsection 1 or subdivision b of this subsection and except for audits of occupational or professional boards, the state auditor shall execute the contract and any executive branch agency, including higher education institutions, shall pay the fees of the contractor. For performance audits conducted under subdivision d of subsection 1 or subdivision b of this subsection, the state auditor may charge a state agency for the cost of a contract relating to an audit, subject to approval by the legislative assembly or the legislative audit and fiscal review committee if the legislative assembly is not in session. When considering a request, the legislative audit and fiscal review committee shall consider the effect of the audit cost on the agency being audited, the necessity of the contract, and the potential benefit to the state resulting from the contract. The state auditor shall notify the affected agency of the potential cost before requesting approval from the legislative assembly or the legislative audit and fiscal review committee.
3. Notwithstanding subdivision c of subsection 1 and subdivision d of subsection 2, the state auditor may not charge audit fees to an institution of higher education, agency, or office under the control of the state board of higher education, including passthrough grants, except for a proportional share of audit fees on federal programs or grants to the extent those audited federal programs or grants provide for allowable cost recovery. Institutions without an approved indirect cost recovery fund may not be assessed audit fees on closed federal programs.

²⁰⁸ **SECTION 2. AMENDMENT.** Subsection 5 of section 54-10-14 of the North Dakota Century Code is amended and reenacted as follows:

5. A political subdivision may not pay a public accountant for an audit until the state auditor has accepted the audit. However, a political subdivision may make progress payments to the public accountant. A political subdivision shall retain ~~twenty~~^{twenty-five} percent of any progress payment until the audit report is accepted by the state auditor.

SECTION 3. AMENDMENT. Section 54-10-22 of the North Dakota Century Code is amended and reenacted as follows:

54-10-22. Public officers to aid state auditor - Auditor's authority on investigation - Referral of open records request.

1. The officers and employees of all departments, institutions, boards, commissions, and political subdivisions, subject to examination by the state auditor, shall afford all reasonable facilities for the investigation provided for in this title and shall make returns and exhibits to the auditor under oath in ~~such~~ form and in ~~such~~ manner as the auditor may prescribe.
2. The auditor shall have full power and authority to audit any books, papers, accounts, bills, vouchers, and other documents or property of any and all departments, boards, commissions, political subdivisions, and financial institutions subject to the auditor's audit. The auditor shall have authority to audit under oath any or all trustees, managers, officers, employees, or agents of any such departments, boards, commissions, or political subdivisions. When necessary, the auditor shall employ stenographers or clerical help, the expense incurred to be collected by the auditor from the respective department, institution, board, commission, or political subdivision.
3. If the auditor receives a request for access to or inspection of information submitted to the auditor by a department, institution, board, commission, or political subdivision, the auditor shall refer the request to the submitting department, institution, board, commission, or political subdivision for response. The referral of a request under this subsection satisfies the responsibility of the auditor to respond to a request for public records under chapter 44-04.

SECTION 4. AMENDMENT. Section 54-10-27 of the North Dakota Century Code is amended and reenacted as follows:

54-10-27. Occupational and professional boards - Audits and reports.

The governing board of any occupational or professional board shall provide for an audit once every two years by a certified public accountant or licensed public accountant. The accountant conducting the audit shall submit the audit report to the state auditor's office. If the report is in the form and style prescribed by the state auditor, the state auditor may not audit that board. An occupational or professional board may request the state auditor to conduct its audit, and if the state auditor agrees to conduct the audit, the state auditor shall deposit the fees charged to the occupational or professional board into the state auditor operating account. Instead of providing for an audit every two years, an occupational or professional board that has

²⁰⁸ Section 54-10-14 was also amended by section 1 of Senate Bill No. 2299, chapter 591.

less than ~~two hundred thousand~~two million dollars of annual receipts may submit an annual report to the state auditor. The report must contain the 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 occupational or professional board an amount equal to the fair value of the additional examination or audit and any other services rendered. The state auditor may charge an occupational or professional board a fee not to exceed ninety dollars an hour for the costs of reviewing the annual report.

Approved April 21, 2025

Filed April 22, 2025

CHAPTER 482

HOUSE BILL NO. 1278

(Representatives Lefor, Vigesaa, Vollmer, Swiontek)
(Senators Bekkedahl, Hogue, Patten, Rummel)

AN ACT to create and enact two new sections to chapter 54-11 of the North Dakota Century Code, relating to the management of moneys in the state treasury and a cash management board; to provide a report; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-11 of the North Dakota Century Code is created and enacted as follows:

Moneys in the state treasury - Management.

The state treasurer in coordination with the Bank of North Dakota and the cash management board shall review existing policies and procedures and, if necessary, develop policies and procedures for the management of moneys in the state treasury. For purposes of this section, moneys in the state treasury:

1. Include the general fund and special funds.
2. Exclude the veterans' postwar trust fund and funds invested by the state investment board and the board of university and school lands.

SECTION 2. A new section to chapter 54-11 of the North Dakota Century Code is created and enacted as follows:

Cash management board - Report.

1. The cash management board is created to:
 - a. Review existing policies and, if necessary, develop policies in coordination with the state treasurer and the Bank of North Dakota for the management of moneys in the state treasury.
 - b. Provide transparency regarding the state's consolidated financial position.
 - c. Identify state agency and interagency cash flow characteristics and processes.
 - d. Review state agency cash management technology and opportunities to improve state cash management practices.
 - e. Review state agency and statewide operational cash flow requirements and forecast cash flow needs.
 - f. Identify cash management practices to improve cash structures and to provide transaction efficiencies.

2. The board shall review existing policies and, if necessary, develop policies with a goal of managing moneys in the state treasury to ensure principal preservation and adequate liquidity for the state's cash flow needs while maximizing total return based on an appropriate level of statewide risk. The policies may include:
 - a. An appropriate tiered cash flow structure.
 - b. Authorization to commingle, for management purposes, moneys in the state treasury when determined to be advantageous.
 - c. Prioritization to optimize cash flow structuring to align with the mission of state agencies and the state's consolidated financial position.
3. The Bank of North Dakota shall provide staff services to the board.
4. Upon request, a state agency shall provide information to the board regarding cash flow and liquidity needs, including projections for the timing of revenues and expenditures.
5. The board consists of:
 - a. The governor or the governor's designee who shall serve as the chairman;
 - b. The director of the office of management and budget or the director's designee;
 - c. The president of the Bank of North Dakota or the president's designee;
 - d. Two members of the house of representatives appointed by the house majority leader;
 - e. Two members of the senate appointed by the senate majority leader; and
 - f. The state treasurer or the state treasurer's designee.
6. Legislative members of the board are entitled to receive compensation and expense reimbursement as provided under section 54-03-20 and reimbursement for mileage as provided by law for state officers. The legislative council shall pay the compensation and expense reimbursement for the legislative members.
7. The board shall provide at least one report each fiscal year to the budget section.

SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 2028, and after that date is ineffective.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 483

SENATE BILL NO. 2050

(State and Local Government Committee)
(At the request of the Attorney General)

AN ACT to amend and reenact subsection 1 of section 54-12-24 of the North Dakota Century Code, relating to the director of the state crime laboratory.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 54-12-24 of the North Dakota Century Code is amended and reenacted as follows:

1. A state crime laboratory is created as a division of the office of the attorney general. This division consists of a director, the state toxicologist, and such other personnel as may be appointed by the attorney general. The state crime laboratory may establish and charge fees for services rendered. The state crime laboratory must be administratively separated from the bureau of criminal investigation. The director ~~serves at the pleasure of the attorney general and~~ is entitled to receive a salary set by the attorney general within the limits of legislative appropriation.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 484

HOUSE BILL NO. 1308

(Representatives Satrom, Brandenburg, Schneider, Ostlie)
(Senators Clemens, Conley)

AN ACT to amend and reenact sections 54-12-33 and 54-12-33.1 of the North Dakota Century Code, relating to duties of the human trafficking commission and immunity for reporting human trafficking; to provide a continuing appropriation; and to provide a contingent effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁰⁹ **SECTION 1. AMENDMENT.** Section 54-12-33 of the North Dakota Century Code is amended and reenacted as follows:

54-12-33. Human trafficking commission.

1. The attorney general ~~may shall~~ 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.~~ In addition to the attorney general designees, the commission must include:
 - a. A legislator from the majority party, appointed by the chairman of the legislative management;
 - b. A legislator from the minority party, appointed by the chairman of the legislative management;
 - c. An individual from the department of health and human services child and family services division, appointed by the commissioner of the department of health and human services;
 - d. An individual representing a rural school district, appointed by the superintendent of public instruction;
 - e. An individual representing one of the state's largest ten school districts, appointed by the superintendent of public instruction;
 - f. An individual representing tribal nations, appointed by the North Dakota united tribes tribal chairman's association;
 - g. An individual from the North Dakota state's attorneys' association, appointed by the executive director of the North Dakota state's attorneys' association; and

²⁰⁹ Section 54-12-33 was also amended by section 2 of House Bill No. 1308, chapter 484.

- h. An individual from the governor's office, appointed by the governor.
- 2. The attorney general or the attorney general's designee shall serve as the presiding officer of the commission.
- 3. The commission shall:
 - a. Collect and evaluate data on human trafficking in this state and submit an annual report to the attorney general, governor, and legislative assembly;
 - b. Promote awareness and provide information to education personnel and the general public about human trafficking, victim remedies and services, and trafficking prevention;
 - c. Promote training on human trafficking prevention and victim services for state and local employees and members of regulated occupations and professions who may have recurring contact with victims or perpetrators;
 - d. Promote training on human trafficking investigation and prosecution and on missing and murdered indigenous people 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;
 - e. Present annually regarding human trafficking awareness and prevention at professional development conferences directed toward teachers, administrators, and support staff which are hosted by educational organizations in this state or by the department of public instruction; ~~and~~
 - f. Facilitate annual prevention and awareness education for students on human trafficking and exploitation; and
 - g. Conduct other appropriate activities.

²¹⁰ **SECTION 2. AMENDMENT.** Section 54-12-33 of the North Dakota Century Code is amended and reenacted as follows:

54-12-33. Human trafficking commission.

- 1. The attorney general shall 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. In addition to the attorney general designees, the commission must include:
 - a. A legislator from the majority party, appointed by the chairman of the legislative management;
 - b. A legislator from the minority party, appointed by the chairman of the legislative management;

²¹⁰ Section 54-12-33 was also amended by section 1 of House Bill No. 1308, chapter 484.

- c. An individual from the department of health and human services child and family services division, appointed by the commissioner of the department of health and human services;
 - d. An individual representing a rural school district, appointed by the superintendent of public instruction;
 - e. An individual representing one of the state's largest ten school districts, appointed by the superintendent of public instruction;
 - f. An individual representing tribal nations, appointed by the North Dakota united tribes tribal chairman's association;
 - g. An individual from the North Dakota state's attorneys' association, appointed by the executive director of the North Dakota state's attorneys' association; and
 - h. An individual from the governor's office, appointed by the governor.
2. The attorney general or the attorney general's designee shall serve as the presiding officer of the commission.
3. The commission shall:
- a. Collect and evaluate data on human trafficking in this state and submit an annual report to the attorney general, governor, and legislative assembly;
 - b. Promote awareness and provide information to education personnel and the general public about human trafficking, victim remedies and services, and trafficking prevention;
 - c. Promote training on human trafficking prevention and victim services for state and local employees and members of regulated occupations and professions who may have recurring contact with victims or perpetrators;
 - d. Promote training on human trafficking investigation and prosecution and on missing and murdered indigenous people 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;
 - e. Present annually regarding human trafficking awareness and prevention at professional development conferences directed toward teachers, administrators, and support staff which are hosted by educational organizations in this state or by the department of public instruction;
 - f. Facilitate annual prevention and awareness education for students on human trafficking and exploitation, in accordance with the new section to chapter 15.1-09, as created by Senate Bill No. 2330, as approved by the sixty-ninth legislative assembly; and
 - g. Conduct other appropriate activities.

SECTION 3. AMENDMENT. Section 54-12-33.1 of the North Dakota Century Code is amended and reenacted as follows:

54-12-33.1. Human trafficking prevention training - Exemptions - Immunity - Continuing appropriation.

1. As used in this section:
 - a. "Human trafficking" means human trafficking as defined in chapter 12.1-41.
 - b. "Human trafficking commission" means the commission established under section 54-12-33.
 - c. "Lodging establishment" means any hotel, motel, resort, building, or structure that is used to provide sleeping accommodations to transient guests.
 - d. "Proprietor" means the person in charge of a lodging establishment and includes an owner, lessee, and manager.
 - e. "Regulated occupation or profession" includes a profession regulated by the education standards and practices board, an occupation or profession regulated under title 43, and an attorney licensed to practice law in this state.
2. ~~Within ninety days of the effective date of this section, the~~The human trafficking commission shall establish an educational training program with a focus on the accurate and prompt identification and reporting of, or response to, suspected human trafficking. To the extent possible, the human trafficking commission shall allow the use of existing training modules and materials. The training must include:
 - a. Human trafficking awareness;
 - b. How to recognize potential victims of human trafficking;
 - c. How to identify activities commonly associated with human trafficking; and
 - d. Effective responses to human trafficking situations, including how to report suspected human trafficking to law enforcement.
3. A proprietor may:
 - a. Provide each onsite employee with the training described in subsection 2.
 - b. In an employee roster or in each employee's personnel file, annually certify each employee has received the training approved by the human trafficking commission.
 - c. Conduct an ongoing awareness campaign for employees which addresses the information described in subsection 2.
4. A proprietor may post and maintain a poster approved and provided by the human trafficking commission which contains the information described in subsection 2. The poster must include the contact information for an organization that provides assistance and support services to human trafficking victims. The poster may be visibly displayed at the lodging establishment's check-in area, lobby, or transient guest services.

5. An entity that regulates an occupation or profession may accept the training described in subsection 2 for continuing education credit.
6. A proprietor or employee of a lodging establishment or a member of a regulated occupation or profession who acts in good faith is immune from liability in any civil action for reporting suspected human trafficking activities but a member of a regulated occupation or profession may be subject to disciplinary action for the reporting if the reporting violates an applicable ethics regulation imposed by the member's regulated occupation or profession.
- ~~6-7.~~ The human trafficking commission may seek, apply for, accept, and receive any donation, gift, grant, or bequest offered or tendered from public or private sources for the purpose of furthering the objectives of the human trafficking prevention training and incentivizing proprietors and members of a regulated occupation or profession to participate in the human trafficking prevention training. All moneys received or accepted under this subsection are appropriated on a continuing basis to the human trafficking commission.

SECTION 4. CONTINGENT EFFECTIVE DATE. Section 2 of this Act becomes effective if the new section to chapter 15.1-09 of the North Dakota Century Code, as created by Senate Bill No. 2330, is approved by the sixty-ninth legislative assembly.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 485

HOUSE BILL NO. 1199

(Representatives Holle, Davis, Finley-DeVille, Brown, Frelich, Grueneich, Porter)
(Senators Braunberger, Cory, Patten, Marcellais)

AN ACT to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the collection of data on missing persons and the missing indigenous people task force; to amend and reenact section 54-12-34 of the North Dakota Century Code, relating to the criminal justice data information sharing system; to provide for a legislative management report; to provide an appropriation; to provide a continuing appropriation; to provide for a transfer; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-12-34 of the North Dakota Century Code is amended and reenacted as follows:

54-12-34. Criminal justice data information sharing system.

1. The attorney general shall maintain a criminal justice data information sharing system within the bureau of criminal investigation for the exchange of criminal justice data information by judicial, law enforcement, and emergency services agencies, and the department of transportation. Only an authorized individual employed by a criminal justice agency as defined in section 12-60-16.1, the department of transportation, a state court, or the department of emergency services or any other individual approved by the attorney general or the attorney general's designee may access the system. For access to the criminal justice data information sharing system, an individual shall undergo a criminal history background check, including a fingerprint check, and meet eligibility access criteria in accordance with the rules adopted under this section.
2. The criminal justice data information sharing system may be accessed only in accordance with rules adopted under this section. Any law enforcement record in the possession of the attorney general through the criminal justice data information sharing system is an exempt record. Criminal justice data information about an offense committed by a child if the offense has not been transferred under section 27-20.4-21 to another court having jurisdiction of the offense and information about a child victim or witness is confidential.
3. The attorney general shall provide staff to maintain the criminal justice data information system and provide administrative support for the advisory board.
4. A criminal justice information advisory board must be appointed, consisting of:
 - a. The chief justice of the supreme court or the chief justice's designee.
 - b. The director of the department of emergency services or the director's designee.

- c. The director of the department of corrections and rehabilitation or the director's designee.
 - d. The superintendent of the state highway patrol or the superintendent's designee.
 - e. The chief of the bureau of criminal investigation, who is the chairman of the advisory board.
 - f. The chief information officer of the state or the chief information officer's designee.
 - g. The director of the department of transportation or the director's designee.
 - h. A representative of a city police department, appointed by the attorney general from a list of two or more nominees from the North Dakota chiefs of police association.
 - i. A representative of a county sheriff's office, appointed by the attorney general from a list of two or more nominees from the North Dakota sheriffs and deputies association.
 - j. A state's attorney, appointed by the attorney general from a list of two or more nominees from the North Dakota state's attorney's association.
 - k. A city government representative, appointed by the attorney general from a list of two or more nominees from the league of cities.
 - l. A county government representative, appointed by the attorney general from a list of two or more nominees from the association of counties.
5. Advisory board members who are not permanent full-time state employees are entitled to compensation of seventy-five dollars per day and mileage and expenses as provided by law for state employees. With the exception of the chief of the bureau of criminal investigation, advisory board members appointed under this section serve staggered three-year terms.
6. The attorney general, after consultation with the advisory board, shall adopt rules to establish eligibility for access to the criminal justice data information sharing system; to implement the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions; and to address the operation of the advisory board.
7. ~~The attorney general shall implement a missing person repository for authorized users to enter missing person information in accordance with rules established by the bureau of criminal investigation. Missing person information, including demographic data related to indigenous people, which is entered by an authorized user or made available to an authorized user by a federally recognized tribe in this state must be included in the repository. Records under this subsection are exempt records that may be disclosed only in accordance with bureau of criminal investigation rules.~~

SECTION 2. A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

Missing indigenous people task force - Membership - Duties - Collection of data on missing persons - Continuing appropriation - Legislative management report.

1. There is created a missing indigenous people task force. The attorney general, or the attorney general's designee, shall serve as the chairman of the task force and the attorney general's office shall provide staff services for the task force.
2. The task force shall meet at least once each quarter.
3. The task force membership must include the following members:
 - a. The superintendent of public instruction, or the superintendent's designee;
 - b. The chief of the bureau of criminal investigation, or the chief's designee;
 - c. The executive director of the Indian affairs commission, or the executive director's designee;
 - d. The superintendent of the state highway patrol, or the superintendent's designee;
 - e. A representative from each of the federally recognized Indian nations, tribes, or bands in this state, appointed by the attorney general from a list of two or more nominees from the chairman of each tribe;
 - f. Two members of the house of representatives, one appointed by the majority leader of the house of representatives and one appointed by the minority leader of the house of representatives; and
 - g. Two members of the senate, one appointed by the majority leader of the senate and one appointed by the minority leader of the senate.
4. While respecting the government-to-government relationship between the state and each tribe, the primary duties of the task force are to:
 - a. Identify jurisdictional barriers between federal, state, local, and tribal law enforcement and community agencies;
 - b. Identify causes that contribute to missing and murdered indigenous people and make recommendations to federally recognized tribes in the state to reduce cases of missing and murdered indigenous people;
 - c. Identify strategies to improve interagency communication, cooperation, and collaboration to remove jurisdictional barriers and increase reporting and investigation of missing indigenous people;
 - d. Administer the missing indigenous people grant fund; and
 - e. Consult with the United States department of justice office of tribal justice to invite a federal liaison or representative for consultation on the federal Savanna's Act [Pub. L. 116-165; 134 Stat. 760; 25 U.S.C. 5701 et seq.].

5. The task force shall submit a report of its activities, findings, and any recommendations to the legislative management by August first of each year. The report must include:
 - a. The number of indigenous individuals reported missing in the missing person repository;
 - b. The number of indigenous individuals recovered as a result of the missing person repository;
 - c. The number of indigenous individuals recovered as a result of the missing indigenous people grant fund;
 - d. The number of missing indigenous individuals searched for and recovered;
 - e. The number of missing indigenous individuals entries into the missing person repository by year;
 - f. An analysis by year of the characteristics of missing indigenous people, including age, gender, child protective services involvement status, foster case status, duration of time missing, and estimated related cause;
 - g. The number of actively missing indigenous people by year;
 - h. A description of the activities and progress related to improving interagency communication, cooperation, and collaboration and removing interjurisdictional barriers; and
 - i. Any other information the task force finds relevant to the task force's mission.
6. The task force may make recommendations to federal, state, and local agencies in carrying out the task force's duties.
7. Money in the missing indigenous people grant fund is appropriated on a continuing basis to the task force for the purpose of supporting the efforts of a federally recognized Indian nation, tribe, or band in this state, to identify, report, and find missing indigenous people. The director of the office of management and budget shall transfer any funds remaining in the missing indigenous people grant fund after July 31, 2035, to the general fund.
8. The attorney general shall implement a missing person repository for authorized users to enter missing person information in accordance with rules established by the bureau of criminal investigation. Missing person information, including demographic data related to indigenous people, which is entered by an authorized user or made available to an authorized user by a federally recognized tribe in this state must be included in the repository. Records under this subsection are exempt records that may be disclosed only in accordance with bureau of criminal investigation rules.

SECTION 3. APPROPRIATION - TRANSFER - MISSING INDIGENOUS PEOPLE GRANT PROGRAM FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, which the office of management and budget shall transfer to the missing indigenous people grant fund for the purpose of

supporting the efforts of a federally recognized Indian nation, tribe, or band in this state, to identify, report, and find missing indigenous people, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 4. EXPIRATION DATE. Sections 1 and 2 of this Act are effective through July 31, 2035, and after that date are ineffective.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 486

HOUSE BILL NO. 1233

(Representatives Lefor, Vigesaa)
(Senator Bekkedahl)

AN ACT to amend and reenact sections 15-10-12.1, 48-01.2-25, 54-16-03, 54-16-04, 54-16-04.1, 54-16-09, and 54-16-13 of the North Dakota Century Code, relating to the powers and duties of the emergency commission and budget section; to repeal sections 54-16-04.2, 54-16-08, and 54-16-11.1 of the North Dakota Century Code, relating to the powers and duties of the emergency commission; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-12.1 of the North Dakota Century Code is amended and reenacted as follows:

15-10-12.1. Acceptance of buildings and campus improvements - Legislative approval.

The state board of higher education may authorize campus improvements and building maintenance on land under the control of the board which are financed by donations, gifts, grants, and bequests if the cost of the improvement or building maintenance is not more than seven hundred thousand dollars. The consent of the legislative assembly is required for construction of any building or any addition to a building on land under the control of the board which is financed by donations, gifts, grants, and bequests. The consent of the legislative assembly is required for campus improvements or building maintenance financed by donations, gifts, grants, and bequests if the cost of the improvements or maintenance is more than seven hundred thousand dollars. During the time the legislative assembly is not in session, except for the ~~six~~^{three} months preceding the convening of a regular session and the three months following the close of a regular session, and unless otherwise restricted by previous legislative action or other law, the budget section may authorize the use of land under the control of the board and construct buildings financed by donations, gifts, grants, and bequests and campus improvements and building maintenance financed by donations, gifts, grants, and bequests if the cost of the improvement or maintenance is more than seven hundred thousand dollars. Any project request submitted to the budget section for the construction of a building financed by donations, gifts, grants, and bequests must include the removal of a building or buildings with an equivalent or greater total number of square feet compared to the proposed building. The budget section approval must comply with section 54-35-02.9 and must include a specific dollar limit for each building, campus improvement project, or maintenance project. The state board of higher education may authorize the sale of any real property or buildings which an institution of higher learning has received by gift or bequest. The board shall prescribe such conditions for the sale of the property as it determines necessary. The conditions must include requiring an appraisal and public auction or advertisement for bids, unless the gift instrument requires a different process. If the state board of higher education submits a request for campus improvements, building maintenance, or to construct buildings under this section to the budget section for approval, the legislative council shall notify each member of the legislative assembly of the date of the budget section meeting at which

the request will be considered and provide a copy of the meeting agenda to each member of the legislative assembly. The chairman of the budget section shall allow any member of the legislative assembly an opportunity to present testimony to the budget section regarding any such request.

SECTION 2. AMENDMENT. Section 48-01.2-25 of the North Dakota Century Code is amended and reenacted as follows:

48-01.2-25. Authorization of expansion of public improvements by legislative assembly or budget section.

Notwithstanding any other provision of law, a state agency or institution may not significantly change or expand a public improvement beyond what has been approved by the legislative assembly unless the legislative assembly approves the change or expansion of the project or any additional expenditure for the project. During the time the legislative assembly is not in session, and unless otherwise restricted by previous legislative action or other law, the budget section may approve a change or expansion or any additional expenditure for the project. However, the budget section may not approve a change, expansion, or additional expenditure for the project during the ~~six~~^{three} months preceding the convening of a regular session or during the three months following the close of a regular session except for changes in project scope and related additional expenditures resulting from an unforeseen emergency event. Any request considered by the budget section must comply with section 54-35-02.9. For the purposes of this section, a significant change or expansion includes the construction of an addition to a building, including skywalks or other type of enclosed walkway, or any other substantial increase in the area of the building, but does not include the construction of building entrances and stairwells.

SECTION 3. AMENDMENT. Section 54-16-03 of the North Dakota Century Code is amended and reenacted as follows:

54-16-03. Unlawful to expend more than appropriated - ~~May secure approval from commission for use of other funds~~ - Deficit void - Submission of petition to emergency commission.

1. A state officer may not expend, or agree or contract to expend, any amount in excess of the sum appropriated for that expenditure, and may not expend an amount appropriated for any specific purpose or fund or for any other purpose without prior approval in the form of a transfer approval ~~or expenditure authorization~~ as provided in this chapter.
2. When an emergency exists, a state officer may submit to the secretary of the emergency commission an itemized petition requesting approval to:
 - a. Transfer money and spending authority between funds or line items pursuant to section 54-16-04;
 - b. ~~Accept and expend~~ special funds or federal funds pursuant to section 54-16-04.1;
 - c. ~~Accept and expend state contingency funds~~ Transfer appropriation authority from the state contingencies appropriation pursuant to section 54-16-09; or
 - d. ~~Accept and expend other funds~~ pursuant to section 54-16-04.2; or
 - e. Recommend full-time equivalent positions pursuant to section 54-16-04.3.

3. The secretary of the emergency commission shall provide a copy of each petition submitted under this section to the office of management and budget and legislative council. The office of management and budget may provide an analysis and prioritization of emergency requests to the emergency commission.
4. Any petition to the emergency commission by a state officer must be considered by the emergency commission. A petition under this section must be approved or recommended by the emergency commission before submission for consideration by the budget section.
5. Any debt or deficit created by a state officer in violation of this section is void.

SECTION 4. AMENDMENT. Section 54-16-04 of the North Dakota Century Code is amended and reenacted as follows:

54-16-04. May order transfer of moneys between funds - Line item transfers - ~~Order may draw from state treasury~~Budget section approval.

The emergency commission, upon the advice of the office of management and budget and approval by the budget section of the legislative management, may order money or spending authority transferred from one fund or line item to another fund or line item belonging to or appropriated for the same institution or board or the same state enterprise, ~~may order a transfer of spending authority from the state contingencies appropriation, or, in an extremity, may authorize money to be drawn from the state treasury to meet the emergency until the legislative assembly can make an appropriation available. The following transfers, if authorized by the emergency commission, require the approval of the budget section of the legislative management:~~

1. ~~A transfer of moneys or spending authority which would eliminate or make impossible the accomplishment of a program or objective funded by the legislative assembly.~~
2. ~~A transfer exceeding fifty thousand dollars from one fund or line item to another fund or line item, unless the transfer is necessary to comply with a court order or to avoid:~~
 - a. ~~An imminent threat to the safety of people or property due to a natural disaster or war crisis; or~~
 - b. ~~An imminent financial loss to the state. Any request considered by the budget section must comply with section 54-35-02.9. The budget section, when considering requests under this section, may approve the request in the form received from the emergency commission or may amend and approve the request. A request amended and approved by the budget section is deemed to be approved by the emergency commission. Approval by the budget section is not required if the transfer is necessary to avoid an imminent threat to the safety of people or property due to a natural disaster or war crisis or an imminent financial loss to the state.~~

SECTION 5. AMENDMENT. Section 54-16-04.1 of the North Dakota Century Code is amended and reenacted as follows:

54-16-04.1. May authorize acceptance and ~~disbursement of special funds or federal funds - Budget section approval.~~

1. The emergency commission, upon the advice and counsel of the office of management and budget ~~and approval by the budget section of the legislative management~~, may authorize the state treasurer to receive any moneys not appropriated by the legislative assembly which are made available by any federal agency and a state officer to accept any special funds or federal funds not appropriated by the legislative assembly which the legislative assembly has not indicated an intent to reject.
2. ~~The emergency commission may authorize passthrough federal funds from one state agency to another state agency. A request to expend federal funds received by a state agency and passed through to any other state agency may be approved only under this section.~~
3. ~~The emergency commission, with approval of the budget section of the legislative management if the amount under consideration exceeds fifty thousand dollars but does not exceed three million dollars, may authorize any state officer to receive and expend federal moneys from the date such moneys become available until June thirtieth following the next regular legislative session.~~
4. ~~The emergency commission, with approval of the budget section of the legislative management if the amount under consideration exceeds three million dollars, may authorize any state officer to receive and expend federal moneys from the date such moneys become available until June thirtieth following the next regular legislative session. The budget section may approve a request under this subsection in the form received from the emergency commission or may amend and approve a request. A request amended and approved by the budget section is deemed to be approved by the emergency commission. Any request considered by the budget section must comply with section 54-35-02.9.~~
5. Any special funds or federal funds made available to this state which ~~are have~~ not been appropriated by the legislative assembly for a specific purpose or program and which are not required to be spent prior to the next regular legislative session, upon the approval for acceptance by the emergency commission and the budget section of the legislative management, must be deposited into a separate fund until the legislative assembly appropriates the funds.
- 6-a-3. Approval by the budget section of the legislative management is not required for the acceptance of special funds or federal funds if the acceptance is necessary to avoid an imminent threat to the safety of people or property due to a natural disaster or war crisis or an imminent financial loss to the state.
 - b. ~~Budget section approval is required under this section before the expenditure of any funds accepted under these conditions.~~
7. ~~The expenditures must be consistent with state law and with the terms of the grant and the program may not commit the legislative assembly for matching funds in the future unless the program has first been approved by the legislative assembly.~~
- 8-4. A state officer may not expend funds received from the federal government which have not been specifically appropriated by the legislative assembly except as provided in this chapter.

- ~~9. A state officer shall submit an expenditure plan with a request for approval under this section of expenditure of federal funds combined with or as part of a block grant for a new or existing program.~~
- ~~10. The cumulative amount of requests to expend funds that may be approved each biennium under this section may not exceed fifty million dollars. Any request received under this section which, if approved, would result in more than fifty million dollars of funds being approved for expenditure under this section during the biennium may be approved only by the legislative assembly during a regular legislative session or during a special legislative session called by the governor. The director of the office of management and budget shall notify the members of the legislative assembly of any requests submitted which, if approved, would exceed the limit under this subsection.~~
- ~~11. Any request received under this section to expend funds received through a federal act that makes available to the state more than fifty million dollars may be approved only by the legislative assembly during a regular legislative session or a special legislative session called by the governor.~~
- ~~12. Subsections 10 and 11 do not apply to federal highway administration emergency relief funding received by the state or to disaster or emergency recovery funding received by the state pursuant to chapter 37-17.1.~~

SECTION 6. AMENDMENT. Section 54-16-09 of the North Dakota Century Code is amended and reenacted as follows:

54-16-09. Transfer of spending authority from state contingencies appropriation - Budget section approval.

~~The emergency commission, upon the advice of the office of management and budget, may order a transfer of spending authority from the state contingencies appropriation, which must be deducted from the state contingencies line item in the appropriation to the office of management and budget and added to the appropriate line item in the appropriation of the state officer who requested the transfer. The emergency commission, with approval of the budget section of the legislative management if the amount under consideration exceeds fifty thousand dollars, shall certify, by an approved motion recorded in its minutes, that the material, services, or purposes for which the authority was transferred are necessary and proper expenditures and, if an appropriation for that purpose was made by the legislative assembly, that the appropriation for that purpose is insufficient. Approval by the budget section of the legislative management is not required if the transfer is necessary to avoid an imminent threat to the safety of people or property due to a natural disaster or war crisis or an imminent financial loss to the state.~~

1. The emergency commission, upon the advice and counsel of the office of management and budget and approval by the budget section of the legislative management, may order a transfer of general fund, special funds, or federal funds appropriation authority from the state contingencies appropriation, which must be deducted from the state contingencies appropriation to the office of management and budget and added to the appropriate line item in the appropriation of the state officer approved for the transfer.
2. Any request considered by the budget section must comply with section 54-35-02.9. The budget section, when considering requests under this section, may approve the request in the form received from the emergency

commission or may amend and approve the request. A request amended and approved by the budget section is deemed to be approved by the emergency commission.

3. Approval by the budget section is not required if the transfer of appropriation authority is necessary to avoid an imminent threat to the safety of people or property due to a natural disaster or war crisis or an imminent financial loss to the state.

SECTION 7. AMENDMENT. Section 54-16-13 of the North Dakota Century Code is amended and reenacted as follows:

54-16-13. Authority to borrow funds for a disaster - Continuing appropriation.

Any board, agency, commission, or officer of the state, subject to the approval of the emergency commission and the budget section of the legislative management, may borrow moneys from the Bank of North Dakota for the purpose of responding to a disaster within the state as declared by the governor pursuant to chapter 37-17.1. The amount of moneys borrowed is limited to the amount of any estimated federal reimbursement for repair, recovery, or response relating to a disaster within the state, unless the state contingencies appropriation is inadequate to pay the estimated state share of the costs, then moneys may be borrowed up to one hundred percent of the costs incurred by the agency. Any interest payments on the funds borrowed must be paid from funds available ~~transferred~~ to the agency from the state contingencies appropriation as authorized by the emergency commission ~~or other funds as authorized by the emergency commission and budget section~~. Any moneys borrowed from the Bank of North Dakota pursuant to this section are ~~hereby~~ appropriated and may be spent by the board, agency, commission, or officer of this state for the repair, recovery, or response relating to a disaster within the state. If it appears to the borrower that at the end of the biennium the amount available to repay the amount borrowed plus interest is insufficient to totally repay the Bank of North Dakota, the borrower shall request from the legislative assembly a deficiency appropriation sufficient for the repayment of the amount borrowed plus interest.

SECTION 8. REPEAL. Sections 54-16-04.2, 54-16-08, and 54-16-11.1 of the North Dakota Century Code are repealed.

SECTION 9. APPROPRIATION. The funds appropriated in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, and from other funds derived from special funds and federal funds, to the office of management and budget for the purpose of making funds available to the emergency commission for state contingencies, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

State contingencies - General fund	\$750,000
State contingencies - Special funds	20,000,000
State contingencies - Federal funds	<u>50,000,000</u>
Total all funds	\$70,750,000
Less other funds	<u>70,000,000</u>
Total general fund	\$750,000

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 487

SENATE BILL NO. 2256

(Senators Sorvaag, Patten, Sickler, Davison)
(Representatives Nathe, Swiontek)

AN ACT to create and enact a new section to chapter 54-17 of the North Dakota Century Code, relating to a research technology park grant program; to provide an appropriation; and to provide for a report.

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:

Research technology park grant program - North Dakota state university - Report.

1. The industrial commission shall administer the research technology park grant program. Subject to legislative appropriations, the industrial commission shall distribute grant funding to the research technology park at North Dakota state university. The research technology park shall use the funds in accordance with this section.
2. The research technology park at North Dakota state university is created to conduct exploratory, transformational, and innovative research and product development activities that advance intelligent autonomous mobile equipment opportunities and benefit the state's economy and environment through:
 - a. Exploratory research and development of technologies and methodologies that facilitate the prudent development and efficient use of the state's autonomous agriculture resources and defense capabilities;
 - b. Access to advanced robotics and artificial intelligence expertise for timely scientific and engineering activities to support the state's interests; and
 - c. Education and outreach related to the state's advanced technology resources, including the advancement of engineering and technical readiness.
3. Each biennium, the research technology park shall develop a plan for the use of funds received under this section, including industry matching requirements. The plan must be approved by the industrial commission.
4. The research technology park may:
 - a. Select research topics and projects;
 - b. Enter contracts or agreements with other institutions of higher education to support the selected research topics and projects;

- c. Enter contracts or agreements with federal, private, and nonprofit organizations to carry out the selected research topics and projects; and
- d. Accept donations, grants, contributions, and gifts from any source to finance the selected research topics and projects.
- 5. Annually, the research technology park shall report all research activities, product development, and accomplishments to the industrial commission and the legislative management. Upon request, the research technology park shall report to the appropriations committees of the legislative assembly on the use of funding under this section.

SECTION 2. APPROPRIATION - INDUSTRIAL COMMISSION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - RESEARCH TECHNOLOGY PARK GRANT PROGRAM - ONE-TIME FUNDING. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$10,000,000, or so much of the sum as may be necessary, to the industrial commission for the purpose of providing grants under the research technology park grant program pursuant to section 1 of this Act, during the biennium beginning July 1, 2025, and ending June 30, 2027. Of the \$10,000,000, the industrial commission shall distribute a grant of \$5,000,000 to the research technology park without a matching requirement and may distribute a grant of up to \$5,000,000 to the research technology park only to the extent the research technology park provides one dollar of matching funds from nonstate sources for each dollar of grant funding distributed under the program. The appropriation in this section is considered a one-time funding item.

Approved May 5, 2025

Filed May 6, 2025

CHAPTER 488

HOUSE BILL NO. 1592

(Representatives Novak, D. Anderson, J. Olson, Tveit)
(Senators Boehm, Kessel)

AN ACT to amend and reenact sections 54-17.5-01, 54-17.5-02, 54-17.5-03, 54-17.5-04, and 54-17.5-06 of the North Dakota Century Code, relating to the appointments, operations, and powers of the lignite research council, the powers of the industrial commission, and public record exemptions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-17.5-01 of the North Dakota Century Code is amended and reenacted as follows:

54-17.5-01. Declaration of findings and public purpose.

The legislative assembly finds and declares that North Dakota's lignite industry produces approximately ~~thirty million~~ twenty-five million tons of lignite annually, contributing to our state's and nation's energy independence by generating electricity for more than two million people in the northern great plains region and by producing synthetic natural gas from coal that heats three hundred thousand homes and businesses in eastern states, which is equivalent to over twenty thousand barrels of oil per day. The legislative assembly further finds and declares that North Dakota's lignite industry generates over ~~twenty-eight thousand~~ twelve thousand direct and indirect jobs for North Dakota, nearly ~~three billion~~ six billion dollars in annual business volume, and over ~~one hundred three million~~ one hundred million dollars in annual tax revenue. The legislative assembly further finds and declares that it is an essential governmental function and public purpose to assist with the development and wise use of North Dakota's vast lignite resources by supporting a lignite research, development, and marketing program that promotes economic, efficient, and clean uses of lignite and products derived from lignite in order to maintain and enhance development of North Dakota lignite and its products; support educational activities relating to the lignite industry; preserve and create jobs involved in the production and utilization of North Dakota lignite; ensure economic stability, growth, and opportunity in the lignite industry; defend through litigation activities the production, use, and continued development of lignite as a vital state natural resource; and maintain a stable and competitive tax base for our state's lignite industry for the general welfare of North Dakota. The legislative assembly further finds and declares that development of North Dakota's lignite resources must be conducted in an environmentally sound manner that protects our state's air, water, and soil resources as specified by applicable federal and state law.

SECTION 2. AMENDMENT. Section 54-17.5-02 of the North Dakota Century Code is amended and reenacted as follows:

54-17.5-02. Lignite research council - Compensation - Appointment of members.

1. The industrial commission shall ~~consult~~ engage in regular and substantive consultation with the lignite research council ~~established by executive order in~~

matters of policy affecting the administration of the lignite research fund, including holding regularly scheduled grant meetings and activities, receiving formal written recommendations from the lignite research council, and providing opportunities for the lignite research council to review and provide input on proposed policies. Section 44-03-04 does not apply to members of the lignite research council appointed by the governor.

2. The lignite research council is composed of twenty-four members appointed by the governor from a list provided by the lignite energy council and two members of the legislative assembly appointed by the chairman of the legislative management. The governor may reject the list and request the lignite energy council submit a new list until the appointments are made. The lignite research council consists of:
 - a. Six members representing lignite processing;
 - b. Three members representing lignite research;
 - c. Four members representing state agencies involved with lignite activities;
 - d. Four members representing mining;
 - e. One member representing the workforce community;
 - f. One member representing political subdivisions;
 - g. Two members representing transmission interests;
 - h. One Native American tribal representative; and
 - i. Two members representing landowners.
3. The lignite research council shall elect its chairman and vice chairman from among its members.
4. The lignite research council shall elect five members from among its members to serve with the chairman and vice chairman as an executive committee, to act on behalf of the lignite research council between lignite research council meetings. The executive committee shall meet at the request of the chairman.
5. The lignite research council shall meet at least twice a year and additional meetings as the chairman determines necessary at a time and place to be fixed by the chairman. A special meeting must be called by the chairman on written request of any three members. A majority of active members constitutes a quorum.
6. The lignite research council shall recommend to the industrial commission the approval of grants, loans, or other financial assistance necessary or appropriate for funding, research, development, marketing, and educational projects, or activities, and any other matters related to this chapter.
7. Members of the lignite research council appointed by the governor serve at the pleasure of the governor.
8. A member of the lignite research council who is a member of the legislative assembly is entitled to receive per diem compensation at the rate as provided

under section 54-35-10 for each day devoted to attending meetings or performing other duties relating to the official business of the lignite research council. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the lignite research council who is a member of the legislative assembly.

SECTION 3. AMENDMENT. Section 54-17.5-03 of the North Dakota Century Code is amended and reenacted as follows:

54-17.5-03. Priority projects, processes, and activities.

1. In evaluating applications for funding from the lignite research fund for North Dakota's lignite research, development, and marketing program, the industrial commission and lignite research council shall give priority to those projects, processes, or activities that will preserve existing jobs and production, which will create the greatest number of new jobs and most additional lignite production and economic growth potential in coal-producing counties or those counties with recoverable coal reserves, which will attract matching private industry investment equal to at least fifty percent or more of the total cost, and which will result in development and demonstration of a marketable lignite product or products with a high level of probability of near term commercialization.
2. For marketing applications, priority must be given to those projects, processes, or activities that develop baseline information, implement specific marketing strategies, and otherwise contribute to the effective marketing of lignite and its products.
3. For reclamation applications, priority must be given to those projects, processes, or activities that will reduce unnecessary regulatory costs and assist in effectively reclaiming surface mined land to its original or better productivity as soon as possible.
4. Any projects, activities, or processes selected by the commission for funding must achieve the priorities and purposes of the program, must have undergone technical review and be determined to have technical merit, must have generated matching private industry investment, and must have received a favorable lignite research council recommendation.
5. The industrial commission shall take into consideration, in selecting independent technical reviewers, a reviewer's educational background, government or industry experience, and experience relevant to the subject matter of the proposed project or program.

SECTION 4. AMENDMENT. Section 54-17.5-04 of the North Dakota Century Code is amended and reenacted as follows:

54-17.5-04. Industrial commission powers.

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

1. To make grants or loans, and to provide other forms of financial assistance as necessary or appropriate, to qualified persons for research, development, and marketing projects, processes, or activities directly related to lignite and products derived from lignite.

2. To make and execute contracts and all other instruments necessary or convenient for the performance of its powers and functions under this chapter, including the authority to contract for the administration of the lignite research, development, and marketing program.
3. To allocate sufficient funding from the lignite research, development, and marketing program to retain a technical advisor, as determined necessary by the lignite research council, to support program operations and provide expert analysis, project evaluation, research coordination, and industry engagement to advance the objective of the lignite research program and ensure the effective and strategic use of program funds.
4. To issue evidences of indebtedness as authorized in this chapter and to borrow money in an amount not to exceed six million dollars from the Bank of North Dakota for a period not to exceed five years on the terms and conditions as the Bank of North Dakota and the industrial commission may approve without the necessity of establishing or maintaining any reserve fund as otherwise required by section 54-17.5-05.
- ~~4-5.~~ To receive and accept aid, grants, or contributions of money or other things of value from any source to be held, used, and applied to carry out the purposes of this chapter, subject to the conditions upon which the aid, grants, or contributions are made, including aid, grants, or contributions from any department, agency, or instrumentality of the United States for any purpose consistent with the provisions of this chapter.
- ~~5-6.~~ To issue and sell evidences of indebtedness in an amount or amounts as the commission may determine, plus costs of issuance, financing, and any evidences of indebtedness funded reserve funds required by agreements with or for the benefit of holders of the evidences of indebtedness for the purpose of funding research, development, and marketing projects, processes, or activities directly related to lignite and products derived from lignite.
- ~~6-7.~~ To refund and refinance its evidences of indebtedness from time to time as often as it is advantageous and in the public interest to do so, and to pledge any and all income and revenues derived by the commission under this chapter or from a project, process, or activity funded under this chapter to secure payment or redemption of the evidences of indebtedness.
8. To keep accurate records of all financial transactions performed under this chapter.
9. To adopt and enforce policies to effectuate the purpose of this chapter.

SECTION 5. AMENDMENT. Section 54-17.5-06 of the North Dakota Century Code is amended and reenacted as follows:

54-17.5-06. Access to commission records.

1. Materials and data submitted to, or made or received by, the commission, to the extent that the commission determines the materials or data consist of trade secrets or commercial, financial, or proprietary information of individuals or entities applying to or contracting with the commission or receiving commission services under this chapter, are not public records subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota are subject to section 44-04-18.4.

2. A person or entity must file a request with the commission to have material designated as confidential under subsection 1. A request to have material designated as confidential is exempt as defined in section 44-04-17.1. The request must contain any information required by the commission, and must include at least the following:
 - a. A general description of the nature of the information sought to be protected.
 - b. An explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons.
 - c. An explanation of why the information is not readily ascertainable by proper means by other persons.
 - d. A general description of any person or entity that may obtain economic value from disclosure or use of the information, and how the person or entity may obtain this value.
 - e. A description of the efforts used to maintain the secrecy of the information.
3. Any information submitted under subsection 2 is confidential. The commission shall examine the request and determine whether the information is relevant to the matter at hand and is a trade secret under the definition in section 47-25.1-01 or 44-04-18.4. If the commission determines the information is either not relevant or not a trade secret, the commission shall notify the requester and the requester may ask for the return of the information and request within ten days of the notice. If no return is sought, the information and request are a public record.
4. The names or identities of independent technical reviewers on any project or program and the names of individual lignite council members making recommendations are confidential and may not be disclosed by the commission, and are not public records subject to section 44-04-18 or section 6 of article XI of the Constitution of North Dakota.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 489

HOUSE BILL NO. 1554

(Representatives D. Anderson, Headland, O'Brien, Schauer, Vollmer, Novak)
(Senators Dwyer, Thomas)

AN ACT to amend and reenact section 54-17.8-06 of the North Dakota Century Code, relating to the North Dakota outdoor heritage advisory board; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-17.8-06 of the North Dakota Century Code is amended and reenacted as follows:

54-17.8-06. North Dakota outdoor heritage advisory board - Members.

1. There is created a North Dakota outdoor heritage advisory board consisting of twelve members. The governor shall appoint representatives from each of the groups listed in this section based upon recommendations made by the appropriate group. The advisory board consists of:
 - a. Four members from the agriculture community. The governor shall appoint one member from the North Dakota farm bureau, North Dakota farmers union, the North Dakota stockmen's association, and the North Dakota grain growers association.
 - b. Two members from the energy industry. The governor shall appoint one member from the North Dakota petroleum council and one member from the lignite energy council.
 - c. Four members from the conservation community. The governor shall appoint the members from the conservation community at large of statewide conservation groups.
 - d. One member from the business community from the greater North Dakota chamber.
 - e. One member from the North Dakota recreation and park association.
2. The governor also shall appoint to the advisory board one representative from each of the following agencies to serve as ex officio, nonvoting technical members: the department of parks and recreation, the department of water resources, the game and fish department, the office of the state forester, and the North Dakota association of soil conservation districts.
3. The term of office of each member of the board is four years and members may not serve more than two consecutive terms. The terms of office commence on the first day of July. The initial terms for the advisory board members must be staggered following a method determined by the board.

4. The advisory board shall select a chairman from among the members. Seven voting members is a quorum at any meeting.
5. The advisory board shall have at least two regular meetings each year and additional meetings as the chairman determines necessary at a time and place to be fixed by the chairman. Special meetings must be called by the chairman on written request of any five members.
6. The advisory board may not forward a grant application to the commission unless the application is for funding activities that fulfill the purposes of this chapter and the application receives a favorable recommendation from a majority of the advisory board members present at a meeting at which a quorum is present.
7. Members of the advisory board appointed by the governor serve at the pleasure of the governor.

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

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 490

SENATE BILL NO. 2352

(Senators Dever, Hogan, Magrum, Mathern)

AN ACT to create and enact a new subsection to section 54-23.3-04 of the North Dakota Century Code, relating to authorization for children of inmates to reside at the Heart River correctional center.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 54-23.3-04 of the North Dakota Century Code is created and enacted as follows:

To employ personnel and establish policies and procedures to authorize a child of a female inmate to reside at the Heart River correctional center under the care and general control of the female inmate if the child is eighteen months of age or younger. The policies must include considerations of the residential safety of the child, the length of time the child may reside within the facility, and treatment or other penological interest.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 491

HOUSE BILL NO. 1254

(Representatives Murphy, Hanson, Ista, Schreiber-Beck)
(Senators Barta, Cleary)

AN ACT to amend and reenact subsection 4 of section 54-24-03 of the North Dakota Century Code, relating to the powers and duties of the state librarian.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²¹¹ **SECTION 1. AMENDMENT.** Subsection 4 of section 54-24-03 of the North Dakota Century Code is amended and reenacted as follows:

4. Make library materials available to libraries throughout the state, to individuals connected with departments of state, and to citizens of North Dakota ~~who do not have adequate library facilities, under the rules of the state library.~~

Approved April 16, 2025

Filed April 16, 2025

²¹¹ Section 54-24-03 was also amended by section 1 of Senate Bill No. 2219, chapter 493.

CHAPTER 492

HOUSE BILL NO. 1344

(Representatives Heinert, Kiefert, Koppelman, Louser, O'Brien, Pyle, M. Ruby)
(Senators Roers, Sickler)

AN ACT to create and enact a new section to chapter 54-23.3 of the North Dakota Century Code, relating to use of local jails or correctional facilities for inmates sentenced to the physical custody of the department of corrections and rehabilitation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-23.3 of the North Dakota Century Code is created and enacted as follows:

Denial of admission.

1. If the department of corrections and rehabilitation is beyond capacity and denies the admission of an inmate sentenced to the physical custody of the department, the department may use local jails or correctional facilities and negotiate the terms of the agreement with each facility.
2. Admission of an inmate is denied by the department when a county requests admission to the department with a judgment of conviction ordering an individual to be placed with the physical custody of the department and the request for admission is denied or unavailable within seven days of notification to the department. When the denial of admission exceeds seven days, the department is responsible to pay the contracted rate beginning from the date of initial notification of the judgment of conviction and placement in the physical custody of the department.
3. An agreement under this section must include a minimum daily rate per inmate, including medical costs, to be paid by the department to the governing body of the jail or correctional facility beginning the day after the department receives notice from the district court of an order placing an individual in the care and custody of the department and ending on the admission date provided by the department.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 493

SENATE BILL NO. 2219

(Senators Cleary, Rummel, Weber)
(Representatives Hanson, Mitskog, Murphy)

AN ACT to create and enact a new subsection to section 54-24-03 and a new subsection to section 54-24.2-01 of the North Dakota Century Code, relating to disbursement of surplus library materials and the eligibility of public libraries to receive financial aid.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²¹² **SECTION 1.** A new subsection to section 54-24-03 of the North Dakota Century Code is created and enacted as follows:

Disburse surplus library materials to libraries throughout the state.

SECTION 2. A new subsection to section 54-24.2-01 of the North Dakota Century Code is created and enacted as follows:

Complete and submit the annual report required under section 54-24.2-06 for the previous calendar year.

Approved March 17, 2025

Filed March 18, 2025

²¹² Section 54-24-03 was also amended by section 1 of House Bill No. 1254, chapter 491.

CHAPTER 494

HOUSE BILL NO. 1420

(Representatives Murphy, Ista, Schreiber-Beck)
(Senators Barta, Cleary)

AN ACT to amend and reenact subsection 2 of section 54-24.4-05 of the North Dakota Century Code, relating to state aid to public libraries.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 54-24.4-05 of the North Dakota Century Code is amended and reenacted as follows:

2. Approve the distribution of state funded grants to libraries, except for grants distributed under chapter 54-24.2.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 495

HOUSE BILL NO. 1081

(Government and Veterans Affairs Committee)
(At the request of the Office of Management and Budget)

AN ACT to repeal sections 54-27-21 and 54-27-21.1 of the North Dakota Century Code, relating to fixed asset minimum reporting value and documentation of asset acquisitions; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Sections 54-27-21 and 54-27-21.1 of the North Dakota Century Code are repealed.

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

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 496

SENATE BILL NO. 2049

(State and Local Government Committee)
(At the request of the Information Technology Department)

AN ACT to amend and reenact sections 54-35-15.2, 54-59-01, subsection 8 of section 54-59-05, and section 54-59-32 of the North Dakota Century Code, relating to executive steering committees of major information technology projects.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

54-35-15.2. Information technology committee - Powers and duties.

The information technology committee has continuing existence and may meet and conduct its business during the legislative session and in the interim between sessions. The committee shall:

1. Meet at least once each calendar quarter.
2. Receive a report from the chief information officer of the state at each meeting.
3. Review the business plan of the information technology department.
4. Review macro-level issues relating to information technology.
5. Review the activities of the information technology department.
6. Review statewide information technology standards.
7. Review the statewide information technology plan.
8. Review information technology efficiency and security.
9. Review established or proposed information technology programs and information technology acquisition by the executive and judicial branches.
10. Except as provided in subsection 11, 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 agency regarding any major information technology project of an executive branch agency. For the purposes of this subsection, a major project is an information technology project with a total cost of five hundred thousand dollars that meets one or more of the following criteria, as determined by the chief information officer:

- a. An estimated total cost, as defined by the information technology department, of five million dollars or more;
 - b. Requires one year or longer to reach operational status; or
 - c. Requires oversight due to its potential benefits, risks, public impact, visibility, or another significant reason.
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 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.
12. Receive and review information from the information technology department and the affected agency regarding any information technology project of an executive branch agency with a total cost of between one hundred thousand and five ~~hundred thousand~~million dollars as determined necessary by the information technology department.
13. Receive a report from the chief information officer before October first of each even-numbered year regarding proposed major information technology projects and other information technology issues for the next biennium.
14. 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 affected legislative or judicial branch agency regarding any information technology project of the legislative or judicial branch with a total cost of five ~~hundred thousand~~million dollars or more.
15. Receive information from the state board of higher education regarding higher education information technology planning, services, and major projects.

SECTION 2. AMENDMENT. Section 54-59-01 of the North Dakota Century Code is amended and reenacted as follows:

54-59-01. Definitions.

As used in this chapter:

1. "Agency" or "entity" does not include any agricultural commodity promotion group or any occupational or professional board.
2. "Cybersecurity" means processes or capabilities, wherein, systems, communications, and information are protected and defended against damage, unauthorized use or modification, and exploitation.
3. "Cybersecurity strategy" means a vision, plan of action, or guiding principles. Unless otherwise defined in this chapter, the term does not mean an associated operational plan.
4. "Department" means the information technology department.
5. "Information technology" means the use of hardware, software, services, and supporting infrastructure to manage and deliver information using voice, data, and video.
6. "Major information technology project" means a project that meets one or more of the following criteria, as determined by the chief information officer:
 - a. An estimated total cost, as defined by the department, of five million dollars or more;
 - b. Requires one year or longer to reach operational status; or
 - c. Requires oversight due to its potential benefits, risks, public impact, visibility, or other significant reason.
7. "Network services" means the equipment, software, and services necessary to transmit voice, data, or video.

SECTION 3. AMENDMENT. Subsection 8 of section 54-59-05 of the North Dakota Century Code is amended and reenacted as follows:

8. May request and review information regarding any information technology project of an executive branch agency with a total cost of between one hundred thousand and five ~~hundred thousand~~ million dollars as determined necessary by the department. The department shall present the information to the information technology committee on request of the committee.

SECTION 4. AMENDMENT. Section 54-59-32 of the North Dakota Century Code is amended and reenacted as follows:

54-59-32. Major information technology projects - ~~Appointment of executive steering committees~~ Oversight.

1. An executive branch state agency, excluding institutions under the control of the state board of higher education, proposing to conduct a major information technology project ~~as described in subsection 10 of section 54-35-15.2,~~ the department, and the office of management and budget, in consultation with the attorney general, shall collaborate on the procurement, contract

negotiation, and contract administration of the project. The agency, the department, and the office of management and budget, in consultation with the attorney general, shall approve the solicitation, contract, or agreement, and any amendments relating to the project before submission to the executive steeringoversight committee as provided in subsection 3.

2. The procurement officer and primary project manager for a major information technology project must meet the qualifications established by the department and the office of management and budget.
3. An executive steeringoversight committee must be appointed to oversee ~~each~~ a major information technology project. ~~The agency project sponsor~~chief information officer shall ~~serve as~~appoint a chairman of the committee. ~~The executive steeringoversight committee must consist of~~may include the director of the office of management and budget or a designee of the director, the chief information officer or a designee of the officer, the head of the agency contracting for the project or a designee, the project sponsor, and a large project oversight analyst designated by the chief information officer. ~~The executive steeringoversight committee shall monitor the overall status of the project and review~~make recommendations to the head of the agency contracting for the project or a designee, and the project sponsor, regarding project decisions, ~~including~~ negotiation and execution of contracts, approval of project budgets, implementation of project schedules, assessment of project quality, and consideration of scope changes. ~~Any project decision declared by a member of the committee to be a major project decision requires at least four affirmative votes.~~
4. An agreement or contract, including an amendment, revision, or scope change, for a major information technology project may not be entered unless signed by the head of the contracting agency or a designee and the chief information officer or a designee of the officer.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 497

HOUSE BILL NO. 1535

(Representatives Davis, Finley-DeVille, Martinson, Satrom, Schneider, Brown,
Sanford, Swiontek)
(Senators Braunberger, Cory, Lee)

AN ACT to amend and reenact the new chapter to title 54 as created by section 1 of Senate Bill No. 2098, as approved by the sixty-ninth legislative assembly, and section 54-35-23 of the North Dakota Century Code, relating to a state alert notice system and the committee on tribal and state relations; and to provide for a report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-35-23 of the North Dakota Century Code is amended and reenacted as follows:

54-35-23. Committee on tribal and state relations - Membership - Duties.

1. The committee on tribal and state relations is composed of seven members as follows:
 - a. A chairman designated by the chairman of the legislative management;
 - b. Three members of the house of representatives, two of whom must be selected by the leader representing the majority faction of the house of representatives and one of whom must be selected by the leader representing the minority faction of the house of representatives; and
 - c. Three members of the senate, two of whom must be selected by the leader representing the majority faction of the senate and one of whom must be selected by the leader representing the minority faction of the senate.
2. The committee shall meet at such times and places as determined by the chairman. The legislative council shall provide staffing for the committee.
3. The committee shall conduct joint meetings with the North Dakota tribal governments' task force to study tribal-state issues, including government-to-government relations, human services, education, corrections, and issues related to the promotion of economic development and shall evaluate the feather alert notice, regarding missing indigenous individuals, under section 2 of this Act. After the joint meetings have concluded, the committee shall meet to prepare a report on its findings and recommendations, together with any legislation required to implement those recommendations, to the legislative management.
4. The members of the committee are entitled to compensation from the legislative council for attendance at committee meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.

5. a. The North Dakota tribal governments' task force is composed of six members as follows:
 - (1) The executive director of the Indian affairs commission, or the executive director's designee;
 - (2) The chairman of the Standing Rock Sioux Tribe, or the chairman's designee;
 - (3) The chairman of the Spirit Lake Tribe, or the chairman's designee;
 - (4) The chairman of the Three Affiliated Tribes of the Fort Berthold Reservation, or the chairman's designee;
 - (5) The chairman of the Turtle Mountain Band of Chippewa Indians, or the chairman's designee; and
 - (6) The chairman of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, or the chairman's designee.
- b. If the executive director of the Indian affairs commission or any of the tribal chairmen appoint a designee to serve on the task force, only one individual may serve as that designee during the biennium. A substitute designee may be appointed by the executive director of the Indian affairs commission or a tribal chairman in the event of the death, incapacity, resignation, or refusal to serve of the initial designee.

²¹³ **SECTION 2. AMENDMENT.** The new chapter to title 54 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2098, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

Definitions.

As used in this chapter:

1. "Amber alert notice" means an urgent bulletin using the emergency alert system to air a description of a child who has been abducted.
2. "Blue alert notice" means an urgent bulletin using the emergency alert system to air a description of an individual or an individual's vehicle to aid in the apprehension of an individual who 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, abducted a law enforcement officer, or caused a law enforcement officer to go missing while on duty, and the individual has left the scene of the offense.
3. ~~"Missing endangered individual" means:~~
 - a. ~~A disabled adult or elderly vulnerable adult as defined in section 50-25.2-01 who has disappeared and whose disappearance has been reported to law enforcement;~~

²¹³ Section 54-67-01 was created by section 1 of Senate Bill No. 2098, chapter 549. Section 54-67-02 was created by section 1 of Senate Bill No. 2098, chapter 549. Section 54-67-04 was created by section 1 of Senate Bill No. 2098, chapter 549.

- ~~b. An individual who has a developmental disability as defined in section 25-01.2-01 who has disappeared and whose disappearance has been reported to law enforcement; or~~
- ~~c. An elderly adult who has disappeared, whose disappearance has been reported to law enforcement and the disappearance:~~
 - ~~(1) Indicates the individual is believed to be in grave danger of serious bodily harm or death, as determined by a law enforcement agency and either the highway patrol or bureau of criminal investigation, based on a report received from the missing adult's family member or an individual who has significant frequent contact with the missing adult, which contains sufficient evidence of the imminent risk;~~
 - ~~(2) Warrants a silver alert notice activation due to the particular circumstances, as determined by a law enforcement agency and either the highway patrol or bureau of criminal investigation, based on a report received from the missing adult's family member or an individual who has significant frequent contact with the missing adult, which contains sufficient evidence that the particular circumstances warrant a silver alert notice activation.~~
- 4. "Missing and endangered persons alert notice" means an urgent bulletin using the emergency alert system to air a description of an adult who has been abducted or is believed to be at imminent risk of serious bodily injury or death.
- 5. "Silver alert notice" means an urgent bulletin using the emergency alert system to air a description of a missing, disabled, or elderly individual, or individual with a developmental disability, to aid in the location of that individual.

Alert notice system activation - Report.

- 1. A law enforcement agency may request the bureau of criminal investigation or the superintendent of the highway patrol to activate an amber alert notice, a blue alert notice, a missing and endangered persons alert notice, a feather alert notice, or a silver alert notice.
- 2. The bureau of criminal investigation, in cooperation with the highway patrol and other relevant stakeholders, shall prepare an operational plan to prepare for and respond to requests for activation of an amber alert notice, a blue alert notice, a missing and endangered persons alert notice, a feather alert notice, or a silver alert notice. The plan must include the role and requirements of the division of state radio of the department of emergency services in broadcasting an alert to the public, including alerts in indigenous languages when available.
- 3. The bureau of criminal investigation, in cooperation with the highway patrol, department of emergency services, and local law enforcement, shall use one or more modes of communication for an alert defined in this chapter, including:
 - a. The emergency alert system;

- b. The national information system for travel;
 - c. Digital highway message signs;
 - d. Local alerting systems if available;
 - e. State or local jurisdiction websites; or
 - f. Social media platforms.
4. The Indian affairs commission shall serve as the primary liaison between tribal, state, and federal agencies regarding alert notices, if the missing individual is indigenous, and assist with public education, outreach, and advocacy efforts.
5. The bureau of criminal investigation and the highway patrol shall issue an annual report to the Indian affairs commission on the effectiveness and implementation of the feather alert notice and the missing and endangered persons alert notice for cases involving missing indigenous individuals.

Annual public meetings - Report.

The bureau of criminal investigation and the highway patrol, in cooperation with a representative of each federally recognized tribe in this state, shall present reports and findings at an annual public meeting with tribal leaders.

Minimum requirements for activating an amber or blue wireless emergency alert notice.

1. An amber alert notice may not be activated unless:
 - a. The abduction involves a child seventeen years of age or younger;
 - b. The law enforcement agency investigating the abduction has confirmed the child is believed to be in grave danger of serious bodily harm or death; and
 - c. The bureau of criminal investigation or the superintendent of the highway patrol determines sufficient descriptive information has been provided about the child, the abductor, or the abductor's motor vehicle to:
 - (1) Assist with the safe recovery of the child;
 - (2) Assist with the apprehension of the abductor; and
 - (3) Believe an immediate broadcast alert will assist in the search for and safe return of the child.
2. A blue alert notice may not be activated unless:
 - a. An individual who is a suspect in an offense 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, abducted a law enforcement officer, or caused a law enforcement officer to go 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.
3. A missing and endangered persons alert notice may not be activated unless:
- a. The abduction involves an individual eighteen years of age or older;
 - b. The law enforcement agency investigating the abduction has confirmed the missing individual is believed to be in grave danger of serious bodily harm or death; and
 - c. The bureau of criminal investigation or the superintendent of the highway patrol determines sufficient descriptive information has been provided about the missing individual, the suspect, or the motor vehicle to:
 - (1) Assist with the safe recovery of the missing individual;
 - (2) Assist with the apprehension of the suspect; and
 - (3) Believe an immediate broadcast alert will assist in the search for and safe return of the missing individual.
4. A feather alert notice may not be activated unless:
- a. The abduction involves an indigenous individual;
 - b. The law enforcement agency investigating the abduction has confirmed the missing individual is believed to be in grave danger of serious bodily harm or death; and
 - c. The bureau of criminal investigation or the superintendent of the highway patrol determines sufficient descriptive information has been provided about the missing individual, the suspect, or the motor vehicle to:
 - (1) Assist with the safe recovery of the missing individual;
 - (2) Assist with the apprehension of the suspect; and
 - (3) Believe an immediate broadcast alert will assist in the search for and safe return of the missing individual.
5. A silver alert notice may not be activated unless the missing individual is:
- a. A disabled adult or elderly vulnerable adult, as defined in section 50-25.2-01, who has disappeared and whose disappearance has been reported to law enforcement;

- b. An individual who has a developmental disability, as defined in section 25-01.2-01, who has disappeared and whose disappearance has been reported to law enforcement; or
- c. An elderly adult who has disappeared, whose disappearance has been reported to law enforcement, and the disappearance:
 - (1) Indicates the individual is believed to be in grave danger of serious bodily harm or death, as determined by a law enforcement agency and either the highway patrol or bureau of criminal investigation, based on a report received from the missing adult's family member or an individual who has significant frequent contact with the missing adult, which contains sufficient evidence of the imminent risk; or
 - (2) Warrants a silver alert notice activation due to the particular circumstances, as determined by a law enforcement agency and either the highway patrol or bureau of criminal investigation, based on a report received from the missing adult's family member or an individual who has significant frequent contact with the missing adult, which contains sufficient evidence that the particular circumstances warrant a silver alert notice activation.
- 6. If a request for activation of a missing endangered persons alert notice or a feather alert notice does not meet the minimum requirements under this section, the department of emergency services shall follow the department's operational plan for determining proper public notification channels.

Approved May 2, 2025

Filed May 5, 2025

CHAPTER 498

HOUSE BILL NO. 1442

(Representatives Toman, Lefor, Weisz, Vigesaa)
(Senators Hogue, Bekkedahl)

AN ACT to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the creation of a legislative task force on government efficiency; to provide for a legislative management report; to provide an expiration date; and to declare an emergency.

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 task force on government efficiency - Members - Duties - Report to the legislative management.

1. The legislative management shall create a legislative task force on government efficiency.
2. Each member of the task force shall serve two-year terms. The membership of the task force consists of:
 - a. The director of the office of management and budget;
 - b. The chief operating officer for the office of the governor;
 - c. One elected statewide officer, appointed by the governor;
 - d. One individual residing in the state, appointed by the governor;
 - e. Three members of the house of representatives, appointed by the majority leader of the house of representatives; and
 - f. Three members of the senate, appointed by the majority leader of the senate.
3. The chairman of the legislative management shall select a member of the legislative assembly appointed under subdivision e or f of subsection 2 to serve as chairman of the task force.
4. The task force shall:
 - a. Meet at least once each calendar quarter or more frequently at the call of the chairman.
 - b. Review and analyze budgets and reports from executive branch agencies and the supreme court.

- c. Collaborate with and receive testimony from executive branch agencies and the supreme court to identify areas to increase efficiency and methods to implement cost-saving measures, determine areas of state government deemed unnecessary or duplicative, target outdated or overly restrictive regulations, and find areas in which partnerships between the state and private industry would create innovative financing models to drive economic growth and job creation.
 - d. Review the effectiveness and necessity of programs and laws created by the legislative assembly through previous legislative enactments.
 - e. Request the state auditor or an independent private auditing firm to conduct program evaluations using generally accepted performance audit standards for state and local governments.
 - f. Submit an annual report to the legislative management detailing its findings and progress in implementing cost-saving measures and efficiencies along with any recommended legislation for introduction at the next legislative session.
5. A state employee who is a member of the task force is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses to be paid by the employing agency. A member of the task force who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the task force. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the task force who is a member of the legislative assembly.
6. The legislative council shall provide staffing and administrative services for the task force through July 31, 2031.

SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2031, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 499

HOUSE BILL NO. 1547

(Representatives Richter, Conmy, Jonas, Mitskog, Nelson, Novak, Schreiber-Beck)
(Senators Axtman, Beard, Davison, Mathern)

AN ACT to create a committee to study special education funding during the 2025-26 interim; and to provide for a legislative management report.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. SPECIAL EDUCATION FUNDING COMMITTEE - REPORT TO LEGISLATIVE MANAGEMENT.

1. During the 2025-26 interim, the legislative management shall establish and provide staffing and administrative services to a committee to study special education funding. The chairman of legislative management may add temporary, nonvoting members to the committee, as deemed necessary by the committee, to serve without compensation.
2. The committee may include:
 - a. Eight members of the legislative assembly, four members from the house of representatives and four members from the senate, appointed by the legislative management;
 - b. Two multi-unit special education directors;
 - c. One large school special education director;
 - d. One special education coordinator;
 - e. One superintendent of a large school;
 - f. One superintendent of a small or midsize school;
 - g. One business manager of a large school; and
 - h. One multi-unit special education business manager.
3. During the 2025-26 interim, the special education funding committee study must include a comprehensive review of special education funding models, including student contracts, high-cost students, residential placement, and reimbursement under the Medicaid program.
4. The committee shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 500

HOUSE BILL NO. 1025

(Legislative Management)
(Energy Development and Transmission Committee)

AN ACT to provide for a legislative management study relating to advanced nuclear energy; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ADVANCED NUCLEAR ENERGY.

1. During the 2025-26 interim, the legislative management shall study the feasibility, siting, and deployment of advanced nuclear power plants in the state. The study must include evaluation of:
 - a. Siting locations, including potential greenfield and brownfield sites, the identification and assessment of undeveloped land suitable for construction, developed land suitable for rehabilitation and reuse, geographical locations, environmental impacts, proximity to infrastructure, and community acceptance;
 - b. Electric grid connectivity, including the capacity of the electrical grid and integration of a nuclear power plant to the state, necessary upgrades and expansions to ensure reliability, and recommendations adhering to national and state electric standards and regulations;
 - c. Land use considerations, including long-term sustainability of proposed sites, environmental and social factors, land use patterns and zoning regulations, potential impacts on local land use, and proposed mitigation strategies;
 - d. Economic impacts, including potential tax revenue, job creation during construction and operation of a nuclear facility, economic impacts on local and state economies, and investor appeal;
 - e. Temporary and permanent nuclear waste storage, including in-state and out-of-state siting locations;
 - f. Small modular and micro nuclear reactors, including the feasibility of constructing and operating small modular and micro reactors to generate power in the state; and
 - g. Provisions of the North Dakota Century Code that place restrictions on advanced nuclear energy development, if any.
2. The study must invite participation from an institution of higher education for assistance in evaluating social interests and community acceptance of potential siting locations.

3. The committee must consist of:
 - a. Two members representing the energy industry, appointed by the legislative management;
 - b. One member appointed by the public service commission;
 - c. One member appointed by the industrial commission;
 - d. One member appointed by the director of the department of water resources;
 - e. Three members of the house of representatives selected by the majority leader of the house of representatives, two of whom must represent the majority faction of the house of representatives and one of whom must represent the minority faction of the house of representatives; and
 - f. Three members of the senate selected by the majority leader of the senate, two of whom must represent the majority faction of the senate and one of whom must represent the minority faction of the senate.
4. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.
5.
 - a. A member of the committee who is not a state employee is entitled to reimbursement for mileage and expenses as provided by law for state officers and employees, to be paid by the legislative council.
 - b. A state employee who is a member of the committee is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses to be paid by the employing agency.
 - c. A member of the committee who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the committee. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the committee who is a member of the legislative assembly.

SECTION 2. APPROPRIATION - LEGISLATIVE COUNCIL - ADVANCED NUCLEAR ENERGY STUDY - MATCHING FUNDS - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, and from special funds derived from grants or donations from nonstate sources, the sum of \$300,000, or so much of the sum as may be necessary, to the legislative council for the purpose of contracting for consulting services for the study provided for in section 1 of this Act, for the biennium beginning July 1, 2025, and ending June 30, 2027. The legislative council shall seek matching funds from the private sector to the extent available to assist with the cost of the project. The funding provided in this section is considered a one-time funding item.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 501

HOUSE BILL NO. 1097

(Representative Frelich)

AN ACT to provide for a legislative management study regarding accessibility of government services for individuals who are deaf, hard of hearing, or have hearing differences.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ACCESSIBILITY OF GOVERNMENT SERVICES FOR INDIVIDUALS WHO ARE DEAF, HARD OF HEARING, OR HAVE HEARING DIFFERENCES.

1. During the 2025-26 interim, the legislative management shall study the accessibility of state and local services for individuals who are deaf, hard of hearing, or have hearing differences. The study must:
 - a. Consider the requirements under the federal Americans with Disabilities Act providing for state and local government entities to communicate effectively with individuals who are deaf, hard of hearing, or have hearing differences.
 - b. Consider challenges or barriers to effective communication for individuals who are deaf, hard of hearing, or have hearing differences when communicating with, including receiving information from and conveying information to, state and local government entities, and identify strategies for improving communication.
 - c. Include input from the department of labor and human rights, department of health and human services, employees of the school for the deaf, individuals who are deaf, hard of hearing, or have hearing differences, information technology professionals, American sign language interpreters, and family members of individuals who are deaf, hard of hearing, or have hearing differences.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved March 19, 2025

Filed March 20, 2025

CHAPTER 502

HOUSE BILL NO. 1119

(Human Services Committee)

(At the request of the Department of Health and Human Services)

AN ACT to provide for a legislative management study regarding child care provider licensing; to provide for a program evaluation regarding child care services; and to create a child care services licensing advisory committee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CHILD CARE PROVIDER LICENSING.

1. During the 2025-26 interim, the legislative management shall study the laws, administrative rules, and policies relating to child care provider licensing.
2. If the legislative council conducts a program evaluation of the department of health and human services child care services, the study must be informed by the program evaluation.
3. The study must include input from:
 - a. The department of health and human services;
 - b. The child care services advisory committee; and
 - c. Child care providers.
4. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

SECTION 2. LEGISLATIVE MANAGEMENT PROGRAM EVALUATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - CHILD CARE SERVICES.

1. During the 2025-26 interim, the legislative council shall consider conducting a program evaluation of the department of health and human services child care services.
2. The program evaluation must include:
 - a. Review and analysis of state and federal laws, administrative rules, and policies relating to child care.
 - b. Evaluation of the child care services framework, identifying strengths, challenges, and opportunities, including opportunities to streamline the administrative process, to enhance clarity for providers, and to provide services for more children.

- c. Consideration of licensing requirements, the federal and state assistance programs available, education requirements for program operators, training and certification requirements for staff members, the number of children in an early childhood program, child to provider ratios, and square footage requirements.
 - d. Review and analysis of child care funding sources, expenditures, assistance penetration rates, and the distribution of resources to determine whether the program efficiently and effectively uses and distributes resources to support access to affordable and safe child care.
 - e. Review of recently enacted legislation regarding child care services to determine if the policies have been timely implemented and properly administered, including an analysis of measurable goals, performance data, and options to improve enrollment.
3. By August 1, 2026, the legislative council shall report its findings and recommendations to the legislative management.
 4. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

**SECTION 3. CHILD CARE SERVICES ADVISORY COMMITTEE -
DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

1. During the 2025-26 interim, the department of health and human services shall establish a child care services advisory committee to review and provide input on the laws, administrative rules, and the department of health and human services policies relating to child care licensing.
2. The department of health and human services shall provide staffing and administrative services for the child care services advisory committee.
3. The child care services advisory committee shall collaborate with the department of health and human services to conduct a comprehensive revision of administrative rules relating to child care licensing. In coordination with the committee, the department shall facilitate a series of regional meetings and topical focus groups with child care providers from around the state to discuss child care licensing challenges and review proposed revisions to the administrative rules. The committee must have the opportunity to review and provide input on all of the department's proposed administrative rule changes and policy changes relating to child care.
4. The advisory committee shall consist of:
 - a. Two child care center representatives, appointed by the legislative management;
 - b. Two group child care representatives, appointed by the legislative management;
 - c. Two preschool program representatives, appointed by the legislative management;

- d. Two members of the house of representatives, selected by the majority leader of the house of representatives;
 - e. Two members of the senate, selected by the majority leader of the senate; and
 - f. A child care expert, appointed by the legislative management.
5. The child care services advisory committee shall provide periodic status updates in collaboration with the department of human services on proposed licensing rules and a final report to the legislative management by June 30, 2026.
6. The child care services advisory committee shall dissolve after providing the final report to the legislative management.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 503

HOUSE BILL NO. 1151

(Representatives Schatz, Hauck, Holle, Kempenich, Monson, Dressler)
(Senators Boehm, Magrum, Paulson, Wanzek)

AN ACT to provide for a legislative management study regarding the regulation of cell-cultured protein.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - REGULATION OF CELL-CULTURED PROTEIN. During the 2025-26 interim, the legislative management shall consider studying cell-cultured protein and the status of litigation in federal and state courts to prohibit cell-cultured protein. The study must include the outcome of litigation in other states and an analysis of the regulatory landscape, stakeholder impact, and feasibility of adopting a prohibition on cell-cultured protein in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 504

HOUSE BILL NO. 1197

(Representatives Frelich, Mitskog, Monson, K. Anderson, Schreiber-Beck, Wagner)
(Senators Luick, Myrdal, Davison, Mathern, Meyer, Sorvaag)

AN ACT to provide for a legislative management study of correctional facilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CORRECTIONAL FACILITIES. During the 2025-26 interim, the legislative management shall study jails and regional correctional centers, including their current and projected infrastructure needs, the costs and benefits of regional correctional facilities, the impacts of deferred admission, and the prioritization of inmates sentenced to the department of corrections and rehabilitation. The study must include input from representatives of counties with a population of seven thousand five hundred or more, representatives of counties with a population of fewer than seven thousand five hundred, representatives of local law enforcement officials, representatives of the department of corrections and rehabilitation, representatives of the office of management and budget, and representatives of the attorney general. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 505

HOUSE BILL NO. 1311

(Representatives Satrom, Brandenburg, Grueneich, Ostlie)
(Senators Conley, Erbele)

AN ACT to provide for a legislative management study, relating to volunteer emergency responder recruitment and retention.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - VOLUNTEER EMERGENCY RESPONDER RECRUITMENT AND RETENTION. During the 2025-26 interim, the legislative management shall consider studying volunteer emergency responder recruitment and retention. The study must consider recruitment and retention challenges related to volunteer emergency responders, including firefighters, emergency or disaster volunteers, and community emergency response team members, and identify strategies for encouraging volunteerism. The study also must include input from stakeholders, including disaster emergency organizations, nonprofit associations, representatives of law enforcement, emergency medical service providers, and state and local agencies, departments, and institutions. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 506

HOUSE BILL NO. 1329

(Representatives O'Brien, Pyle, Schreiber-Beck, Swiontek)
(Senator Axtman)

AN ACT to provide for a legislative management study regarding the establishment of a government spending database.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - GOVERNMENT SPENDING DATABASE.

1. During the 2025-26 interim, the legislative management shall consider studying the feasibility of the establishment of a government spending database. The study must include:
 - a. A review of the training services necessary for school board members, superintendents, principals, and business managers regarding the government spending database, including best practices, personnel management, financial operations, facility planning, and regulatory compliance.
 - b. The feasibility of establishing a database that compiles the following information for each expenditure:
 - (1) The amount paid.
 - (2) The payment date.
 - (3) The recipient name.
 - (4) The paying entity.
 - (5) The employee position, if for a personnel payment.
 - (6) For a school district, with respect to educational materials:
 - (a) A description of curriculum.
 - (b) The publisher and author of a textbook.
 - (c) A description of software specifications and developer identification.
 - (7) A standardized categorization using United States census bureau codes for state and local transactions and nationally recognized standardized codes for school districts and institutions of higher education.
 - c. The feasibility of establishing a database capable of providing:

- (1) Search capabilities.
 - (2) Data aggregation tools.
 - (3) Download options in common formats.
 - (4) Anonymous salary and benefit information.
 - (5) Regular updates of all information.
2. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 507

HOUSE BILL NO. 1371

(Representatives Hauck, Dockter, Heinert, Marschall, Vetter)
(Senator Larson)

AN ACT to provide for a legislative management study relating to providing uniform group insurance program health insurance benefits coverage for retired peace officers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PUBLIC EMPLOYEES RETIREMENT SYSTEM UNIFORM GROUP INSURANCE PROGRAM HEALTH INSURANCE BENEFITS FOR RETIRED PEACE OFFICERS. During the 2025-26 interim, the legislative management shall consider studying the impact of providing uniform group insurance program health insurance benefits for retired peace officers. The study must include a thorough review of benefits provided for peace officers and consideration of health insurance benefit options, premium costs, eligibility requirements for retirement, years of service limitations, eligibility for Medicare, potential costs to the state and political subdivisions, the effect of providing benefits on recruitment and retention, any impact on the state's financial reporting of postemployment benefit-related unfunded liability, and establishing a retired peace officer health insurance pool. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 508

HOUSE BILL NO. 1410

(Representatives Schneider, Dobervich, Hager, Hanson, O'Brien, Satrom, M. Ruby,
Conmy, Davis)
(Senators Clemens, Larson, Lee)

AN ACT to provide for a legislative management study regarding a review of state laws relating to criminal conduct against children.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CRIMES AGAINST CHILDREN.

1. During the 2025-26 interim, the legislative management shall consider studying state laws relating to criminal conduct against children, child sexual abuse, child physical abuse, child neglect, and human trafficking of children.
2. The study must include a review of:
 - a. The use of the term "child sexually abusive material" or other language deemed appropriate instead of the term "sexual performance" to describe child pornography or sexual conduct of a minor in chapter 12.1-27.2.
 - b. State laws relating to the use of artificial intelligence for crimes relating to sexual performance of a minor or possession of certain prohibited materials.
 - c. Other laws intended to protect children and facilitate the investigation and prosecution of crimes involving child victims of sexual abuse, physical abuse, neglect, and trafficking.
3. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 509

HOUSE BILL NO. 1530

(Representatives Schneider, Conmy, Davis, Heinert, Jonas, Kiefert, Schreiber-Beck,
Hager)
(Senators Davison, Hogan, Mathern)

AN ACT to provide for a legislative management study on the circumstances and needs of special education teachers and the related special education teacher shortage.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - RECRUITMENT AND RETENTION OF SPECIAL EDUCATION TEACHERS.

1. During the 2025-26 interim, the legislative management shall consider studying special education teacher shortages, circumstances, and collective needs. The study must include:
 - a. Special education teacher workload, including:
 - (1) Significant and inequitable disparities in caseload numbers and complexities between educators;
 - (2) Addition of students to a special education's workload throughout the year without consideration of impact on students' needs and teachers' workload;
 - (3) Lack of a subjective formula for teaching, workload, and case management assignments;
 - (4) Unsatisfactory policies and formulas adopted without special educator involvement, adequate training, or with general or vague language; and
 - (5) Burdensome workloads threatening compliance with student individual education plans and state and federal law.
 - b. Special education student and staff safety, including:
 - (1) The unmet need for accessible, understandable, and effective emergency and crisis plans, procedures, protocols, and trained personnel available to implement them;
 - (2) Lack of training in de-escalation techniques and preventative strategies and necessary protective equipment;
 - (3) Lack of training in the use of protective equipment and restrictive procedures;

- (4) Uncompensated time for planning and implementing behavior intervention plans separate from teacher preparation time;
 - (5) Lack of adequate space to meet the needs of students demonstrating violent behavior;
 - (6) The unmet need for additional highly qualified paraprofessional support in situations involving students with violent behavior; and
 - (7) The inequitable treatment of injured staff who must use sick leave or unpaid leave due to injuries that occurred at work.
- c. Special education paraprofessional management duties, including:
- (1) Additional expectation that education, training, and professional development of paraprofessionals are an obligation of the special education teacher;
 - (2) Additional requirement that special education teachers schedule and annually evaluate paraprofessionals;
 - (3) Inadequate availability of highly qualified paraprofessionals;
 - (4) Inadequate training in management of paraprofessionals; and
 - (5) Failure to provide additional time and compensation for paraprofessional management duties.
- d. Special education paperwork requirements and supports, including:
- (1) Lack of compensation for extensive federal, state, and disability-related required paperwork;
 - (2) Lack of compensation to attend individual education plan evaluation meetings outside the teacher's workday or during teacher preparation time; and
 - (3) Lack of additional time, training, mentoring, administrative and professional support and assistance necessary to manage mandatory reporting, compliance, and due process issues and requirements.
- e. Additional or broader considerations, pertinent data review, and plans for remediation of inequities, including projected costs and implementation timetables.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 510

HOUSE BILL NO. 1543

(Representatives Meier, K. Anderson, Bolinske, Dobervich, Frelich, Heinert, Holle,
Rohr, Weisz)
(Senators Cleary, Dever, Hogan)

AN ACT to provide for a legislative management study regarding prescription drug pricing and the maximum fair price as determined by the federal government.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PRESCRIPTION DRUG PRICING.

1. During the 2025-26 interim, the legislative management shall consider studying prescription drug pricing and the maximum fair price for a drug as published by the secretary of the United States department of health and human services.
2. The study must include consideration of federal drug price negotiations under the Federal Inflation Reduction Act of 2022 [Pub. L. 117-169; 26 U.S.C. 55 et seq.] and overlap with current drugs paid for by the public employees retirement system to determine usage and potential cost-savings to the state and consumers.
3. The study must include input from:
 - a. The public employees retirement system;
 - b. The insurance commissioner;
 - c. The state board of pharmacy; and
 - d. Other stakeholders.
4. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 511

HOUSE BILL NO. 1563

(Representatives Davis, Brown, Finley-DeVile, Foss, Holle, Ista)
(Senators Marcellais, Weston)

AN ACT to provide for a legislative management study relating to tribal land taxation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - TRIBAL LAND TAXATION. During the 2025-26 interim, the legislative management shall consider studying tribal land taxation issues related to taxation of land owned by enrolled tribal members who reside within the boundaries of any tribal reservation in this state. The study may include analysis of federal law, judicial decisions concerning tribal taxation authority, state property tax exemptions related to property of Native Americans, and the interaction between tribal sovereignty and state law. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 512

HOUSE BILL NO. 1566

(Representatives D. Johnston, Christianson, Klemin, J. Olson, Schneider, VanWinkle)

AN ACT to provide for a legislative management study relating to the potential uses of kratom and the implementation of regulations of kratom in the state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - KRATOM USES. During the 2025-26 interim, the legislative management shall consider studying potential uses of kratom and the implementation of regulations related to uses of kratom in the state, including production, manufacturing, distribution, and retail sale of kratom products. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 513

HOUSE BILL NO. 1567

(Representatives Schneider, Brown, Davis, Finley-DeVile, McLeod, Mitskog, Nelson,
Hager)
(Senators Bekkedahl, Hogan)

AN ACT to provide for a legislative management study relating to dental and oral health care status among Medicaid recipients and workforce support to improve access for low-income children, Native American children, and individuals with disabilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ACCESS TO DENTAL AND ORAL HEALTH CARE SERVICES FOR LOW-INCOME CHILDREN, NATIVE AMERICAN CHILDREN, AND INDIVIDUALS WITH DISABILITIES.

1. During the 2025-26 interim, the legislative management shall consider studying the unmet dental and oral health care needs of low-income children, Native American children, and individuals with disabilities. The study must include:
 - a. An overview of the dental and oral health care status of Medicaid recipients, including low-income children, Native American children, and individuals with disabilities, both on and off reservations;
 - b. Evaluation of the importance of receiving dental and oral health care services, the impacts and outcomes of not receiving services, general health consequences, complications, and expanded costs of future care;
 - c. Review of state and federal regulations, policies, and procedures limiting or perceived as limiting dentist provider enrollment in Medicaid, including impediments to enrollment, length of credentialing and recredentialing, reasons for provider termination, prior authorizations, attachments, appeals, and timely payments;
 - d. Availability of, and access or barriers to, complex dental services for Medicaid recipients with disabilities or dental conditions which might require anesthesia or critical care;
 - e. Review of Medicaid dental reimbursement rates for a selection of preventative and treatment services in this state compared to other states, private payers, and in comparison to real cost for dental teams to determine potential need to increase reimbursement rates;
 - f. Review of barriers and opportunities relating to expanding education for dentists and dental staff, including consideration of a new dental school in this state, long-term partnership with regional dental schools, and increased dental student residencies located in this state;

- g. Consideration of the expansion or promotion of programs that offer support and resources to enable on-the-job training and apprenticeships for dental assistants, including the visibility of providing state and federal resources to support providers offering such training;
- h. Consideration of expansion or creation of volunteer and charitable dental programs and nonprofit services;
- i. Evaluation of ways to improve accessibility to dental and oral health care services for Medicaid recipients, including low-income children, Native American children, and individuals with disabilities, both on and off reservations;
- j. Exploration of the feasibility of partnerships between state programs and tribal health organizations to enhance delivery;
- k. Review of programs designed to recruit and retain dental health providers, such as loan forgiveness or incentives for dentists working in underserved communities, including tribal communities;
- l. Exploration of the use of telehealth solutions to reach rural areas, including tribal communities;
- m. Review of dental provider participation with dental insurers, including the percentage of dental providers in-network and out-of-network for the largest dental insurers;
- n. Review of charges covered by dental benefit plans and out-of-pocket costs for dental care;
- o. Review of dental program preauthorization and service coverage in adherence to clinical guidelines of the American dental association and the American academy of pediatric dentistry;
- p. Review of the provider relations program for answering questions from providers and staff, online and in-person education and training to providers and staff to promote efficiency and effectiveness;
- q. Consideration of program staff credentials for appropriate oversight of clinical care for claim preauthorizations and approvals;
- r. Consideration of the administrative system addressing grievances and appeals of submitted claims and preauthorizations to assess the system's responsiveness and review the ability to submit additional documentation, such as x-rays and photos using an online portal;
- s. Review of parity in the submission of claims between private offices, nonprofit dental clinics, and federally qualified health centers;
- t. Consideration of the potential effects of dental Medicaid expansion and increase in adult Medicaid-eligible enrollees on access to dental care, administrative efficiency, and participation of dentists in the Medicaid program;

- u. Review of dental claims administration including the percentage of preauthorizations and denials;
 - v. Review of call center management including the number of calls, average hold time, and caller satisfaction;
 - w. Review of cases and decisions by a program administration related to audits and claims review to determine what percentage were completed with a peer review committee that includes a licensed dentist and a licensed dentist of a specialty;
 - x. Review the quality improvement system that assists providers in providing clinically appropriate care in accordance with the guidelines of the American dental association and the American academy of pediatric dentistry clinical guidelines;
 - y. Analysis of the information required by centers for Medicare and Medicaid form 416, in compliance with Medicaid early and periodic screening, diagnostic, and treatment, including the percentage of eligible children receiving any dental service, preventative service, or sealants;
 - z. Analysis of provider participation and recredentialing of dental providers with Medicaid, the average benefit paid per user and beneficiary, the geographical distribution of active providers with active recipients in the state, and provider participation surveys; and
 - aa. Review of ambulatory surgery and hospital facility claims for dental rehabilitation procedures that require monitored anesthesia for children to compare with other medical providers providing similar same-day surgical services.
2. The study may include broader considerations of unmet needs for dental services for all Medicaid recipients, data for those recipients, and any current plans for remediation with goals, objectives, projected costs, and implementation timetables.
 3. The study may include a focus on solutions to identified needs including a review of scope of practice and additional providers and provider types.
 4. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 514

HOUSE BILL NO. 1579

(Representatives Novak, Porter, Heinert)
(Senators Kessel, Patten)

AN ACT to provide for a legislative management study relating to the impact of large energy consumers on the state's electrical grid.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - IMPACT OF LARGE ENERGY CONSUMERS ON THE ELECTRICAL GRID.

1. During the 2025-26 interim, the legislative management shall study the impact of large energy consumers, including data centers, on the electrical grid of this state, regulatory structure, and economic development. The study must include an evaluation of the:
 - a. Electrical grid reliability and infrastructure requirements within the state, including the capacity of the electrical grid, necessary upgrades to accommodate large energy consumers, the cost of necessary upgrades to accommodate large energy consumers, how the cost of necessary upgrades to accommodate large energy consumers are allocated, effects of congestion on the electrical grid caused by increased development, and best practices for integrating high-demand users while maintaining reliability for all ratepayers;
 - b. Regulatory consistency throughout the state, including an assessment of the manner in which state and local laws and regulations impact large energy consumers, whether the certificate of public convenience and necessity process is appropriate for private-sector end users, and whether regulatory inconsistencies exist between investor-owned utilities, rural electric cooperatives, municipal power providers, and independent power producers;
 - c. Economic impacts affecting the energy industry of the state, including an assessment of job creation, tax revenue generation, and long-term investment trends tied to data center development and other large energy consumers;
 - d. Market dynamics of the local and national energy industry, including the role of demand-side management, local versus regional energy market participation, and the ability of large consumers to support grid stability through off-peak consumption or other grid-supportive practices;
 - e. Costs and impacts of all regulated and exempted public utilities, including best reporting practices; and
 - f. Regulatory and exemption criteria relating to load size, system integration, application processes, impacts to consumers and access to the regional grid systems, electrical generation sources, the feasibility of colocated backup generators at various facilities, and generation sources, including legacy electric generation units.

2. The study must include input from representatives of:
 - a. Data center operators and other large energy consumers operating or considering investment in the state;
 - b. Investor-owned utilities, rural electric cooperatives, municipal power providers, and independent power producers;
 - c. The public service commission;
 - d. The lignite energy council;
 - e. The North Dakota transmission authority;
 - f. Regional transmission organizations;
 - g. The petroleum council; and
 - h. Any other relevant state or federal agency.
3. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 515

HOUSE BILL NO. 1580

(Representatives Vetter, Christianson, Dockter, Meier, Motschenbacher, D. Johnston)
(Senators Cleary, Cory)

AN ACT to provide for a legislative management study relating to state employee compensation levels.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STATE EMPLOYEE COMPENSATION.

1. During the 2025-26 interim, the legislative management shall consider studying the classified state employee total rewards compensation system, including a review of the development and determination of pay grade, classifications, and health care benefits. The study must include a review of:
 - a. The history of changes to classification and pay grade levels;
 - b. Comparisons among state employees across all departments and between state employee compensation levels to similar private sector jobs;
 - c. The use of equity funding and bonuses to retain employees;
 - d. The payment of prevailing wages on state projects;
 - e. Wage levels in awarding contracts for state projects;
 - f. The impact of changes to health plan benefits; and
 - g. Premium rate structures for single and family coverage and the impact of any proposed changes.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 516

HOUSE BILL NO. 1582

(Representatives Vetter, Christianson, S. Olson, Schauer, D. Johnston)
(Senators Clemens, Sickler, Castaneda, Cory)

AN ACT to provide for a legislative management study regarding a review of state laws relating to false accusations or false reports of a crime.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - FALSE REPORTING.

During the 2025-26 interim, the legislative management shall consider studying chapter 12.1-11 of the North Dakota Century Code, relating to false accusations or false reports of a crime. The study must include input from the state's attorney's association and defense attorneys. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the seventieth legislative assembly.

Approved April 28, 2025

Filed April 28, 2025

CHAPTER 517

SENATE BILL NO. 2157

(Senators Schaible, Luick, Myrdal)
(Representatives Holle, Kempenich, Beltz)

AN ACT to provide for a legislative management study relating to the creation of a farm safety insurance discount program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - AGRICULTURE SAFETY COURSE TO REDUCE INSURANCE PREMIUMS. During the 2025-26 interim, the legislative management shall study the feasibility and desirability of creating a program that would allow a farmer or rancher to complete a safety course to receive a discount on insurance relating to the individual's farming or ranching operation. The study must include the development of a proposed safety course, the feasible amount of an insurance premium discount, and eligibility requirements for applicants seeking to participate in the discount program. The study must include input from the insurance commissioner, agriculture commissioner, the North Dakota state university extension service, and farm, livestock, and agricultural insurance agencies operating in the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 518

SENATE BILL NO. 2191

(Senators Lee, Dever, Hogan)
(Representatives Stemen, Wagner)

AN ACT to provide for a legislative management study relating to health care services in local correctional facilities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - HEALTH CARE SERVICES IN LOCAL CORRECTIONAL FACILITIES.

1. During the 2025-26 interim, the legislative management shall consider studying health care services in local correctional facilities. The study must include:
 - a. A review of current state and federal requirements of local correctional facilities regarding health care services;
 - b. A review of health care services funding patterns for local correctional facilities;
 - c. A consideration of the challenges of local health care facilities and providers in serving incarcerated individuals in local correctional facilities;
 - d. An analysis of models of best practices for health care services for incarcerated individuals in local correctional facilities; and
 - e. A consideration of methods to expand local, state, and federal funding for health care services in local correctional facilities.
2. The legislative management shall report its findings and recommendations together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 519

SENATE BILL NO. 2210

(Senators Weber, Dwyer, Luick, Sorvaag)
(Representatives Brandenburg, Schreiber-Beck)

AN ACT to provide for a legislative management study relating to the management of water based on watershed boundaries.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - WATER MANAGEMENT BASED ON WATERSHED BOUNDARIES. During the 2025-26 interim, the legislative management shall study the feasibility and desirability of assigning management authority for the waters of the state to the area located in the naturally occurring watershed, rather than assigning management authority based on political subdivision boundaries. The study must review the approaches used for managing water in surrounding states; the powers, duties, and organizational structure of watershed boards; dispute resolution procedures afforded to individuals residing within the boundaries of a watershed district; the mechanism to initiate, implement, and improve works projects within a watershed district; and the role of the department of water resources in mapping and establishing watershed boundaries. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 17, 2025

Filed April 17, 2025

CHAPTER 520

SENATE BILL NO. 2242

(Senators Myrdal, Paulson, Wobbema)
(Representatives D. Johnston, S. Olson, Motschenbacher)

AN ACT to provide for a legislative management study relating to institutions of higher education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - INSTITUTIONS OF HIGHER EDUCATION.

1. During the 2025-26 interim, the legislative management shall consider studying the institutions of higher education under the control of the state board of higher education. The study must include:
 - a. Methods to promote efficiency and collaboration among state institutions;
 - b. Consideration of statewide dual-credit expansion to develop standard three-year bachelor degree programs;
 - c. An analysis of the cost of tuition and fees for students;
 - d. Consideration of the feasibility and desirability of a system of uniform transcripts and the waiver of fees to transfer credits within the state higher education system;
 - e. Consideration of the feasibility and desirability of consolidating colleges and universities and implementing satellite campuses of universities;
 - f. Research on the competitiveness among state institutions; and
 - g. An analysis of the quality of education provided at each state institution.
2. If selected, the legislative management shall appoint a committee for this study as follows:
 - a. The voting members of the committee, who must be appointed by the legislative management, are:
 - (1) Three members of the senate, two from the party with the largest number of members in the senate and one from the party with the second largest number of members in the senate;
 - (2) Three members of the house of representatives, two from the party with the largest number of members in the house of representatives and one from the party with the second largest number of members in the house of representatives; and

- (3) One member of the legislative assembly to serve as the committee chairman.
- b. The nonvoting members of the committee are:
 - (1) The chairman of the state board of higher education;
 - (2) The student representative of the state board of higher education;
 - (3) The chancellor of the North Dakota university system, or the chancellor's designee;
 - (4) One representative of kindergarten through grade twelve education; and
 - (5) One representative each of the manufacturing, health care, agriculture, and energy industries.
3. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved March 20, 2025

Filed March 20, 2025

CHAPTER 521

SENATE BILL NO. 2249

(Senators Barta, Sickler)
(Representatives Bahl, Karls, McLeod)

AN ACT to provide for a legislative management study relating to health care mandates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - HISTORICAL HEALTH CARE MANDATES.

1. During the 2025-26 interim, the legislative management shall consider studying historical health care mandates. The study must include:
 - a. An analysis of current health care mandates, including when they were enacted, the purpose, effectiveness, and present applicability;
 - b. A history of health care mandates and step therapy protocol; and
 - c. Input from the department of health and human services, the insurance department, the public employees retirement system, insurance providers and other stakeholders.
2. The legislative management shall report its findings and recommendations together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved March 27, 2025

Filed March 31, 2025

CHAPTER 522

SENATE BILL NO. 2278

(Senators Boehm, Castaneda, Wobbema)
(Representatives Frelich, Henderson, Holle)

AN ACT to provide a legislative management study relating to the retention of library materials.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - RETENTION OF LIBRARY MATERIALS. During the 2025-26 interim, the legislative management shall consider studying the feasibility and desirability of requiring libraries maintained by state agencies, including the state library and libraries at institutions under the control of the state board of higher education, to retain a copy of any book or other written material that contains the material's original text if the publisher of the material publishes a new version to update language that was common when the material was originally published to language that is considered more socially progressive, politically correct, inclusive, or less socially offensive. The study must include an analysis of how artificial intelligence has or will affect the retention of library materials, how library materials are updated or altered using artificial intelligence, and the fiscal and operational impact of collection management. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved March 28, 2025

Filed March 31, 2025

CHAPTER 523

SENATE BILL NO. 2332

(Senator Boschee)
(Representatives Brandenburg, Mitskog, Nelson)

AN ACT to provide for a legislative management study, relating to grant funding for emergency services and public safety.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - GRANT FUNDING FOR EMERGENCY SERVICES AND PUBLIC SAFETY. During the 2025-26 interim, the legislative management shall consider studying options to provide grant funding for emergency services and public safety. The study must include a review of the amount of grant funding needed, potential funding sources, entities to be eligible to receive a grant, types of expenses to be eligible for reimbursement through a grant program, the appropriate agency to administer a grant program, and options to establish a grant program oversight committee. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 524

SENATE BILL NO. 2340

(Senators Kessel, Bekkedahl, Hogue, Patten)
(Representative Porter)

AN ACT to provide for a legislative management study to evaluate the evolving fire service operational and response needs of the state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - FIRE SERVICE REGIONAL RESPONSE MODEL.

1. During the 2025-26 interim, the legislative management shall study the evolving fire service operational and response needs of the state. The study must include an examination of the:
 - a. Coordination of efforts of existing state resources for improved fire emergency service organization, distribution, mobilization, training, and oversight.
 - b. Creation of fire service regional response teams.
 - c. Establishment of authority for response, standardized training, wildland-urban interface fire prevention codes, emergency response operational initiatives and responsibilities.
 - d. Evaluation of existing staffing abilities to cross-train, provide further services, provide backfill during extended or complex emergencies, minimum training requirements, staff firefighting authorities, firefighting benefits, necessary equipment, and structural needs.
 - e. Identification and implementation of a restructure of fiscal support for state and local fire service in North Dakota, reducing the dependency on local property tax.
 - f. A review of changes necessary to state laws and administrative rules to implement a unified model.
2. The study must include consultation with state fire marshal, the North Dakota firefighter's association, the North Dakota forest service, the department of emergency services, the North Dakota fire chief's association, the department of career and technical education, and other stakeholders. The legislative management may contract with a consultant to carry out this study. The legislative management shall report the findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 525

SENATE BILL NO. 2360

(Senators Hogan, Cory, Patten)

AN ACT to provide for a legislative management study regarding geothermal energy.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - GEOTHERMAL ENERGY.

1. During the 2025-26 interim, the legislative management shall consider studying the feasibility of developing geothermal energy in the state. The study must include an evaluation of:
 - a. The state's geology and the feasibility of resource exploration and production of geothermal energy in the state.
 - b. Support opportunities for startup geothermal companies, including fostering innovation and promoting economic growth within the state's energy sector.
 - c. The application of geothermal energy to nonproductive oil and gas wells to extend the life of the well through the use of a complementary energy extraction method.
 - d. Other opportunities to advance geothermal energy opportunities in the state.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 526

SENATE BILL NO. 2370

(Senators Cleary, Dever, Mathern)
(Representative McLeod)

AN ACT to provide for a legislative management study regarding prescription drug transparency reporting under the federal drug discount program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PRESCRIPTION DRUG TRANSPARENCY REPORTING.

1. During the 2025-26 interim, the legislative management shall study establishing reporting requirements for covered entities in North Dakota which participate in the federal drug discount program under 42 U.S.C. 256b, and how reported data could be used to develop public policy that directly benefits patients in North Dakota.
2. The study must include:
 - a. Consideration of the various entities participating in the federal drug discount program that should be required to report data to this state, including health care facilities, contract pharmacies, federally qualified health centers, drug manufacturers, pharmacy benefits managers, and health insurers.
 - b. Consideration of the specific data elements that each entity should be required to report.
 - c. Exploration of methods of reporting, compiling, and sharing the compiled data which provide the greatest benefit to patients in North Dakota.
 - d. Analysis of issues relating to the confidentiality and disclosure of the data.
 - e. Consideration of reporting enforcement mechanisms, including civil penalties for failing to report.
 - f. Input from and consultation with stakeholders, including:
 - (1) A professional association representing hospitals in North Dakota.
 - (2) A professional association representing pharmacies in North Dakota.
 - (3) A professional association representing federally qualified health centers in North Dakota.
 - (4) A professional association representing rural health in North Dakota.
 - (5) A professional association representing innovative pharmaceutical manufacturers.

- (6) The insurance department.
 - (7) The department of health and human services.
 - (8) The North Dakota board of pharmacy.
 - (9) Hospitals participating in the federal drug discount program.
 - (10) Federally qualified health centers.
 - (11) Pharmacies that have contracts with covered entities participating in the federal drug discount program.
 - (12) Health insurers.
3. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 527

HOUSE BILL NO. 1209

(Representatives S. Olson, Frelich, Marschall, Osowski, Rohr, Hoverson,
Motschenbacher)
(Senators Enget, Paulson, Weston)

AN ACT to provide for a legislative management report relating to a foreign adversary threat assessment conducted by the department of emergency services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. DEPARTMENT OF EMERGENCY SERVICES - FOREIGN ADVERSARY THREAT ASSESSMENT - REPORT - LEGISLATIVE MANAGEMENT REPORT.

1. The department of emergency services shall:
 - a. Identify sectors and industries most vulnerable to foreign adversarial influence, including critical infrastructure, technology, agriculture, energy, and academia;
 - b. Assess foreign adversarial influence beyond land acquisition, including strategic investments, partnerships, and other forms of economic, educational, and political influence;
 - c. Evaluate existing investments and activities to determine compliance with federal, state, and local laws;
 - d. Identify sectors in which foreign adversarial influence is often unmonitored or under reported; and
 - e. Propose broad mitigation strategies relating to identified risks and vulnerabilities to enhance the state's ability to manage foreign adversarial influence while supporting economic growth and security.
2. By July 1, 2026, the department of emergency services shall produce a written report outlining its findings and recommendations. The report must:
 - a. Provide a detailed analysis of the foreign adversary threats and vulnerabilities specific to the state;
 - b. Identify critical risks across sectors, including infrastructure, security, academia, and economic investments;
 - c. Provide sector specific mitigation recommendations designed to reduce vulnerabilities in infrastructure, academic institutions, economic investments, and other prominent sectors in the state; and
 - d. Include a proposal providing for the establishment of a state intelligence unit and the structure, roles, and operational procedures required for continuous monitoring of foreign adversary threats by the state intelligence unit.

3. Before September 1, 2026, the department of emergency services shall present the recommendations in the report under subsection 2, and any proposed legislation necessary to implement the recommendations, to the legislative management. The findings in the report must remain in the exclusive possession and under the control of the department of emergency services and is an exempt record under chapter 44-04.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 528

SENATE BILL NO. 2390

(Senators Wanzek, Myrdal, Thomas)
(Representatives Brandenburg, Beltz, Kempenich)
(Approved by the Delayed Bills Committee)

AN ACT to create and enact three new sections to chapter 54-40.1 of the North Dakota Century Code, relating to a rural catalyst committee, grant program, and fund; to amend and reenact section 54-40.1-02 of the North Dakota Century Code, relating to definitions for regional planning councils; to provide an appropriation; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-40.1-02 of the North Dakota Century Code is amended and reenacted as follows:

54-40.1-02. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "City" means any city incorporated under the laws of this state.
2. "Commissioner" means the commissioner of the department.
3. "Department" means the department of commerce.
4. "Governing body" means the city council or the board of city commissioners or the board of county commissioners.
- ~~3-5.~~ "Industry" includes agriculture and business.
- ~~4-6.~~ "Member-at-large" means a person who represents the general citizenry of the county.
- ~~5.~~ "Minority group" means any identifiable group of people, regardless of numerical size, whose members are denied or limited in employment, education, or training opportunities because of sex, race, creed, color, religion, national origin, or low income.
- ~~6-7.~~ "Organized local development corporation" means any group organized for the purpose of promoting economic development which has filed for incorporation as such with the secretary of state.
- ~~7-8.~~ "Region" means the area delineated by executive order of the governor.
- ~~8-9.~~ "Regional comprehensive plan" means a long-range guide for the economic, physical, and social development of a region which identifies regional goals, objectives, and opportunities and embodies the policies of the regional council.

- ~~9-10.~~ "Regional council" means the council for comprehensive planning and development established in each region pursuant to this chapter.
- ~~40-11.~~ "Units of general local government" means cities, counties, and organized townships.

SECTION 2. A new section to chapter 54-40.1 of the North Dakota Century Code is created and enacted as follows:

Rural catalyst committee - Membership - Meetings.

1. The rural catalyst committee is created to assist communities in the state with quality of life improvement and economic development projects. The committee includes:
 - a. One individual from each regional council, appointed by the executive boards of the regional councils;
 - b. Two members-at-large from communities eligible for grants under this chapter or organizations that primarily serve communities eligible for grants under this chapter, appointed by the governor;
 - c. One member of the legislative assembly, appointed by the chairman of legislative management;
 - d. The governor or a designee appointed by the governor; and
 - e. The commissioner or a designee appointed by the commissioner.
2. The governor and the commissioner are permanent members of the committee. The term of office of the remaining members is four years. Members may be appointed to additional terms. The governor, or the governor's designee, shall serve as chairman of the committee. The chairman of the committee shall select a vice chairman.
3. The committee shall meet at least semiannually to review and approve grant applications. The committee shall prioritize funding projects that support rural prosperity and quality of life enhancements.
4. The committee shall develop guidelines for the rural catalyst grant program, including eligibility criteria and reporting and matching requirements. Grant recipients must provide at least one dollar of matching funds from nonstate sources for every one dollar provided from the rural catalyst fund. The committee may consider matching funds in the form of cash or in-kind contributions.
5. The department shall provide administrative support to the committee as needed.
6. Members of the committee are entitled to be reimbursed for expenses incurred in the performance of their duties, in the same manner as other state officials are reimbursed, according to sections 44-08-04 and 54-06-09, to be paid by the state agency employing the member. A member of the committee who is a member of the legislative assembly is entitled to receive reimbursement for allowable travel expenses and compensation at the rate provided under section 54-35-10 for each day the member performs official

duties of the committee, to be paid by the legislative council. If not otherwise employed by the state of North Dakota, members of the committee are entitled to receive compensation of one hundred thirty-five dollars for each day of attending meetings and performing other duties relating to official business of the committee, to be paid by the department.

SECTION 3. A new section to chapter 54-40.1 of the North Dakota Century Code is created and enacted as follows:

Rural catalyst grant program - Eligibility - Use of funds - Postaward monitoring - Report to legislative management and legislative assembly.

1. The department shall administer the rural catalyst grant program to support quality of life improvement and economic development projects for rural communities in the state.
2. Grant funding may be awarded for projects that will address a critical need in the areas of community and economic development, education, health and wellness, or for the purpose of preserving or reopening rural grocery stores in a rural community with a population of four thousand five hundred or fewer individuals. The maximum grant award under the program is five hundred thousand dollars. At least fifty percent of the grant funds must be allocated to communities with populations of fewer than one thousand five hundred individuals.
3. By September first of each even-numbered year, the department shall submit a report to the legislative management regarding the results of the program, including the number of projects requested and supported through the program, information on projects receiving funding, matching funds raised for each project, and how the project has affected local communities. The department shall provide this report to the appropriations committees of the next legislative assembly.
4. The department shall maintain a database on the department's website regarding data and the status of each approved project.

SECTION 4. A new section to chapter 54-40.1 of the North Dakota Century Code is created and enacted as follows:

Rural catalyst fund.

The rural catalyst fund is a special fund in the state treasury administered by the department. Moneys in the fund must be used for providing grants in accordance with this chapter, subject to legislative appropriations. Interest earned on moneys in the fund must be credited to the fund.

SECTION 5. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO RURAL CATALYST FUND. The office of management and budget shall transfer \$2,500,000 from the strategic investment and improvements fund to the rural catalyst fund during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 6. APPROPRIATION - DEPARTMENT OF COMMERCE - RURAL CATALYST GRANT PROGRAM - ONE-TIME FUNDING. There is appropriated out of any moneys in the rural catalyst fund in the state treasury, not otherwise appropriated, the sum of \$2,500,000, or so much of the sum as may be necessary, to the

department of commerce for the purpose of the rural catalyst grant program, for the biennium beginning July 1, 2025, and ending June 30, 2027. The appropriation in this section is considered a one-time funding item.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 529

HOUSE BILL NO. 1487

(Representatives M. Ruby, Fisher, Heinert, Nathe, Stemen, D. Ruby)
(Senators Castaneda, Cleary, Meyer, Paulson, Thomas)

AN ACT to authorize the department of transportation to transfer real property to the office of management and budget; to provide an appropriation; to authorize a line of credit; to provide an exemption; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. TRANSFER OF LAND AUTHORIZED. The state of North Dakota, by and through the department of transportation, shall convey certain real property consisting of approximately one and one-quarter acres [.51 hectare] in the southwest corner of outlot 20 in the south half of the north half of the northwest quarter of section twenty-eight, township one hundred fifty-five north, range eighty-two west, Ward County, North Dakota, to the office of management and budget. Sections 54-01-05.2 and 54-01-05.5 do not apply to the transfer authorized by this section.

SECTION 2. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - MINOT BUILDING - LINE OF CREDIT - ONE-TIME FUNDING - EXEMPTION. The office of management and budget may borrow up to \$5,600,000 through a line of credit from the Bank of North Dakota during the biennium beginning July 1, 2025, and ending June 30, 2027, the proceeds of which are appropriated to the office of management and budget for the purpose of constructing a facility in Minot to lease to other state agencies. The interest rate on the line of credit may not exceed the prevailing interest rate charged to North Dakota governmental entities. If the office of management and budget accesses the line of credit, the office of management and budget shall request a deficiency appropriation from the seventieth legislative assembly to repay the line of credit. The appropriation in this section is considered a one-time funding item. The appropriation in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2027, and ending June 30, 2029.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 530

HOUSE BILL NO. 1269

(Representative Schreiber-Beck)

AN ACT to amend and reenact sections 54-44.4-02 and 54-44.6-02 of the North Dakota Century Code, relating to procurement exemptions and an exemption from forms management requirements for the North Dakota center for distance education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²¹⁴ **SECTION 1. AMENDMENT.** Section 54-44.4-02 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-02. Office of management and budget purchasing services.

1. The office of management and budget shall purchase or lease or otherwise arrange for the procurement, for all state agencies and institutions in the executive branch of state government, all materials, furniture, fixtures, printing, insurance, services, and other commodities. The International Peace Garden may participate in the procurement authorized by this section. The following commodities and services, however, are not subject to the procurement requirements of this chapter:
 - 4-a. Land, buildings, space, or the rental thereof.
 - 2-b. Telephone and telegraph service and electrical light and power services.
 - 3-c. Public books, maps, periodicals, resource materials, and technical pamphlets.
 - 4-d. Department of transportation materials, equipment, and supplies in accordance with section 24-02-16.
 - 5-e. Procurements by the industrial commission for energy-related programs under chapters 17-05, 54-17.5, 54-17.6, 54-17.7, 54-63, and 54-63.1 and under those statutes in title 38 authorizing the industrial commission to perform well and hole pluggings, reclamation work, equipment removal, leak prevention, and similar work.
 - 6-f. Services for the maintenance or servicing of equipment by the manufacturer or authorized servicing agent of that equipment when the maintenance or servicing can best be performed by the manufacturer or authorized service agent, or when such a contract would otherwise be advantageous to the state.
 - 7-g. Emergency purchases the office of management and budget or a purchasing agency cannot make within the required time and which

²¹⁴ Section 54-44.4-02 was also amended by section 3 of House Bill No. 1122, chapter 531, and section 2 of Senate Bill No. 2353, chapter 179.

- involve public health or public safety, or when immediate expenditures are necessary for repairs of state property to protect it against further loss or damage, or to prevent or minimize serious disruption in state services.
- ~~a.~~(1) Emergency purchases made under this subsection must treat all bidders fairly and promote competition as is practicable under the circumstances.
- ~~b.~~(2) The procurement file must contain a written determination of:
- ~~(1).~~(a) The basis for the emergency; and
- ~~(2).~~(b) The basis for the selection of the particular contractor.
- ~~c.~~(3) If the emergency circumstances warrant a noncompetitive purchase, the office of management and budget or the purchasing agency shall document within the procurement file a written determination of the basis for the noncompetitive purchase, including the circumstances that justified the noncompetitive purchase.
- ~~d.~~(4) If the emergency purchase is subject to federal funding reimbursement, the office of management and budget or the purchasing agency shall ensure the procurement procedures and documentation are adequate to satisfy requirements for federal reimbursement.
- ~~e.~~(5) If time allows, emergency purchases for commodities under this subsection may require a sample for use in determining whether an offered product meets specifications.
- ~~8.~~h. Commodities and services costing less than a specified amount as determined by written directive by the director of the office of management and budget.
- ~~9.~~i. Specified commodities and services as determined by written directive by the director of the office of management and budget.
- ~~40.~~j. Employee benefit services, trust-related services, and investment management services obtained by an agency with a fiduciary responsibility regarding those services. Nothing in this subsection may be construed to allow an agency to create or renew a contract perpetually and without limitation.
- ~~44.~~k. Services to extract, tow, store, and dispose of abandoned or submerged vehicles as defined in chapter 23.1-15.
- ~~42.~~l. Contracts by the agriculture commissioner for agricultural market news services under cooperative agreements with the United States department of agriculture, ombudsmen for pipeline restoration under section 4.1-01-17, environmental impact mitigation services under section 4.1-01-21.1, ombudsmen for wind property issues under section 4.1-01-23, weed control inspection agents under section 4.1-14-02, and hemp testing under section 4.1-18.1-04.2.

~~13.m.~~ Contracts by the state auditor for audits of computer systems under section 54-10-29.

~~14.n.~~ Contracts by the attorney general with experts under section 10-33-145.

~~15.o.~~ Contracts by the department of health and human services for online virtual mental health and suicide prevention simulation-based training programs under subsection 28 of section 50-06-05.1 and brain injury informal supports under section 50-06.4-07.

p. Contracts by the North Dakota center for distance education for educational content, educational technology tools, and related services for virtual delivery of education to students in kindergarten through grade twelve.

2. All purchases made by the office of management and budget or a state agency or institution to which authority to purchase has been delegated by the office of management and budget must be made in accordance with this chapter, rules adopted under this chapter, and written policies of the office of management and budget.

SECTION 2. AMENDMENT. Section 54-44.6-02 of the North Dakota Century Code is amended and reenacted as follows:

54-44.6-02. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Agency" means any department, office, commission, board, or other unit, however designated, of the executive branch of state government. The term does not include the North Dakota center for distance education.
2. "Form" means any document designed to record information and containing blank spaces and which may contain headings, captions, boxes, or other printed or written devices to guide the entry and interpretation of the information.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 531

HOUSE BILL NO. 1122

(Representative Nelson)

AN ACT to create and enact two new sections to chapter 54-44.4 of the North Dakota Century Code, relating to purchases by state officials and employees and multiple award vendor pool contracts; and to amend and reenact subsection 6 of section 44-04-18.4, sections 54-44.4-01, 54-44.4-02, 54-44.4-05, subsection 1 of section 54-44.4-07, subsection 1 of section 54-44.4-09, sections 54-44.4-09.1, 54-44.4-12, 54-44.4-13, and 54-44.4-14 of the North Dakota Century Code, relating to state purchasing practices.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 44-04-18.4 of the North Dakota Century Code is amended and reenacted as follows:

6. Unless made confidential under subsection 1 or made exempt under subsection 5:
 - a. Bids received by a public entity in response to an invitation for bids by the public entity are exempt until all of the bids have been received and opened by the public entity.
 - b. Proposals received by a public entity in response to a request for proposals are exempt records until a notice of intent to award is issued.
 - c. ~~Records included with any bid or proposal naming and generally describing the entity submitting the proposal are open.~~

SECTION 2. AMENDMENT. Section 54-44.4-01 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-01. Declaration of policy - Definitions.

It is state policy to provide comprehensive purchasing services based upon sound procurement practices and principles wherein, through full competition with fair and equal opportunity to all qualified persons to sell to the state, each state agency and institution shall obtain its necessary commodities and services at competitive cost, consistent with quality, time, and performance requirements, except as otherwise provided by law. As used in this chapter, unless the context requires otherwise:

1. "Commodities" means all property, including equipment, supplies, materials, printing, insurance, and leases of equipment.
2. "Information technology" has the same meaning as provided in section 54-59-01.
3. "Procurement officer" means an individual duly authorized to enter and administer purchasing contracts and make written determinations with respect thereto and also includes an authorized representative acting within the limits of authority.

- ~~3-4.~~ "Professional services" means those services requiring special knowledge, education, or skills when the qualifications and experience of the individual rendering the services are of primary importance and the individual is required to exercise professional judgment. Professional services providers include appraisers, attorneys, accountants, psychologists, physicians, dentists, planners, analysts, and consultants. The term includes human services under which a person provides direct health or social welfare services to the citizens on behalf of the state. The term does not include services defined in section 54-44.7-01.
- 4-5. "Purchasing agency" means a governmental entity in the executive branch of government other than the office of management and budget which is authorized by this chapter, rules adopted under this chapter, written policy of the office of management and budget, or by way of delegation from the office of management and budget to enter purchasing contracts for commodities and services.
- ~~5-6.~~ "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports that are merely incidental to the required performance. The term includes professional services.

²¹⁵ **SECTION 3. AMENDMENT.** Section 54-44.4-02 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-02. Office of management and budget purchasing services.

The office of management and budget shall purchase or lease or otherwise arrange for the procurement, for all state agencies and institutions in the executive branch of state government, all materials, furniture, fixtures, printing, insurance, services, and other commodities. ~~The International Peace Garden may participate in the procurement authorized by this section.~~ Contracts for use by multiple state agencies and institutions, including purchases under this section, must be established as a state contract by the office of management and budget or as a cooperative purchasing contract under section 54-44.4-13. Information technology procurements, including purchases under this section, are subject to the requirements of chapter 54-59 and policies, standards, and guidelines established pursuant to section 54-59-09. The following commodities and services, ~~however,~~ are not subject to the competitive procurement requirements of this chapter:

1. Land, buildings, space, or the rental thereof, in accordance with sections 54-21-24.1 and 54-44.1-16.
2. Telephone and telegraph service and electrical light and power services.
3. Public books, maps, periodicals, resource materials, and technical pamphlets.
4. Department of transportation materials, equipment, and supplies in accordance with section 24-02-16.
5. ~~Procurements~~ Energy-related procurements by the industrial commission for ~~energy-related~~ programs under chapters 17-05, 54-17.5, 54-17.6, 54-17.7, 54-63, and 54-63.1 and under those statutes in title 38 authorizing the industrial commission to perform well and hole pluggings, reclamation work, equipment removal, leak prevention, and similar work.

²¹⁵ Section 54-44.4-02 was also amended by section 1 of House Bill No. 1269, chapter 530, and section 2 of Senate Bill No. 2353, chapter 179.

6. Services for the maintenance or servicing of equipment by the manufacturer or authorized servicing agent of that equipment when the maintenance or servicing can best be performed by the manufacturer or authorized service agent, or when such a contract would otherwise be advantageous to the state.
7. Emergency purchases the office of management and budget or a purchasing agency cannot make within the required time and which involve public health or public safety, or when immediate expenditures are necessary for repairs of state property to protect it against further loss or damage, or to prevent or minimize serious disruption in state services.
 - a. Emergency purchases made under this subsection must treat all bidders fairly and promote competition as is practicable under the circumstances;
 - b. The procurement file must contain a written determination of:
 - (1) The basis for the emergency; and
 - (2) The basis for the selection of the particular contractor.
 - c. If the emergency circumstances warrant a noncompetitive purchase, the office of management and budget or the purchasing agency shall document within the procurement file a written determination of the basis for the noncompetitive purchase, including the circumstances that justified the noncompetitive purchase.
 - d. If the emergency purchase is subject to federal funding reimbursement, the office of management and budget or the purchasing agency shall ensure the procurement procedures and documentation are adequate to satisfy requirements for federal reimbursement.
 - e. If time allows, emergency purchases for commodities under this subsection may require a sample for use in determining whether an offered product meets specifications.
8. Commodities and services costing less than a specified amount as determined by written directive by the director of the office of management and budget.
9. Specified commodities and services as determined by written directive by the director of the office of management and budget.
10. Employee benefit services, trust-related services, and investment management services obtained by an agency with a fiduciary responsibility regarding those services. Nothing in this subsection may be construed to allow an agency to create or renew a contract perpetually and without limitation.
11. Services to extract, tow, store, and dispose of abandoned or submerged vehicles as defined in chapter 23.1-15.
12. Contracts by the agriculture commissioner for agricultural market news services under cooperative agreements with the United States department of agriculture, ombudsmen for pipeline restoration under section 4.1-01-17, environmental impact mitigation services under section 4.1-01-21.1,

ombudsmen for wind property issues under section 4.1-01-23, weed control inspection agents under section 4.1-14-02, and hemp testing under section 4.1-18.1-04.2.

13. Contracts by the state auditor for audits of computer systems under section 54-10-29.
14. Contracts by the attorney general with experts under section 10-33-145.
15. Contracts by the department of health and human services for ~~online-virtual mental health and suicide prevention simulation-based training programs, under subsection 28 of section 50-06-05.1 and brain injury informal supports, and other under section 50-06.4-07 training and related materials for individuals receiving assistance or services and employees, contractors, or professionals providing assistance or services under programs administered by or under the supervision and direction of the department of health and human services.~~
16. Expenditures by a state agency or institution for direct media placement, including a billboard or signage, with a newspaper or newspaper industry association, magazine or other publication, radio or television station, digital media provider, or venue.

All purchases made by the office of management and budget or a state agency or institution to which authority to purchase has been delegated by the office of management and budget must be made in accordance with this chapter, rules adopted under this chapter, and written policies of the office of management and budget.

SECTION 4. AMENDMENT. Section 54-44.4-05 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-05. Competitive, limited competitive, noncompetitive, and negotiated purchases - Exempt records.

1. Except as otherwise provided in sections 12-48-03.1 and 44-08-01, chapter 25-16.2, and this chapter, purchasing contracts must be awarded through a competitive bidding process to the lowest responsible bidder considering conformity with specifications, and terms of delivery, ~~and quality and serviceability~~, unless it is ~~determined to be~~ advantageous to the state to select a contractor through a request for a competitive proposal process pursuant to section 54-44.4-10 ~~using other or additional criteria~~. Notwithstanding this section, the director of the office of management and budget or the director's designee may determine a different procurement process is in the best interest of the state and shall document the circumstances, procurement process, and basis for contract award in the procurement file.
2. The procurement officer may reject any or all bids or proposals or negotiate for a lower price with a successful bidder or offeror. Each bid or proposal received, with the name of the bidder or offeror, must be recorded. The office of management and budget may enter into term contracts for the acquisition of commodities or services and may make multiple awards for term commodity or service contracts when it deems a multiple award to be in the best interests of the state.

3. All bids and proposals received under this chapter pursuant to a competitive ~~sealed-bids~~solicitation are exempt records under subsection 5 of section 44-04-17.1 ~~until the date and time the bids are opened~~except as otherwise provided under subsection 6 of section 44-04-18.4.
4. The office of management and budget shall adopt rules specifying the circumstances under which competition may be waived or limited, when negotiation may be used, and specifying the required justifications and procedures for using those methods of purchasing. The office of management and budget shall adopt rules related to sending notice of intent to make limited competitive, noncompetitive, and negotiated purchases in accordance with this chapter. The notice must describe the needed commodity or service and the intended procurement method and must state that persons are permitted to submit bids or proposals for contracts to be awarded under this section. The circumstances that may permit limited competitive, noncompetitive, or negotiated purchases include:
 - a. The commodity or service is available from only one source.
 - b. The commodity or service is to be purchased for experimentation or trial.
 - c. No acceptable bid or proposal was received pursuant to a competitive bidding or competitive proposal process.
 - d. Commodities are being purchased for over-the-counter resale.
 - e. Acceptable commodities or services ~~are~~ produced or provided by ~~correctional institutions or prison industries under section 12-48-03.1,~~ other government agencies, or a work activity center as defined in section 25-16.2-01.
 - f. The anticipated cost of purchasing specified commodities or services is less than an amount determined by the office of management and budget which would justify the expense of a competitive bidding or competitive proposal process.
 - g. A used commodity is advantageous to the state and the commodity is available only on short notice.
 - h. The commodity is a component or replacement part for which there is no commercially available substitute and which can be obtained only from the manufacturer.
 - i. Compatibility with equipment currently owned by the state is essential to the proper functioning of that equipment.
 - j. The agency provides documentation indicating that the services or the circumstances are of such a nature that deviation from the procurement procedure is appropriate.
 - k. Recurring support costs associated with implemented information technology solutions, including licensing, service agreements, maintenance, and subscriptions for software as a service, platform as a service, and infrastructure as a service. This includes recurring costs for software or firmware required for proper functioning of currently owned equipment.

- l. Contracts for specialized equipment, machinery, and materials required for manufacturing, production, and distribution by the North Dakota mill and elevator association under section 54-18-02 or prison industries under section 12-48-03.1.
- m. Purchases of copyrighted printed and electronic books, periodicals, subscriptions to publications, subscriptions to information services, prerecorded audio and video materials, state library materials, and state library online resources, including purchases for libraries operated by state agencies, institutions of higher education, and other public libraries.

SECTION 5. AMENDMENT. Subsection 1 of section 54-44.4-07 of the North Dakota Century Code is amended and reenacted as follows:

1. The office of management and budget, the institutions of higher education, and any other state agency or institution that has authority to purchase products are encouraged to purchase environmentally preferable products.
 - a. When practicable, specifications for purchasing newsprint printing services should specify the use of soybean-based ink. ~~The North Dakota soybean council and the agriculture commissioner shall assist the office of management and budget in locating suppliers of soybean-based inks and in collecting data on the purchase of soybean-based inks.~~
 - b. When practicable, biobased products should be specified.

SECTION 6. AMENDMENT. Subsection 1 of section 54-44.4-09 of the North Dakota Century Code is amended and reenacted as follows:

1. The office of management and budget shall establish and maintain a bidders list of persons that desire to be informed of government procurement opportunities. The office of management and budget or the purchasing agency shall notify those on the list when issuing invitation for bids or request for proposals over the amount established for small purchases, except as otherwise provided in this section. The office of management and budget or the purchasing agency shall notify those on the list when sending notice of intent to make cooperative, limited competitive, noncompetitive, and negotiated purchases. A person may be required to register for the bidders list before the person may submit a response to a solicitation.

SECTION 7. AMENDMENT. Section 54-44.4-09.1 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-09.1. Secretary of state registration.

A person that has a registration requirement with the secretary of state must be registered before the contract ~~award~~execution and the registration must remain active for the duration of the contract period.

SECTION 8. AMENDMENT. Section 54-44.4-12 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-12. Resolution of protested solicitations and awards.

1. An interested party may protest the award of a contract, the notice of intent to award a contract, or a solicitation for commodities or services by the office of management and budget or purchasing agency under this chapter. The

protest must be submitted in writing or electronic mail communication to the procurement officer responsible for the contract or solicitation within seven calendar days after the protestor knows or should have known of the facts giving rise to the protest.

2. If a contract has been awarded, the procurement officer immediately shall give notice of a protest to the contractor. In the case of pending award, a stay of award may be requested. A stay must be granted unless a written determination is made that the award of the contract without delay is necessary to protect the interests of the state.
3. If the protest is resolved by mutual agreement, the procurement officer shall send written notice to the protestor confirming the mutually agreed upon resolution. If the protest is not resolved by mutual agreement, the procurement officer ~~promptly shall, within seven calendar days, send by certified mail~~ to the protestor a written decision containing the basis for the decision and inform the protestor of the protestor's right to appeal under subsection 5 of this section. The procurement officer may extend the protest review period by no more than seven calendar days and shall send written notice to the protestor of the extension.
4. The procurement officer shall promptly provide the office of management and budget with a copy of the protest and the procurement officer's decision.
- ~~4-5.~~ The protestor may file an appeal of the decision rendered by the procurement officer ~~with the director of the office of management and budget or designee.~~ An appeal must be filed in writing within seven calendar days after the protestor receives the decision rendered by the procurement officer of the office of management and budget or the purchasing agency. The appeal must include a copy of the decision being appealed and the basis for the appeal. An appeal of a decision rendered by a procurement officer of a state agency or an institution that is not under the jurisdiction of the state board of higher education, must be filed with the office of management and budget. An appeal of a decision rendered by a procurement officer of an institution under the jurisdiction of the state board of higher education must be filed in accordance with policy established under subsection 5 of section 15-10-17. Within seven calendar days the ~~director of the office of management and budget or the director's designee~~ deciding authority shall send ~~by certified mail~~ written notice of the appeal decision to the protestor. The deciding authority may extend the appeal review period by no more than seven calendar days. Notice of any extension shall be provided in writing to the protestor.
6. Written notices required in this section may be accomplished by certified mail, commercial delivery service with delivery confirmation, or by a delivery confirmation to the electronic mail address used by the protestor to submit the protest.

SECTION 9. AMENDMENT. Section 54-44.4-13 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-13. Cooperative purchasing.

1. The office of management and budget shall purchase commodities or services as requested by agencies and institutions ~~under the jurisdiction of the state board of higher education and the legislative and judicial branches of state government.~~

2. The office of management and budget and the agencies and institutions ~~under the jurisdiction of the state board~~ of higher education shall make joint purchases of like commodities or services of high common usage when the office of management and budget and the state board of higher education determine it is in the best interest of the state.
3. An institution of higher education may establish a cooperative purchasing contract for use limited to other institutions of higher education.
- ~~3-4.~~ The director of the office of management and budget or the director's designee may agree to purchase commodities or services under contracts entered into by the United States general services administration or contracts of other government entities if it is determined to be in the best interest of the state after consideration of price, contractual terms and conditions, and the availability of competition.
- ~~4-5.~~ The director of the office of management and budget or the director's designee may participate in, sponsor, or administer a cooperative purchasing agreement with one or more government entities or a nonprofit organization established on behalf of public entities for the procurement of commodities or services in accordance with an agreement entered into between the participants.
- ~~5-6.~~ The director of the office of management and budget or the director's designee may coordinate with the director of the department of transportation or the director's designee to establish or participate in contracts which may be made available to entities that have been determined by the department of transportation to be transportation providers under chapter 39-04.2 eligible to receive state funds or federal funds for public transportation.
- ~~6-7.~~ Cooperative purchasing may include open-ended contracts that are available to other government entities, nonprofit organizations established on behalf of public entities, tribal agencies, ~~or~~ transportation providers determined to be eligible under this section, or the International Peace Garden established under chapter 55-05.
- ~~7-8.~~ Before entering into a cooperative purchasing agreement under this section, the office of management and budget must determine that the contracts were awarded through full and open competition or source selection methods specified in section 54-44.4-05 and shall send notice to the bidders list of the office's intent to make a cooperative purchase in accordance with this chapter.

SECTION 10. AMENDMENT. Section 54-44.4-14 of the North Dakota Century Code is amended and reenacted as follows:

54-44.4-14. Procurement information - Website.

1. The office of management and budget shall establish and maintain a procurement information website on the internet. This procurement information website must provide current information regarding North Dakota government procurement opportunities in order to inform potential vendors of the commodities and services sought by state agencies and institutions. Notwithstanding section 54-44.4-09, for each purchase of services or commodities over the amount established for small purchases, the office of management and budget and every purchasing agency shall provide procurement information on the website. The time period and manner of

providing procurement information on the website must be in accordance with rules adopted by the office of management and budget. The office of management and budget may contract with a third party to assist in providing or maintaining the procurement information website.

2. ~~A~~In addition to other notice requirements provided by law, a state agency or institution may elect to use the~~issue solicitation notices on the~~ procurement information website for the purchase of services and commodities that are not subject to the procurement requirements of this chapter, including:
 - a. Commodities and services exempted under section 54-44.4-02;
 - b. Public improvements under title 48;
 - c. Architect, engineer, construction management, and land surveying services under chapter 54-44.7; and
 - d. Concessions under chapter 48-09.
3. The office of management and budget shall establish and maintain a standardized procedure for the submission of electronic bids and proposals through the procurement information website. The office of management and budget, in consultation with the office of the attorney general, shall develop standardized solicitation documents. The documents must be made available on the procurement information website. When drafting a solicitation, the office of management and budget and purchasing agencies shall use their best efforts to minimize the length of the solicitation by ensuring only those sections from the standardized solicitation documents applicable to the procurement are included.
4. The office of management and budget may make the procurement information website available to government entities, including political subdivisions of the state and public schools, for the purpose of issuance of solicitation notices that are in addition to any other notice requirements provided by law.

SECTION 11. A new section to chapter 54-44.4 of the North Dakota Century Code is created and enacted as follows:

Purchases from state contracts by state officials and employees.

The office of management and budget, in consultation with the office of the attorney general, shall adopt rules related to circumstances under which it is determined to be in the best interest of the state to authorize state officials and employees to make personal purchases from state contracts.

SECTION 12. A new section to chapter 54-44.4 of the North Dakota Century Code is created and enacted as follows:

Multiple award vendor pool contracts - Indefinite-delivery, indefinite-quantity - Multistep competition.

1. The office of management and budget, in coordination with the state board of higher education and the information technology department, shall develop guidelines for establishing multiple award vendor pool contracts, including cooperative purchasing contracts under section 54-44.4-13. Multiple award vendor pool contracts establish indefinite-delivery, indefinite-quantity primary

contracts with service providers including hourly rates for various services, unit prices for deliverable products, and provisions for price adjustments. The guidelines must establish thresholds at which a purchasing agency or institution may purchase directly from a service provider within the vendor pool or must obtain secondary competition by soliciting bids or proposals limited to service providers within the vendor pool. A purchasing agency or institution establishing a multiple award vendor pool contract or making a purchase from a vendor pool contract shall comply with guidelines established under this section.

2. A multiple award vendor pool primary contract term may not exceed a total contract length of five years, including renewals and extensions, unless prior written approval is obtained as set forth in the guidelines. The work performed under an awarded secondary contract must be completed within the contract term of the primary vendor pool contract.
3. The purchasing agency or institution making a purchase from a vendor pool contract shall prepare a statement of work for the entire project describing the needed services to determine the level of competition required. The purchasing agency or institution may not artificially fragment requirements or make serial noncompetitive purchases from service providers within the vendor pool to circumvent competition requirements.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 532

HOUSE BILL NO. 1234

(Representatives Dockter, Bosch, Schauer, Stemen, Lefor)
(Senators Dever, Roers)

AN ACT to provide a transfer from the strategic investment and improvements fund to the public employees retirement system fund; and to provide for a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO PUBLIC EMPLOYEES RETIREMENT SYSTEM FUND. The office of management and budget shall transfer the sum of \$25,000,000 from the strategic investment and improvements fund to the public employees retirement system fund, for the purpose of reducing the unfunded liability of the public employees retirement system main system defined benefit plan, during the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 2. LEGISLATIVE INTENT - PUBLIC EMPLOYEES RETIREMENT SYSTEM MAIN SYSTEM DEFINED BENEFIT PLAN. It is the intent of the sixty-ninth legislative assembly that the public employees retirement system use the \$25,000,000 transferred in section 1 of this Act and the \$65,000,000 projected to be deposited in the public employees retirement fund during the 2025-27 biennium pursuant to section 57-51.1-07.5 for reducing the unfunded liability of the public employees retirement system main system defined benefit plan. It is further the intent of the sixty-ninth legislative assembly that these transfers are in lieu of the public employees retirement system charging state governmental units the additional actuarially determined rate under section 54-52-06 during the 2025-27 biennium.

Approved April 23, 2025

Filed April 23, 2025

CHAPTER 533

HOUSE BILL NO. 1177

(Representatives Porter, Bosch, Dockter, Heinert, Karls, Nathe, Schauer, Toman)
(Senators Axtman, Cleary, Roers, Schaible)

AN ACT to amend and reenact subsection 3 of section 54-52-01 of the North Dakota Century Code, relating to the definition of correctional officer for purposes of the public employees retirement system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²¹⁶ **SECTION 1. AMENDMENT.** Subsection 3 of section 54-52-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Correctional officer" means a participating member who is employed as a correctional officer by a political subdivision. The term includes an individual employed by a correctional facility as defined in section 12-44.1-01, who is enrolled in, but has not yet completed, a correctional officer course approved or certified by the North Dakota department of corrections and rehabilitation.

Approved March 21, 2025

Filed March 24, 2025

²¹⁶ Section 54-52-01 was also amended by section 1 of House Bill No. 1077, chapter 534, section 1 of House Bill No. 1112, chapter 541, section 1 of House Bill No. 1274, chapter 536, section 1 of House Bill No. 1419, chapter 537, and section 1 of Senate Bill No. 2121, chapter 535.

CHAPTER 534

HOUSE BILL NO. 1077

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

AN ACT to amend and reenact subsection 11 of section 54-52-01 of the North Dakota Century Code, relating to the definition of national guard security officer and firefighter.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²¹⁷ **SECTION 1. AMENDMENT.** Subsection 11 of section 54-52-01 of the North Dakota Century Code is amended and reenacted as follows:

11. "National guard security officer or firefighter" means a participating member who is:
 - a. A security police employee of the North Dakota national guard; ~~or~~
 - b. A security officer employee of the North Dakota national guard; or
 - c. A firefighter employee of the North Dakota national guard.

Approved March 14, 2025

Filed March 14, 2025

²¹⁷ Section 54-52-01 was also amended by section 1 of House Bill No. 1112, chapter 541, section 1 of House Bill No. 1177, chapter 533, section 1 of House Bill No. 1274, chapter 536, section 1 of House Bill No. 1419, chapter 537, and section 1 of Senate Bill No. 2121, chapter 535.

CHAPTER 535

SENATE BILL NO. 2121

(State and Local Government Committee)
(North Dakota Public Employees Retirement System)

AN ACT to amend and reenact subsection 23 of section 54-52-01, section 54-52-17, subsection 2 of section 54-52-28, sections 54-52.1-03.1 and 54-52.2-06, subsection 8 of section 54-52.6-01, and subsection 1 of section 54-52.6-02.2 of the North Dakota Century Code, relating to administering the public employees retirement system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

218 SECTION 1. AMENDMENT. Subsection 23 of section 54-52-01 of the North Dakota Century Code is amended and reenacted as follows:

23. "Temporary employee" means an employee who is not eligible to participate as a permanent employee, who is at least eighteen years old and not actively contributing to another employer-sponsored ~~pension~~retirement fund, and, if employed by a school district, occupies a noncertified teacher's position.

219 SECTION 2. AMENDMENT. Section 54-52-17 of the North Dakota Century Code is amended and reenacted as follows:

54-52-17. Formulation of plan. (Retroactive application - See note)

Participating members shall receive benefits according to this section and according to rules adopted by the board, not inconsistent with this chapter. ~~No person~~An individual is not entitled to receive a prior service benefit if the ~~person~~individual was not continuously employed by a governmental unit in North Dakota for a period of not less than two years immediately ~~prior to~~before eligibility for retirement.

1. Participating members shall receive credit for full-time employment or its equivalent from the date they attain eligibility until their normal retirement date, postponed retirement date, or early retirement date, as defined in this section. Part-time employment will be recognized as full-time employment on a prorated basis as the board may prescribe.
2. Retirement benefits are calculated from the participating member's final average salary, which is the average of the highest salary received by the member for any thirty-six months employed during the last one hundred

218 Section 54-52-01 was also amended by section 1 of House Bill No. 1077, chapter 534, section 1 of House Bill No. 1112, chapter 541, section 1 of House Bill No. 1177, chapter 533, section 1 of House Bill No. 1274, chapter 536, and section 1 of House Bill No. 1419, chapter 537.

219 Section 54-52-17 was also amended by section 3 of House Bill No. 1112, chapter 541, section 4 of House Bill No. 1112, chapter 541, section 4 of House Bill No. 1274, chapter 536, section 6 of House Bill No. 1419, chapter 537, and section 1 of Senate Bill No. 2119, chapter 542.

twenty months of employment. For members who terminate employment on or after August 1, 2010, final average salary is the average of the highest salary received by the member for any thirty-six months employed during the last one hundred eighty months of employment. For members who terminate employment between July 31, 2005, and August 1, 2010, final average salary is the average of the highest salary received by the member for any thirty-six months employed during the period for which the board has appropriate and accurate salary records on the board's electronic database, but that period may not be more than the last one hundred eighty months of employment. For members who terminate employment after December 31, 2019, final average salary is the higher of the final average salary calculated on December 31, 2019, or the average salary earned in the three highest periods of twelve consecutive months employed during the last one hundred eighty months of employment. Months without earnings are excluded for the purpose of computing an average. If the participating member has worked for less than thirty-six months at the normal retirement date, the final average salary is the average salary for the total months of employment.

3. Retirement dates are defined as follows:

- a. Normal retirement date, except for a national guard security officer or firefighter, a firefighter employed by a political subdivision, a peace officer employed by the state, or 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 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 members first enrolled after December 31, 2015, except for a national guard security officer or firefighter, a firefighter employed by a political subdivision, a peace officer employed by the state, a peace officer or correctional officer employed by a political subdivision, or a supreme court or district court judge, 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 ninety and the member attains a minimum age of sixty and has not received a retirement benefit under this chapter.
- c. Normal retirement date for a national guard security officer or firefighter is:
 - (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; or
 - (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.

- d. Normal retirement date for a peace officer, firefighter, 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, firefighter, or correctional officer attains the age of fifty-five years and has completed at least three eligible years of employment; or
 - (2) When the peace officer, firefighter, 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.
- e. (1) Normal retirement date for a peace officer employed by the bureau of criminal investigation is:
 - (a) [1] For a member employed before August 1, 2023, 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; and
 - [2] For a member employed after July 31, 2023, 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 ten eligible years of employment; or
 - (b) 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.
- (2) Normal retirement date for a peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, is:
 - (a) 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; or
 - (b) 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.
- f. 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.
- g. (1) Early retirement date, except for a national guard security officer or firefighter, a firefighter, peace officer, or correctional officer employed by a political subdivision, or a peace officer employed by the state, 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.

- (2) 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.
- (3) For a peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, or a firefighter, peace officer, or correctional officer employed by a political subdivision, early retirement date is the first day of the month next following the month in which the peace officer, firefighter, or correctional officer attains the age of fifty years and has completed at least three years of eligible employment.
- (4) For a peace officer employed by the bureau of criminal investigation, early retirement date is the first day of the month next following the month in which the peace officer attains the age of fifty years and has completed:

(a) If hired before August 1, 2023, at least three years of eligible employment; or

(b) If hired after July 31, 2023, at least ten years of eligible employment.

- h. 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.

- (1) A member is eligible to receive disability retirement benefits only if the member became disabled during the period of eligible employment and applies for disability retirement benefits within twelve months of the date the member terminates employment.
- (2) 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 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 the board deems necessary and these payments are appropriated from the retirement fund for those purposes. A member's receipt of disability benefits under this section is limited to receipt from the fund to which the member was actively contributing at the time the member became disabled.

4. The board shall calculate retirement benefits as follows:

- a. Normal retirement benefits for ~~all retirees~~ a retiree, except ~~a~~ supreme ~~and/or~~ district court ~~judges~~ judge, peace ~~officers~~ officer employed by the bureau of criminal investigation, ~~and/or~~ other peace ~~officers~~ officer employed by the state, reaching normal retirement date ~~equal~~ equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit, as defined in this chapter, which is determined as follows:
- (1) For ~~members~~ a member first enrolled:
 - (a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.
 - (b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.
 - (2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.
- b. Normal retirement benefits for ~~all~~ a supreme ~~and/or~~ district court ~~judges~~ judge under the public employees retirement system reaching normal retirement date ~~equal~~ equals an annual amount, payable monthly, comprised of a benefit as defined in this chapter, determined as follows:
- (1) Benefits must be calculated from the time of appointment or election to the bench and must equal three and one-half percent of final average salary multiplied by the first ten years of judicial service, two and eighty hundredths percent of final average salary multiplied by the second ten years of judicial service, and one and one-fourth percent of final average salary multiplied by the number of years of judicial service exceeding twenty years.
 - (2) Service benefits must include, in addition, an amount equal to the percent specified in subdivision a of final average salary multiplied by the number of years of nonjudicial employee service and employment.
- c. Normal retirement benefits for a peace officer employed by the bureau of criminal investigation reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:
- (1) The first twenty years of credited service multiplied by three percent of final average salary.
 - (2) For years in excess of twenty years of credited service multiplied by one and seventy-five hundredths percent of final average salary.
- d. Normal retirement benefits for a peace officer employed by the state, other than by the bureau of criminal investigation, reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:
- (1) For ~~members~~ a member first enrolled:

- (a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.
 - (b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.
- (2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.
- e. Postponed retirement benefits are calculated as for single life benefits for those members who retired on or after July 1, 1977.
- f. Early retirement benefits are calculated as for single life benefits accrued to the date of termination of employment, but must be actuarially reduced to account for benefit payments beginning before the normal retirement date, as determined under subsection 3. Except for a national guard security officer or firefighter, a firefighter, peace officer, or correctional officer employed by a political subdivision, a peace officer employed by the state, or a supreme court or district court judge, early retirement benefits for members first enrolled after December 31, 2015, are calculated for single life benefits accrued to the date of termination of employment, but must be reduced by fixed rate of eight percent per year to account for benefit payments beginning before the normal retirement date. A retiree, other than a supreme or district court judge, or a peace officer employed by the bureau of criminal investigation and hired after July 31, 2023, is eligible for early retirement benefits only after having completed three years of eligible employment. A supreme or district court judge retiree is eligible for early retirement benefits only after having completed five years of eligible employment. A peace officer employed by the bureau of criminal investigation and hired after July 31, 2023, is eligible for early retirement benefits only after having completed ten years of eligible employment.
- g. Except for ~~a supreme and/or district court judge~~^{judge}, disability retirement benefits are twenty-five percent of the member's final average salary. Disability retirement benefits for ~~a supreme and/or district court judge~~^{judge} are seventy percent of final average salary reduced by ~~the member's primary~~^{any} social security benefits and by any workforce safety and insurance benefits paid to the member. The minimum monthly disability retirement benefit under this section is one hundred dollars.
- 5. Upon termination of employment after completing three years of eligible employment, except for ~~a supreme and/or district court judge~~^{judge}, who must complete five years of eligible employment, or a peace officer employed by the bureau of criminal investigation and hired after July 31, 2023, who must complete ten years of eligible employment, but before normal retirement date, a member who does not elect to receive early retirement benefits is eligible to receive deferred vested retirement benefits payable commencing on the member's normal retirement date in one of the optional forms provided in subsection 9. Members who have delayed or inadvertently failed to apply for retirement benefits to commence on their normal retirement date may choose to receive either a lump sum payment equal to the amount of missed payments, or an actuarial increase to the form of benefit the member has selected, which increase must reflect the missed payments.

6. If before retiring a member dies after completing three years of eligible employment, except for a supreme and/or district court judge, judge, who must have completed five years of eligible employment, or a peace officer employed by the bureau of criminal investigation and hired after July 31, 2023, who must complete ten years of eligible employment, the board shall pay the member's account balance to the member's designated beneficiary as provided in this subsection. If the member has designated an alternate beneficiary with the surviving spouse's written consent, the board shall pay the member's account balance to the named beneficiary. If the member has named more than one primary beneficiary, the board shall pay the member's account balance to the named primary beneficiaries in the percentages designated by the member or, if the member has not designated a percentage for the beneficiaries, in equal percentages. If one or more of the primary beneficiaries has predeceased the member, the board shall pay the predeceased beneficiary's share to the remaining primary beneficiaries. If any beneficiary survives the member, yet dies before distribution of the beneficiary's share, the beneficiary must be treated as if the beneficiary predeceased the member. If there are no remaining primary beneficiaries, the board shall pay the member's account balance to the contingent beneficiaries in the same manner. If there are no remaining designated beneficiaries, the board shall pay the member's account balance to the member's estate. If the member has not designated an alternate beneficiary or the surviving spouse is the beneficiary, the surviving spouse of the member may select a form of payment as follows:
- a. If the member was a supreme or district court judge, the surviving spouse may select one of the following optional forms of payment:
 - (1) A lump sum payment of the member's retirement account as of the date of death.
 - (2) Payments as calculated for the deceased member as if the member was of normal retirement age at the date of death, payable until the spouse dies.
 - b. The surviving spouse of all other members may select one of the following options:
 - (1) A lump sum payment of the member's retirement account as of the date of death.
 - (2) Payment of a monthly retirement benefit equal to fifty percent of the deceased member's accrued single life retirement benefits until the spouse dies.
 - (3) If the member dies on or after the member's normal retirement date, the payment of a monthly retirement benefit equal to an amount that would have been paid to the surviving spouse if the member had retired on the day of the member's death and had selected a one hundred percent joint and survivor annuity, payable until the spouse dies. A surviving spouse who received a benefit under this subsection as of July 31, 1995, is entitled to the higher of that person's existing benefit or the equivalent of the accrued benefit available under the one hundred percent joint and survivor provision as if the deceased member were of normal retirement age, with the increase payable beginning August 1, 1995.

7. If a member not coming under the provisions of subsection 6 terminates employment because of death, permanent and total disability, or any voluntary or involuntary reason prior to retirement, the member or the member's designated beneficiary is entitled to the member's account balance at termination. The board automatically shall refund a member's account balance if the member has completed less than three years of eligible employment, has an account balance of less than one thousand dollars, and was not a supreme or district court judge or a peace officer employed by the bureau of criminal investigation and hired after July 31, 2023. If the member was a supreme or district court judge, the board automatically shall refund a member's account balance if the member completed less than five years of eligible employment and has an account balance of less than one thousand dollars. If the member was a peace officer employed by the bureau of criminal investigation and hired after July 31, 2023, the board automatically shall refund a member's account balance if the member completed less than ten years of eligible employment and has an account balance of less than one thousand dollars. A member may waive the refund if the member submits a written statement to the board, within thirty days after termination, requesting that the member's account balance remain in the fund.
8. The surviving spouse of a member receiving retirement benefits must be the member's primary beneficiary unless there is no surviving spouse or the surviving spouse designates an alternate beneficiary in writing. If a member receiving retirement benefits or the member's surviving spouse receiving retirement benefits dies before the total amount of benefits paid to either or both equals the amount of the member's account balance at retirement, the difference must be paid to the named beneficiary of the recipient or, if there is no named beneficiary, to the recipient's estate. A benefit payment owed to the member, surviving spouse, or alternate beneficiary which was not paid before the death of the member, surviving spouse, or alternate beneficiary must be paid to the named beneficiary of the recipient or, if there is no named beneficiary, to the recipient's estate.
9. a. The board shall adopt rules providing for the receipt of retirement benefits in the following optional forms:
 - a. (1) Single life.
 - b. (2) An actuarially equivalent joint and survivor option, with fifty percent or one hundred percent options.
 - c. (3) Actuarially equivalent life with ten-year or twenty-year certain options.
 - d. (4) An actuarially equivalent partial lump sum distribution option with a twelve-month maximum lump sum distribution.
 - e. (5) An actuarially equivalent graduated benefit option with either a one percent or two percent increase to be applied the first day of January of each year.
- b. Except for a supreme ~~and/or~~ district court ~~judges~~judge, unless a member specifically requests that the member receive benefits according to one of these options at the time of applying for retirement, all retirement benefits must be in the form of a single life benefit. For a supreme ~~and/or~~ district court ~~judges~~judge, unless a member specifically requests that the member

receive benefits according to one of these options at the time of applying for retirement, all retirement benefits must be in the form of a lifetime monthly pension with fifty percent of the benefit continuing for the life of the surviving spouse, if any.

10. The fund may accept rollovers from other eligible plans under rules adopted by the board for the purchase of additional service credit, but only to the extent the transfer is a rollover contribution that meets the requirement of section 408 of the Internal Revenue Code.
11. The board may accept trustee-to-trustee transfers as permitted by Internal Revenue Code section 403(b)(13) and section 457(e)(17) from an Internal Revenue Code section 403(b) annuity or Internal Revenue Code section 457 deferred compensation plan for the purchase of permissive service credit, as defined in Internal Revenue Code section 415(n)(3)(A) or as repayment of a cashout from a governmental plan under Internal Revenue Code section 415(k)(3).
12. The board may establish individual retirement accounts and individual retirement annuities as permitted under section 408(q) of the Internal Revenue Code to allow employees to make voluntary employee contributions. The board may adopt rules to implement and administer the accounts and annuities under this section.

SECTION 3. AMENDMENT. Subsection 2 of section 54-52-28 of the North Dakota Century Code is amended and reenacted as follows:

2. The minimum distribution rules under section 401(a)(9) of the Internal Revenue Code, including the incidental death benefit requirements under section 401(a)(9)(G), and the regulations issued under that provision to the extent applicable to governmental plans, as amended. Accordingly, benefits must be distributed or begin to be distributed no later than a member's required beginning date, and the required minimum distribution rules override any inconsistent provision of this chapter. ~~For a member who attains age seventy and one half before January 1, 2020, the member's required beginning date is April first of the calendar year following the later of the calendar year in which the member attains age seventy and one half or terminates employment. For a member who attains age seventy and one half after December 31, 2019, the member's required beginning date is April first of the calendar year following the later of the calendar year in which the member attains age seventy two or terminates employment.~~

SECTION 4. AMENDMENT. Section 54-52.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

54-52.1-03.1. Certain political subdivisions authorized to join uniform group insurance program - Employer contribution.

If eligible under federal law, a political subdivision may extend the benefits of the uniform group insurance program under this chapter to its permanent employees, subject to minimum requirements established by the board and a minimum period of participation of sixty months. If the political subdivision withdraws from participation in the uniform group insurance program, before completing sixty months of participation, unless federal or state laws or rules are modified or interpreted in a way that makes participation by the political subdivision in the uniform group insurance program no longer allowable or appropriate, the political subdivision shall make payment to the

board in an amount equal to any expenses incurred in the uniform group insurance program that exceed income received on behalf of the political subdivision's employees as determined under rules adopted by the board. The Garrison Diversion Conservancy District, and district shall participate in the uniform group insurance program under the same terms and conditions as state agencies. District health units required to participate in the public employees retirement system under section 54-52-02, which were participating in the uniform group insurance program at the time the Affordable Care Act was enacted, shall participate in the uniform group insurance program under the same terms and conditions as state agencies. A retiree who has accepted a retirement allowance from a participating political subdivision's retirement plan may elect to participate in the uniform group under this chapter without meeting minimum requirements at age sixty-five, when the employee's spouse reaches age sixty-five, upon the receipt of a benefit, when the political subdivision joins the uniform group insurance plan if the retiree was a member of the former plan, or when the spouse terminates employment. If a retiree or surviving spouse does not elect to participate at the times specified in this section, the retiree or surviving spouse must meet the minimum requirements established by the board. Each retiree or surviving spouse shall pay directly to the board the premiums in effect for the coverage then being provided. The board may require documentation that the retiree has accepted a retirement allowance from an eligible retirement plan other than the public employees retirement system.

SECTION 5. AMENDMENT. Section 54-52.2-06 of the North Dakota Century Code is amended and reenacted as follows:

54-52.2-06. Deferred compensation program - Benefits - Taxation - Exemption from judicial process - Assignment.

The deferred compensation program established by this chapter shall exist and serve in addition to retirement, pension, or benefit systems established by the state, county, city, town, or other political subdivision, and no deferral of income under the deferred compensation program shall effect a reduction of any retirement, pension, or other benefit provided by law. However, with the exception of Roth contributions, any sum deferred under the deferred compensation program is not subject to taxation until distribution is actually made to the employee. Any unpaid benefits under the deferred compensation program established by this chapter are not subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, except as provided by section 54-52.2-03.3. Neither the employee, the employee's beneficiary, nor any designee of the employee or the employee's beneficiary has the right to commute, sell, assign, transfer, or otherwise convey the right to receive payments under this chapter.

220 SECTION 6. AMENDMENT. Subsection 8 of section 54-52.6-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Wages" and "salaries" means earnings in eligible employment under this chapter reported as salary on a federal income tax withholding statement plus any salary reduction or salary deferral amounts under 26 U.S.C. 125, 401(k), 403(b), 414(h), or 457. "Salary" does not include fringe benefits such as payments for unused sick leave, personal leave, vacation leave paid in a lump sum, overtime, housing allowances, transportation expenses, early retirement, incentive pay, severance pay, medical insurance, workforce safety and insurance benefits, disability insurance premiums or benefits, or salary

220 Section 54-52.6-01 was also amended by section 3 of House Bill No. 1146, chapter 538.

received by a member in lieu of previously employer-provided fringe benefits under an agreement between an employee and a participating employer. Bonuses may be considered as salary under this section if reported ~~and annualized~~ pursuant to rules adopted by the board.

²²¹ **SECTION 7. AMENDMENT.** Subsection 1 of section 54-52.6-02.2 of the North Dakota Century Code is amended and reenacted as follows:

1. As used in this section, "eligible employee" means a permanent state employee who on December 31, 2024, is a participating member of the public employees retirement system main system plan under chapter ~~54-42~~54-52, who has been a participating member under chapter 54-52 for no more than five years, and who is at least eighteen years of age.

Approved March 18, 2025

Filed March 18, 2025

²²¹ Section 54-52.6-02.2 was also amended by section 10 of House Bill No. 1031, chapter 64, and section 4 of House Bill No. 1146, chapter 538.

CHAPTER 536

HOUSE BILL NO. 1274

(Representatives Porter, Dockter, Heinert, Satrom, Schauer, Karls)
(Senators Cleary, Roers, Axtman, Dever)

AN ACT to amend and reenact sections 54-52-01, 54-52-02.15, 54-52-06.4, and 54-52-17 of the North Dakota Century Code, relating to membership of the public employees retirement system public safety retirement plan.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²²² **SECTION 1. AMENDMENT.** Section 54-52-01 of the North Dakota Century Code is amended and reenacted as follows:

54-52-01. Definition of terms.

As used in this chapter, unless the context otherwise requires:

1. "Account balance" means the total contributions made by the employee, vested employer contributions under section 54-52-11.1, the vested portion of the vesting fund as of June 30, 1977, and interest credited thereon at the rate established by the board.
2. "Beneficiary" means any person in receipt of a benefit provided by this plan or any person designated by a participating member to receive benefits.
3. "Correctional officer" means a participating member who is employed as a correctional officer by a ~~political subdivision~~ governmental unit and, notwithstanding subsection 14, for an individual employed on or after the effective date of this Act, is employed at least thirty-two hours per week and at least twenty weeks each year of employment. A correctional officer who is a participating member of the public safety retirement plan created by this chapter who begins employment on or after the effective date of this Act is ineligible to participate concurrently in any other retirement plan administered by the public employees retirement system. The term includes an individual employed by a correctional facility as defined in section 12-44.1-01, who is enrolled in, but has not yet completed, a correctional officer course approved or certified by the North Dakota department of corrections and rehabilitation.
4. "Deferred member" means a participating member who is not actively participating in the main plan under this chapter and who has an account intact in the main plan under this chapter.
5. "Eligible employee", except as otherwise provided under section 54-52-02.15, means a permanent employee who meets all of the eligibility requirements set by this chapter and who is eighteen years or more of age. The term includes

²²² Section 54-52-01 was also amended by section 1 of House Bill No. 1077, chapter 534, section 1 of House Bill No. 1112, chapter 541, section 1 of House Bill No. 1177, chapter 533, section 1 of House Bill No. 1419, chapter 537, and section 1 of Senate Bill No. 2121, chapter 535.

appointive and elective officials under sections 54-52-02.5, 54-52-02.11, and 54-52-02.12, and nonteaching employees of the superintendent of public instruction, including the superintendent of public instruction, who elect to transfer from the teachers' fund for retirement to the public employees retirement system under section 54-52-02.13, and employees of the state board for career and technical education who elect to transfer from the teachers' fund for retirement to the public employees retirement system under section 54-52-02.14. The term does not include nonclassified state employees who elected under section 54-52.6-02 to become members of the retirement plan established under chapter 54-52.6. The term does include employees of the judicial branch and employees of the board of higher education and state institutions under the jurisdiction of the board of higher education.

6. "Employee" means any individual employed by a governmental unit, whose compensation is paid out of the governmental unit's funds, or funds controlled or administered by a governmental unit, or paid by the federal government through any of its executive or administrative officials; licensed employees of a school district means those employees eligible to participate in the teachers' fund for retirement who, except under subsection 2 of section 54-52-17.2, are not eligible employees under this chapter.
7. "Employer" means a governmental unit.
8. "Firefighter" means a participating member who is employed as a firefighter by a political subdivision and, notwithstanding subsection 13, for an individual employed after July 31, 2017, is employed at least thirty-two hours per week and at least twenty weeks each year of employment. A firefighter who is a participating member of the ~~law enforcement~~public safety retirement plan created by this chapter who begins employment after July 31, 2017, is ineligible to participate concurrently in any other retirement plan administered by the public employees retirement system. The term does not include a firefighter employee of the North Dakota national guard.
9. "Funding agent" or "agents" means an investment firm, trust bank, or other financial institution which the retirement board may select to hold and invest the employees' and members' contributions.
10. "Governmental unit" means the state of North Dakota, except the highway patrol for members of the retirement plan created under chapter 39-03.1, or a participating political subdivision of the state.
11. "National guard security officer or firefighter" means a participating member who is:
 - a. A security police employee of the North Dakota national guard; or
 - b. A firefighter employee of the North Dakota national guard.
12. "Participating member" means an eligible employee who through payment into the plan has established a claim against the plan.
13. "Peace officer" means a participating member who is a peace officer as defined in section 12-63-01 and is employed as a peace officer by the state, except by the highway patrol for members of the retirement plan created under chapter 39-03.1, or is employed by a political subdivision and,

notwithstanding subsection 14, for persons employed after August 1, 2005, is employed thirty-two hours or more per week and at least twenty weeks each year of employment. A peace officer who is a participating member of the ~~law enforcement~~ public safety retirement plan created by this chapter who begins employment after August 1, 2005, is ineligible to participate concurrently in any other retirement plan administered by the public employees retirement system.

14. "Permanent employee" means an employee whose services are not limited in duration and who is filling an approved and regularly funded position in an eligible governmental unit, and is employed twenty hours or more per week and at least twenty weeks each year of employment.
15. "Prior service" means service or employment before July 1, 1966.
16. "Prior service credit" means such credit toward a retirement benefit as the retirement board may determine under the provisions of this chapter.
17. "Public employees retirement system" means the retirement plan and program established by this chapter.
18. "Retirement" means the acceptance of a retirement allowance under this chapter upon either termination of employment or termination of participation in the retirement plan.
19. "Retirement board" or "board" means the governing authority created under section 54-52-03.
20. "Seasonal employee" means a participating member who does not work twelve months a year.
21. "Service" means employment on or after July 1, 1966.
22. "Service benefit" means the credit toward retirement benefits as determined by the retirement board under the provisions of this chapter.
23. "Temporary employee" means an employee who is not eligible to participate as a permanent employee, who is at least eighteen years old and not actively contributing to another employer-sponsored pension fund, and, if employed by a school district, occupies a noncertified teacher's position.
24. "Wages" and "salaries" means the member's earnings in eligible employment under this chapter reported as salary on the member's federal income tax withholding statements plus any salary reduction or salary deferral amounts under 26 U.S.C. 125, 401(k), 403(b), 414(h), or 457. "Salary" does not include fringe benefits such as payments for unused sick leave, personal leave, vacation leave paid in a lump sum, overtime, housing allowances, transportation expenses, early retirement incentive pay, severance pay, medical insurance, workforce safety and insurance benefits, disability insurance premiums or benefits, or salary received by a member in lieu of previously employer-provided fringe benefits under an agreement between the member and participating employer. Bonuses may be considered as salary under this section if reported and annualized pursuant to rules adopted by the board.

²²³ **SECTION 2. AMENDMENT.** Section 54-52-02.15 of the North Dakota Century Code is amended and reenacted as follows:

54-52-02.15. Public employees retirement system main plan - Closure to new hires - Multiple plan membership.

1. Under this section "eligible employee" means a permanent employee who:
 - a. Meets all the eligibility requirements set by this chapter;
 - b. Is at least eighteen years of age;
 - c. Becomes a participating member after December 31, 2024; and
 - d. Is not eligible to participate in the ~~law enforcement~~public safety plan, judges' plan, highway patrol plan, teachers' fund for retirement plan, or alternative retirement program established under section 15-10-17 for university system employees.
2. Effective January 1, 2025, the public employees retirement system defined benefit main plan maintained for employees is closed to new eligible employees. However, an employee who becomes a participating or deferred member under this chapter before January 1, 2025, remains in the defined benefit retirement plan under this chapter, regardless of being rehired after December 31, 2024.
3. Except as otherwise provided under this section, effective January 1, 2025, an eligible employee who begins employment with an employer shall participate in the defined contribution retirement plan under chapter 54-52.6 as provided under section 54-52.6-02.1.
4. This section does not impact an employee to the extent the employee is a participating member in one or more of the following enumerated retirement plans: ~~law enforcement~~public safety plan, judges' plan, highway patrol plan, teachers' fund for retirement plan, or alternative retirement program established under section 15-10-17 for university system employees.
 - a. A participating or deferred member in the defined contribution retirement plan under chapter 54-52.6 who becomes eligible to participate in a plan enumerated under this subsection is eligible to participate in the retirement plan enumerated under this subsection.
 - b. A participating member of a retirement plan enumerated under this subsection who becomes an eligible employee is not eligible to participate in the defined benefit retirement plan under this chapter but instead participates in the defined contribution retirement plan under chapter 54-52.6. However, this subdivision does not apply to an individual who before January 1, 2025, is a participating or a deferred member under this chapter, as that individual continues to participate in the defined benefit retirement plan under this chapter.
5. The board shall adopt rules to implement this section.

²²³ Section 54-52-02.15 was also amended by section 3 of House Bill No. 1419, chapter 537, and section 1 of House Bill No. 1602, chapter 539.

²²⁴ **SECTION 3. 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 and correctional officers employed by the state or security officers employed by the national guard - Employer contribution. (Retroactive application - See note)

1. a. 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; with an additional increase of one percent, beginning with the reporting period of January 2013; with an additional increase of one percent, beginning with the reporting period of January 2024; and with an additional increase of one percent, beginning with the reporting period of January 2025.
- b. Each correctional officer and peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, who is a member of the public employees retirement system is assessed and shall pay six percent of the employee's monthly salary.
- c. 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.
- d. The assessment under this subsection must be deducted and retained out of the employee's salary in equal monthly installments.
2. The employer of a correctional officer or peace officer employed by the state or a national guard security officer 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 correctional officer's, 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 correctional officer's, peace officer's, or security officer's assessment.

²²⁵ **SECTION 4. AMENDMENT.** Section 54-52-17 of the North Dakota Century Code is amended and reenacted as follows:

54-52-17. Formulation of plan. (Retroactive application - See note)

Participating members shall receive benefits according to this section and according to rules adopted by the board, not inconsistent with this chapter. ~~Ne~~

²²⁴ Section 54-52-06.4 was also amended by section 2 of House Bill No. 1112, chapter 541, and section 5 of House Bill No. 1419, chapter 537.

²²⁵ Section 54-52-17 was also amended by section 3 of House Bill No. 1112, chapter 541, section 4 of House Bill No. 1112, chapter 541, section 6 of House Bill No. 1419, chapter 537, section 1 of Senate Bill No. 2119, chapter 542, and section 2 of Senate Bill No. 2121, chapter 535.

~~person~~An individual is not entitled to receive a prior service benefit if the ~~person~~individual was not continuously employed by a governmental unit in North Dakota for a period of not less than two years immediately ~~prior to~~before eligibility for retirement.

1. Participating members shall receive credit for full-time employment or its equivalent from the date they attain eligibility until their normal retirement date, postponed retirement date, or early retirement date, as defined in this section. Part-time employment will be recognized as full-time employment on a prorated basis as the board may prescribe.
2. Retirement benefits are calculated from the participating member's final average salary, which is the average of the highest salary received by the member for any thirty-six months employed during the last one hundred twenty months of employment. For members who terminate employment on or after August 1, 2010, final average salary is the average of the highest salary received by the member for any thirty-six months employed during the last one hundred eighty months of employment. For members who terminate employment between July 31, 2005, and August 1, 2010, final average salary is the average of the highest salary received by the member for any thirty-six months employed during the period for which the board has appropriate and accurate salary records on the board's electronic database, but that period may not be more than the last one hundred eighty months of employment. For members who terminate employment after December 31, 2019, final average salary is the higher of the final average salary calculated on December 31, 2019, or the average salary earned in the three highest periods of twelve consecutive months employed during the last one hundred eighty months of employment. Months without earnings are excluded for the purpose of computing an average. If the participating member has worked for less than thirty-six months at the normal retirement date, the final average salary is the average salary for the total months of employment.
3. Retirement dates are defined as follows:
 - a. Normal retirement date, except for a national guard security officer or firefighter, a ~~firefighter employed by a political subdivision, a correctional officer or~~ peace officer employed by the state, or a ~~firefighter, 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 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 members first enrolled after December 31, 2015, except for a national guard security officer or firefighter, a ~~firefighter employed by a political subdivision, a correctional officer or~~ peace officer employed by the state, a ~~firefighter, peace officer, or correctional officer employed by a political subdivision, or a supreme court or district court judge, 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 ninety and the member attains a minimum age of sixty and has not received a retirement benefit under this chapter.
- c. Normal retirement date for a national guard security officer or firefighter is:
 - (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; or
 - (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.
- d. Normal retirement date for a peace officer, firefighter, 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, firefighter, or correctional officer attains the age of fifty-five years and has completed at least three eligible years of employment; or
 - (2) When the peace officer, firefighter, 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.
- e. (1) Normal retirement date for a peace officer employed by the bureau of criminal investigation is:
 - (a) [1] For a member employed before August 1, 2023, 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; and
 - [2] For a member employed after July 31, 2023, 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 ten eligible years of employment; or
 - (b) 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.
- (2) Normal retirement date for a correctional officer or peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, is:
 - (a) The first day of the month next following the month in which the correctional officer or peace officer attains the age of fifty-five years and has completed at least three eligible years of employment; or

- (b) When the correctional officer or 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.
- f. 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.
- g.
 - (1) Early retirement date, except for a national guard security officer or firefighter, a firefighter, peace officer, or correctional officer employed by a political subdivision, or a correctional officer or peace officer employed by the state, 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.
 - (2) 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.
 - (3) For a correctional officer or peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, or a firefighter, peace officer, or correctional officer employed by a political subdivision, early retirement date is the first day of the month next following the month in which the peace officer, firefighter, or correctional officer attains the age of fifty years and has completed at least three years of eligible employment.
 - (4) For a peace officer employed by the bureau of criminal investigation, early retirement date is the first day of the month next following the month in which the peace officer attains the age of fifty years and has completed at least three years of eligible employment.
- h. 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.
 - (1) A member is eligible to receive disability retirement benefits only if the member became disabled during the period of eligible employment and applies for disability retirement benefits within twelve months of the date the member terminates employment.
 - (2) 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 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 the board deems necessary and these payments are appropriated from the retirement fund for those purposes. A member's receipt of disability benefits under this section is limited to receipt from the fund to which the member was actively contributing at the time the member became disabled.

4. The board shall calculate retirement benefits as follows:

- a. Normal retirement benefits for all retirees, except supreme and district court judges; and peace officers employed by the bureau of criminal investigation, ~~and other peace officers employed by the state~~, reaching normal retirement date equal an annual amount, payable monthly, comprised of a service benefit and a prior service benefit, as defined in this chapter, which is determined as follows:

(1) For members first enrolled:

- (a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.
- (b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.

(2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.

- b. Normal retirement benefits for all supreme and district court judges under the public employees retirement system reaching normal retirement date equal an annual amount, payable monthly, comprised of a benefit as defined in this chapter, determined as follows:

(1) Benefits must be calculated from the time of appointment or election to the bench and must equal three and one-half percent of final average salary multiplied by the first ten years of judicial service, two and eighty hundredths percent of final average salary multiplied by the second ten years of judicial service, and one and one-fourth percent of final average salary multiplied by the number of years of judicial service exceeding twenty years.

(2) Service benefits must include, in addition, an amount equal to the percent specified in subdivision a of final average salary multiplied by the number of years of nonjudicial employee service and employment.

- c. Normal retirement benefits for a peace officer employed by the bureau of criminal investigation reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:

(1) The first twenty years of credited service multiplied by three percent of final average salary.

- (2) For years in excess of twenty years of credited service multiplied by one and seventy-five hundredths percent of final average salary.
- d. ~~Normal retirement benefits for a peace officer employed by the state, other than by the bureau of criminal investigation, reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:~~
 - (1) ~~For members first enrolled:~~
 - (a) ~~Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.~~
 - (b) ~~After December 31, 2010, service benefit equals one and seventy five hundredths percent of final average salary multiplied by the number of years of service employment.~~
 - (2) ~~Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.~~
- e. Postponed retirement benefits are calculated as for single life benefits for those members who retired on or after July 1, 1977.
- ~~f.e.~~ Early retirement benefits are calculated as for single life benefits accrued to the date of termination of employment, but must be actuarially reduced to account for benefit payments beginning before the normal retirement date, as determined under subsection 3. Except for a national guard security officer or firefighter, a firefighter, ~~peace officer, or correctional officer~~ employed by a political subdivision, a peace officer or correctional officer employed by ~~the state~~ governmental unit, or a supreme court or district court judge, early retirement benefits for members first enrolled after December 31, 2015, are calculated for single life benefits accrued to the date of termination of employment, but must be reduced by fixed rate of eight percent per year to account for benefit payments beginning before the normal retirement date. A retiree, other than a supreme or district court judge, is eligible for early retirement benefits only after having completed three years of eligible employment. A supreme or district court judge retiree is eligible for early retirement benefits only after having completed five years of eligible employment.
- ~~g.f.~~ Except for supreme and district court judges, disability retirement benefits are twenty-five percent of the member's final average salary. Disability retirement benefits for supreme and district court judges are seventy percent of final average salary reduced by the member's primary social security benefits and by any workforce safety and insurance benefits paid. The minimum monthly disability retirement benefit under this section is one hundred dollars.
- 5. Upon termination of employment after completing three years of eligible employment, except for supreme and district court judges, who must complete five years of eligible employment, but before normal retirement date, a member who does not elect to receive early retirement benefits is eligible to receive deferred vested retirement benefits payable commencing on the member's normal retirement date in one of the optional forms provided in

subsection 9. Members who have delayed or inadvertently failed to apply for retirement benefits to commence on their normal retirement date may choose to receive either a lump sum payment equal to the amount of missed payments, or an actuarial increase to the form of benefit the member has selected, which increase must reflect the missed payments.

6. If before retiring a member dies after completing three years of eligible employment, except for supreme and district court judges, who must have completed five years of eligible employment, the board shall pay the member's account balance to the member's designated beneficiary as provided in this subsection. If the member has designated an alternate beneficiary with the surviving spouse's written consent, the board shall pay the member's account balance to the named beneficiary. If the member has named more than one primary beneficiary, the board shall pay the member's account balance to the named primary beneficiaries in the percentages designated by the member or, if the member has not designated a percentage for the beneficiaries, in equal percentages. If one or more of the primary beneficiaries has predeceased the member, the board shall pay the predeceased beneficiary's share to the remaining primary beneficiaries. If any beneficiary survives the member, yet dies before distribution of the beneficiary's share, the beneficiary must be treated as if the beneficiary predeceased the member. If there are no remaining primary beneficiaries, the board shall pay the member's account balance to the contingent beneficiaries in the same manner. If there are no remaining designated beneficiaries, the board shall pay the member's account balance to the member's estate. If the member has not designated an alternate beneficiary or the surviving spouse is the beneficiary, the surviving spouse of the member may select a form of payment as follows:
 - a. If the member was a supreme or district court judge, the surviving spouse may select one of the following optional forms of payment:
 - (1) A lump sum payment of the member's retirement account as of the date of death.
 - (2) Payments as calculated for the deceased member as if the member was of normal retirement age at the date of death, payable until the spouse dies.
 - b. The surviving spouse of all other members may select one of the following options:
 - (1) A lump sum payment of the member's retirement account as of the date of death.
 - (2) Payment of a monthly retirement benefit equal to fifty percent of the deceased member's accrued single life retirement benefits until the spouse dies.
 - (3) If the member dies on or after the member's normal retirement date, the payment of a monthly retirement benefit equal to an amount that would have been paid to the surviving spouse if the member had retired on the day of the member's death and had selected a one hundred percent joint and survivor annuity, payable until the spouse dies. A surviving spouse who received a benefit under this subsection as of July 31, 1995, is entitled to the higher of that person's existing

benefit or the equivalent of the accrued benefit available under the one hundred percent joint and survivor provision as if the deceased member were of normal retirement age, with the increase payable beginning August 1, 1995.

7. If a member not coming under the provisions of subsection 6 terminates employment because of death, permanent and total disability, or any voluntary or involuntary reason prior to retirement, the member or the member's designated beneficiary is entitled to the member's account balance at termination. The board automatically shall refund a member's account balance if the member has completed less than three years of eligible employment, has an account balance of less than one thousand dollars, and was not a supreme or district court judge. If the member was a supreme or district court judge, the board automatically shall refund a member's account balance if the member completed less than five years of eligible employment. A member may waive the refund if the member submits a written statement to the board, within thirty days after termination, requesting that the member's account balance remain in the fund.
8. The surviving spouse of a member receiving retirement benefits must be the member's primary beneficiary unless there is no surviving spouse or the surviving spouse designates an alternate beneficiary in writing. If a member receiving retirement benefits or the member's surviving spouse receiving retirement benefits dies before the total amount of benefits paid to either or both equals the amount of the member's account balance at retirement, the difference must be paid to the named beneficiary of the recipient or, if there is no named beneficiary, to the recipient's estate. A benefit payment owed to the member, surviving spouse, or alternate beneficiary which was not paid before the death of the member, surviving spouse, or alternate beneficiary must be paid to the named beneficiary of the recipient or, if there is no named beneficiary, to the recipient's estate.
9. The board shall adopt rules providing for the receipt of retirement benefits in the following optional forms:
 - a. Single life.
 - b. An actuarially equivalent joint and survivor option, with fifty percent or one hundred percent options.
 - c. Actuarially equivalent life with ten-year or twenty-year certain options.
 - d. An actuarially equivalent partial lump sum distribution option with a twelve-month maximum lump sum distribution.
 - e. An actuarially equivalent graduated benefit option with either a one percent or two percent increase to be applied the first day of January of each year.

Except for supreme and district court judges, unless a member specifically requests that the member receive benefits according to one of these options at the time of applying for retirement, all retirement benefits must be in the form of a single life benefit. For supreme and district court judges, unless a member specifically requests that the member receive benefits according to one of these options at the time of applying for retirement, all retirement benefits must be in the form of a lifetime monthly pension with fifty percent of the benefit continuing for the life of the surviving spouse, if any.

10. The fund may accept rollovers from other eligible plans under rules adopted by the board for the purchase of additional service credit, but only to the extent the transfer is a rollover contribution that meets the requirement of section 408 of the Internal Revenue Code.
11. The board may accept trustee-to-trustee transfers as permitted by Internal Revenue Code section 403(b)(13) and section 457(e)(17) from an Internal Revenue Code section 403(b) annuity or Internal Revenue Code section 457 deferred compensation plan for the purchase of permissive service credit, as defined in Internal Revenue Code section 415(n)(3)(A) or as repayment of a cashout from a governmental plan under Internal Revenue Code section 415(k)(3).
12. The board may establish individual retirement accounts and individual retirement annuities as permitted under section 408(q) of the Internal Revenue Code to allow employees to make voluntary employee contributions. The board may adopt rules to implement and administer the accounts and annuities under this section.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 537

HOUSE BILL NO. 1419

(Representatives Porter, Dockter, Heinert, O'Brien, M. Ruby, Satrom, Schauer)
(Senators Axtman, Cleary, Lee, Meyer, Roers)

AN ACT to amend and reenact sections 54-52-01, 54-52-02.1, 54-52-02.15, 54-52-06.3, 54-52-06.4, and 54-52-17 of the North Dakota Century Code, relating to the public employees retirement system public safety retirement plan.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²²⁶ **SECTION 1. AMENDMENT.** Section 54-52-01 of the North Dakota Century Code is amended and reenacted as follows:

54-52-01. Definition of terms.

As used in this chapter, unless the context otherwise requires:

1. "Account balance" means the total contributions made by the employee, vested employer contributions under section 54-52-11.1, the vested portion of the vesting fund as of June 30, 1977, and interest credited thereon at the rate established by the board.
2. "Beneficiary" means any person in receipt of a benefit provided by this plan or any person designated by a participating member to receive benefits.
3. "Correctional officer" means a participating member who is employed as a correctional officer by a ~~political subdivision~~ governmental unit and, notwithstanding subsection 16, for an individual employed on or after the effective date of this Act, is employed at least thirty-two hours per week and at least twenty weeks each year of employment. A correctional officer who is a participating member of the public safety retirement plan created by this chapter who begins employment on or after the effective date of this Act is ineligible to participate concurrently in any other retirement plan administered by the public employees retirement system. The term includes an individual employed by a correctional facility as defined in section 12-44.1-01, who is enrolled in, but has not yet completed, a correctional officer course approved or certified by the North Dakota department of corrections and rehabilitation.
4. "Deferred member" means a participating member who is not actively participating in the main plan under this chapter and who has an account intact in the main plan under this chapter.
5. "Dispatcher" means a participating member who is employed as a state radio dispatcher by the state or is employed as a public safety answering point dispatcher by a political subdivision and, notwithstanding subsection 16, for an

²²⁶ Section 54-52-01 was also amended by section 1 of House Bill No. 1077, chapter 534, section 1 of House Bill No. 1112, chapter 541, section 1 of House Bill No. 1177, chapter 533, section 1 of House Bill No. 1274, chapter 536, and section 1 of Senate Bill No. 2121, chapter 535.

individual employed on or after the effective date of this Act, is employed at least thirty-two hours per week and at least twenty weeks each year of employment. A dispatcher who is a participating member of the public safety retirement plan created by this chapter who begins employment on or after the effective date of this Act is ineligible to participate concurrently in any other retirement plan administered by the public employees retirement system.

6. "Eligible employee", except as otherwise provided under section 54-52-02.15, means a permanent employee who meets all of the eligibility requirements set by this chapter and who is eighteen years or more of age. The term includes appointive and elective officials under sections 54-52-02.5, 54-52-02.11, and 54-52-02.12, and nonteaching employees of the superintendent of public instruction, including the superintendent of public instruction, who elect to transfer from the teachers' fund for retirement to the public employees retirement system under section 54-52-02.13, and employees of the state board for career and technical education who elect to transfer from the teachers' fund for retirement to the public employees retirement system under section 54-52-02.14. The term does not include nonclassified state employees who elected under section 54-52.6-02 to become members of the retirement plan established under chapter 54-52.6. The term does include employees of the judicial branch and employees of the board of higher education and state institutions under the jurisdiction of the board of higher education.

6-7. "Emergency medical services personnel" means a participating member employed by a political subdivision as an emergency medical services personnel, as defined under section 23-27-02 and, notwithstanding subsection 16, for an individual employed on or after the effective date of this Act, is employed at least thirty-two hours per week and at least twenty weeks each year of employment. An emergency medical services personnel who is a participating member of the public safety retirement plan created by this chapter who begins employment on or after the effective date of this Act is ineligible to participate concurrently in any other retirement plan administered by the public employees retirement system.

8. "Employee" means any individual employed by a governmental unit, whose compensation is paid out of the governmental unit's funds, or funds controlled or administered by a governmental unit, or paid by the federal government through any of its executive or administrative officials; licensed employees of a school district means those employees eligible to participate in the teachers' fund for retirement who, except under subsection 2 of section 54-52-17.2, are not eligible employees under this chapter.

7-9. "Employer" means a governmental unit.

8-10. "Firefighter" means a participating member who is employed as a firefighter by a political subdivision and, notwithstanding subsection 13, for an individual employed after July 31, 2017, is employed at least thirty-two hours per week and at least twenty weeks each year of employment. A firefighter who is a participating member of the ~~law enforcement~~ public safety retirement plan created by this chapter who begins employment after July 31, 2017, is ineligible to participate concurrently in any other retirement plan administered by the public employees retirement system. The term does not include a firefighter employee of the North Dakota national guard.

- ~~9-11.~~ "Funding agent" or "agents" means an investment firm, trust bank, or other financial institution which the retirement board may select to hold and invest the employers' and members' contributions.
- ~~40-12.~~ "Governmental unit" means the state of North Dakota, except the highway patrol for members of the retirement plan created under chapter 39-03.1, or a participating political subdivision of the state.
- ~~44-13.~~ "National guard security officer or firefighter" means a participating member who is:
- a. A security police employee of the North Dakota national guard; or
 - b. A firefighter employee of the North Dakota national guard.
- ~~42-14.~~ "Participating member" means an eligible employee who through payment into the plan has established a claim against the plan.
- ~~43-15.~~ "Peace officer" means a participating member who is a peace officer as defined in section 12-63-01 and is employed as a peace officer by the state, except by the highway patrol for members of the retirement plan created under chapter 39-03.1, or is employed by a political subdivision and, notwithstanding subsection 14, for persons employed after August 1, 2005, is employed thirty-two hours or more per week and at least twenty weeks each year of employment. A peace officer who is a participating member of the ~~law enforcement~~ public safety retirement plan created by this chapter who begins employment after August 1, 2005, is ineligible to participate concurrently in any other retirement plan administered by the public employees retirement system.
- ~~44-16.~~ "Permanent employee" means an employee whose services are not limited in duration and who is filling an approved and regularly funded position in an eligible governmental unit, and is employed twenty hours or more per week and at least twenty weeks each year of employment.
- ~~45-17.~~ "Prior service" means service or employment before July 1, 1966.
- ~~46-18.~~ "Prior service credit" means such credit toward a retirement benefit as the retirement board may determine under the provisions of this chapter.
- ~~47-19.~~ "Public employees retirement system" means the retirement plan and program established by this chapter.
- ~~48-20.~~ "Retirement" means the acceptance of a retirement allowance under this chapter upon either termination of employment or termination of participation in the retirement plan.
- ~~49-21.~~ "Retirement board" or "board" means the governing authority created under section 54-52-03.
- ~~20-22.~~ "Seasonal employee" means a participating member who does not work twelve months a year.
- ~~24-23.~~ "Service" means employment on or after July 1, 1966.

~~22-24.~~ "Service benefit" means the credit toward retirement benefits as determined by the retirement board under the provisions of this chapter.

~~23-25.~~ "Temporary employee" means an employee who is not eligible to participate as a permanent employee, who is at least eighteen years old and not actively contributing to another employer-sponsored pension fund, and, if employed by a school district, occupies a noncertified teacher's position.

~~24-26.~~ "Wages" and "salaries" means the member's earnings in eligible employment under this chapter reported as salary on the member's federal income tax withholding statements plus any salary reduction or salary deferral amounts under 26 U.S.C. 125, 401(k), 403(b), 414(h), or 457. "Salary" does not include fringe benefits such as payments for unused sick leave, personal leave, vacation leave paid in a lump sum, overtime, housing allowances, transportation expenses, early retirement incentive pay, severance pay, medical insurance, workforce safety and insurance benefits, disability insurance premiums or benefits, or salary received by a member in lieu of previously employer-provided fringe benefits under an agreement between the member and participating employer. Bonuses may be considered as salary under this section if reported and annualized pursuant to rules adopted by the board.

²²⁷ **SECTION 2. AMENDMENT.** Section 54-52-02.1 of the North Dakota Century Code is amended and reenacted as follows:

54-52-02.1. Political subdivisions authorized to join public employees retirement system.

1. A political subdivision may, on behalf of its permanent employees, on behalf of its peace officers, firefighters, dispatchers, emergency medical services personnel, and correctional officers separately from its other employees, and permanent noncertified employees only in the case of school districts, enter agreements with the retirement board for the purpose of extending the benefits of the public employees retirement system, as provided in this chapter, to those employees. The agreement may, in accordance with this chapter, contain provisions relating to benefits, contributions, effective date, modification, administration, and other appropriate provisions as the retirement board and the political subdivision agree upon, but the agreement must provide:
 - a. The political subdivision will contribute on behalf of each eligible employee an amount equal to that provided in section 54-52-06 or 54-52-06.3 for peace officers, firefighters, dispatchers, emergency medical services personnel, and correctional officers participating separately from other political subdivision employees.
 - b. A portion of the moneys paid by the political subdivision may be used to pay administrative expenses of the retirement board.
2. Notwithstanding any other provision of law, a political subdivision having an existing police, dispatcher, emergency medical services personnel, or firefighter pension plan may merge that plan into the public employees retirement system under rules adopted by and in a manner determined by the board.

²²⁷ Section 54-52-02.1 was also amended by section 1 of House Bill No. 1146, chapter 538.

3. Notwithstanding any other provision of this chapter, a political subdivision of this state not currently participating in the public employees retirement system may not become a participant in the retirement system until an actuarial study is performed under the direction of the board to calculate the required employer contribution for any past service liability and the required employer contribution must be an amount determined sufficient to amortize and fund any past service liability over a period not to exceed thirty years as determined by the board. Any fees incurred in performing the actuarial study must be paid for by the political subdivision in a manner determined by the board.

²²⁸ **SECTION 3. AMENDMENT.** Section 54-52-02.15 of the North Dakota Century Code is amended and reenacted as follows:

54-52-02.15. Public employees retirement system main plan - Closure to new hires - Multiple plan membership.

1. Under this section "eligible employee" means a permanent employee who:
 - a. Meets all the eligibility requirements set by this chapter;
 - b. Is at least eighteen years of age;
 - c. Becomes a participating member after December 31, 2024; and
 - d. Is not eligible to participate in the ~~law enforcement~~public safety plan, judges' plan, highway patrol plan, teachers' fund for retirement plan, or alternative retirement program established under section 15-10-17 for university system employees.
2. Effective January 1, 2025, the public employees retirement system defined benefit main plan maintained for employees is closed to new eligible employees. However, an employee who becomes a participating or deferred member under this chapter before January 1, 2025, remains in the defined benefit retirement plan under this chapter, regardless of being rehired after December 31, 2024.
3. Except as otherwise provided under this section, effective January 1, 2025, an eligible employee who begins employment with an employer shall participate in the defined contribution retirement plan under chapter 54-52.6 as provided under section 54-52.6-02.1.
4. This section does not impact an employee to the extent the employee is a participating member in one or more of the following enumerated retirement plans: ~~law enforcement~~public safety plan, judges' plan, highway patrol plan, teachers' fund for retirement plan, or alternative retirement program established under section 15-10-17 for university system employees.
 - a. A participating or deferred member in the defined contribution retirement plan under chapter 54-52.6 who becomes eligible to participate in a plan enumerated under this subsection is eligible to participate in the retirement plan enumerated under this subsection.

²²⁸ Section 54-52-02.15 was also amended by section 2 of House Bill No. 1274, chapter 536, and section 1 of House Bill No. 1602, chapter 539.

- b. A participating member of a retirement plan enumerated under this subsection who becomes an eligible employee is not eligible to participate in the defined benefit retirement plan under this chapter but instead participates in the defined contribution retirement plan under chapter 54-52.6. However, this subdivision does not apply to an individual who before January 1, 2025, is a participating or a deferred member under this chapter, as that individual continues to participate in the defined benefit retirement plan under this chapter.

5. The board shall adopt rules to implement this section.

SECTION 4. AMENDMENT. Section 54-52-06.3 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06.3. Contribution by peace officers, firefighters, dispatchers, emergency medical services personnel, and correctional officers employed by political subdivisions - Employer contribution.

1. Each peace officer, firefighter, dispatcher, emergency medical services personnel, or correctional officer employed by a political subdivision that enters an agreement with the retirement board on behalf of its peace officers, firefighters, dispatchers, emergency medical services personnel, and correctional officers separately from its other employees and 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, firefighter, dispatcher, emergency medical services personnel, or correctional officer contributions increase by one-half of one percent of the member's monthly salary beginning with the monthly reporting period of January 2012, and with an additional increase of one-half of one percent, beginning with the monthly reporting period of January 2013, and with an additional increase of one-half of one percent, beginning with the monthly reporting period of January 2014. The assessment must be deducted and retained out of the employee's salary in equal monthly installments.
2. The peace officer's, firefighter's, dispatcher's, emergency medical services personnel's, or correctional 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. If the peace officer's, firefighter's, dispatcher's, emergency medical services personnel's, or correctional 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, firefighter's, dispatcher's, emergency medical services personnel's, or correctional officer's assessment.

²²⁹ **SECTION 5. 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 and dispatchers employed by the state or security officers employed by the national guard - Employer contribution. (Retroactive application - See note)

1. a. Each peace officer employed by the bureau of criminal investigation who is a member of the public employees retirement system is assessed and

²²⁹ Section 54-52-06.4 was also amended by section 2 of House Bill No. 1112, chapter 541, and section 3 of House Bill No. 1274, chapter 536.

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; with an additional increase of one percent, beginning with the reporting period of January 2013; with an additional increase of one percent, beginning with the reporting period of January 2024; and with an additional increase of one percent, beginning with the reporting period of January 2025.

- b. Each dispatcher and peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, who is a member of the public employees retirement system is assessed and shall pay six percent of the employee's monthly salary.
 - c. 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.
 - d. The assessment under this subsection must be deducted and retained out of the employee's salary in equal monthly installments.
2. The employer of a dispatcher or peace officer employed by the state or national guard security officer 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 dispatcher's, 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 dispatcher's, peace officer's, or security officer's assessment.

²³⁰ **SECTION 6. AMENDMENT.** Section 54-52-17 of the North Dakota Century Code is amended and reenacted as follows:

54-52-17. Formulation of plan. (Retroactive application - See note)

Participating members shall receive benefits according to this section and according to rules adopted by the board, not inconsistent with this chapter. ~~No person~~An individual is not entitled to receive a prior service benefit if the ~~person~~individual was not continuously employed by a governmental unit in North Dakota for a period of not less than two years immediately ~~prior to~~before eligibility for retirement.

1. Participating members shall receive credit for full-time employment or its equivalent from the date they attain eligibility until their normal retirement date, postponed retirement date, or early retirement date, as defined in this section. Part-time employment will be recognized as full-time employment on a prorated basis as the board may prescribe.

²³⁰ Section 54-52-17 was also amended by section 3 of House Bill No. 1112, chapter 541, section 4 of House Bill No. 1112, chapter 541, section 4 of House Bill No. 1274, chapter 536, section 1 of Senate Bill No. 2119, chapter 542, and section 2 of Senate Bill No. 2121, chapter 535.

2. Retirement benefits are calculated from the participating member's final average salary, which is the average of the highest salary received by the member for any thirty-six months employed during the last one hundred twenty months of employment. For members who terminate employment on or after August 1, 2010, final average salary is the average of the highest salary received by the member for any thirty-six months employed during the last one hundred eighty months of employment. For members who terminate employment between July 31, 2005, and August 1, 2010, final average salary is the average of the highest salary received by the member for any thirty-six months employed during the period for which the board has appropriate and accurate salary records on the board's electronic database, but that period may not be more than the last one hundred eighty months of employment. For members who terminate employment after December 31, 2019, final average salary is the higher of the final average salary calculated on December 31, 2019, or the average salary earned in the three highest periods of twelve consecutive months employed during the last one hundred eighty months of employment. Months without earnings are excluded for the purpose of computing an average. If the participating member has worked for less than thirty-six months at the normal retirement date, the final average salary is the average salary for the total months of employment.
3. Retirement dates are defined as follows:
 - a. Normal retirement date, except for a national guard security officer or firefighter, a ~~firefighter employed by a political subdivision, a dispatcher or~~ peace officer employed by the state, or a firefighter, dispatcher, emergency medical services personnel, 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 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 members first enrolled after December 31, 2015, except for a national guard security officer or firefighter, a ~~firefighter employed by a political subdivision, a dispatcher or~~ peace officer employed by the state, a firefighter, dispatcher, emergency medical services personnel, peace officer, or correctional officer employed by a political subdivision, or a supreme court or district court judge, 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 ninety and the member attains a minimum age of sixty and has not received a retirement benefit under this chapter.
 - c. Normal retirement date for a national guard security officer or firefighter is:
 - (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; or

- (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.
- d. Normal retirement date for a dispatcher, emergency medical services personnel, peace officer, firefighter, or correctional officer employed by a political subdivision is:
 - (1) The first day of the month next following the month in which the dispatcher, emergency medical services personnel, peace officer, firefighter, or correctional officer attains the age of fifty-five years and has completed at least three eligible years of employment; or
 - (2) When the dispatcher, emergency medical services personnel, peace officer, firefighter, 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.
- e. (1) Normal retirement date for a peace officer employed by the bureau of criminal investigation is:
 - (a) [1] For a member employed before August 1, 2023, 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; and
 - [2] For a member employed after July 31, 2023, 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 ten eligible years of employment; or
 - (b) 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.
- (2) Normal retirement date for a dispatcher or peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, is:
 - (a) The first day of the month next following the month in which the dispatcher or peace officer attains the age of fifty-five years and has completed at least three eligible years of employment; or
 - (b) When the dispatcher or 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.
- f. 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.
- g. (1) Early retirement date, except for a national guard security officer or firefighter, a dispatcher, emergency medical services personnel, firefighter, peace officer, or correctional officer employed by a political

subdivision, or a dispatcher or peace officer employed by the state, 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.

- (2) 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.
 - (3) For a dispatcher or peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, or a dispatcher, emergency medical services personnel, firefighter, peace officer, or correctional officer employed by a political subdivision, early retirement date is the first day of the month next following the month in which the dispatcher, emergency medical services personnel, peace officer, firefighter, or correctional officer attains the age of fifty years and has completed at least three years of eligible employment.
 - (4) For a peace officer employed by the bureau of criminal investigation, early retirement date is the first day of the month next following the month in which the peace officer attains the age of fifty years and has completed at least three years of eligible employment.
- h. 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.
- (1) A member is eligible to receive disability retirement benefits only if the member became disabled during the period of eligible employment and applies for disability retirement benefits within twelve months of the date the member terminates employment.
 - (2) 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 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 the board deems necessary and these payments are appropriated from the retirement fund for those purposes. A member's receipt of disability benefits under this section is limited to receipt from the fund to which the member was actively contributing at the time the member became disabled.

4. The board shall calculate retirement benefits as follows:

- a. Normal retirement benefits for all retirees, except supreme and district court judges; and peace officers employed by the bureau of criminal investigation, ~~and other peace officers employed by the state,~~ reaching normal retirement date equal an annual amount, payable monthly, comprised of a service benefit and a prior service benefit, as defined in this chapter, which is determined as follows:
 - (1) For members first enrolled:
 - (a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.
 - (b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.
 - (2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.
- b. Normal retirement benefits for all supreme and district court judges under the public employees retirement system reaching normal retirement date equal an annual amount, payable monthly, comprised of a benefit as defined in this chapter, determined as follows:
 - (1) Benefits must be calculated from the time of appointment or election to the bench and must equal three and one-half percent of final average salary multiplied by the first ten years of judicial service, two and eighty hundredths percent of final average salary multiplied by the second ten years of judicial service, and one and one-fourth percent of final average salary multiplied by the number of years of judicial service exceeding twenty years.
 - (2) Service benefits must include, in addition, an amount equal to the percent specified in subdivision a of final average salary multiplied by the number of years of nonjudicial employee service and employment.
- c. Normal retirement benefits for a peace officer employed by the bureau of criminal investigation reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:
 - (1) The first twenty years of credited service multiplied by three percent of final average salary.
 - (2) For years in excess of twenty years of credited service multiplied by one and seventy-five hundredths percent of final average salary.
- d. ~~Normal retirement benefits for a peace officer employed by the state, other than by the bureau of criminal investigation, reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:~~
 - ~~(1) For members first enrolled:~~

- ~~(a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.~~
 - ~~(b) After December 31, 2019, service benefit equals one and seventy five hundredths percent of final average salary multiplied by the number of years of service employment.~~
 - ~~(2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.~~
- e. Postponed retirement benefits are calculated as for single life benefits for those members who retired on or after July 1, 1977.
- f.e. Early retirement benefits are calculated as for single life benefits accrued to the date of termination of employment, but must be actuarially reduced to account for benefit payments beginning before the normal retirement date, as determined under subsection 3. Except for a national guard security officer or firefighter, a dispatcher, emergency medical services personnel, firefighter, peace officer, or correctional officer employed by a political subdivision, a dispatcher or peace officer employed by the state, or a supreme court or district court judge, early retirement benefits for members first enrolled after December 31, 2015, are calculated for single life benefits accrued to the date of termination of employment, but must be reduced by fixed rate of eight percent per year to account for benefit payments beginning before the normal retirement date. A retiree, other than a supreme or district court judge, is eligible for early retirement benefits only after having completed three years of eligible employment. A supreme or district court judge retiree is eligible for early retirement benefits only after having completed five years of eligible employment.
- g.f. Except for supreme and district court judges, disability retirement benefits are twenty-five percent of the member's final average salary. Disability retirement benefits for supreme and district court judges are seventy percent of final average salary reduced by the member's primary social security benefits and by any workforce safety and insurance benefits paid. The minimum monthly disability retirement benefit under this section is one hundred dollars.
- 5. Upon termination of employment after completing three years of eligible employment, except for supreme and district court judges, who must complete five years of eligible employment, but before normal retirement date, a member who does not elect to receive early retirement benefits is eligible to receive deferred vested retirement benefits payable commencing on the member's normal retirement date in one of the optional forms provided in subsection 9. Members who have delayed or inadvertently failed to apply for retirement benefits to commence on their normal retirement date may choose to receive either a lump sum payment equal to the amount of missed payments, or an actuarial increase to the form of benefit the member has selected, which increase must reflect the missed payments.
- 6. If before retiring a member dies after completing three years of eligible employment, except for supreme and district court judges, who must have completed five years of eligible employment, the board shall pay the member's account balance to the member's designated beneficiary as provided in this

subsection. If the member has designated an alternate beneficiary with the surviving spouse's written consent, the board shall pay the member's account balance to the named beneficiary. If the member has named more than one primary beneficiary, the board shall pay the member's account balance to the named primary beneficiaries in the percentages designated by the member or, if the member has not designated a percentage for the beneficiaries, in equal percentages. If one or more of the primary beneficiaries has predeceased the member, the board shall pay the predeceased beneficiary's share to the remaining primary beneficiaries. If any beneficiary survives the member, yet dies before distribution of the beneficiary's share, the beneficiary must be treated as if the beneficiary predeceased the member. If there are no remaining primary beneficiaries, the board shall pay the member's account balance to the contingent beneficiaries in the same manner. If there are no remaining designated beneficiaries, the board shall pay the member's account balance to the member's estate. If the member has not designated an alternate beneficiary or the surviving spouse is the beneficiary, the surviving spouse of the member may select a form of payment as follows:

- a. If the member was a supreme or district court judge, the surviving spouse may select one of the following optional forms of payment:
 - (1) A lump sum payment of the member's retirement account as of the date of death.
 - (2) Payments as calculated for the deceased member as if the member was of normal retirement age at the date of death, payable until the spouse dies.
- b. The surviving spouse of all other members may select one of the following options:
 - (1) A lump sum payment of the member's retirement account as of the date of death.
 - (2) Payment of a monthly retirement benefit equal to fifty percent of the deceased member's accrued single life retirement benefits until the spouse dies.
 - (3) If the member dies on or after the member's normal retirement date, the payment of a monthly retirement benefit equal to an amount that would have been paid to the surviving spouse if the member had retired on the day of the member's death and had selected a one hundred percent joint and survivor annuity, payable until the spouse dies. A surviving spouse who received a benefit under this subsection as of July 31, 1995, is entitled to the higher of that person's existing benefit or the equivalent of the accrued benefit available under the one hundred percent joint and survivor provision as if the deceased member were of normal retirement age, with the increase payable beginning August 1, 1995.
7. If a member not coming under the provisions of subsection 6 terminates employment because of death, permanent and total disability, or any voluntary or involuntary reason prior to retirement, the member or the member's designated beneficiary is entitled to the member's account balance at termination. The board automatically shall refund a member's account balance

if the member has completed less than three years of eligible employment, has an account balance of less than one thousand dollars, and was not a supreme or district court judge. If the member was a supreme or district court judge, the board automatically shall refund a member's account balance if the member completed less than five years of eligible employment. A member may waive the refund if the member submits a written statement to the board, within thirty days after termination, requesting that the member's account balance remain in the fund.

8. The surviving spouse of a member receiving retirement benefits must be the member's primary beneficiary unless there is no surviving spouse or the surviving spouse designates an alternate beneficiary in writing. If a member receiving retirement benefits or the member's surviving spouse receiving retirement benefits dies before the total amount of benefits paid to either or both equals the amount of the member's account balance at retirement, the difference must be paid to the named beneficiary of the recipient or, if there is no named beneficiary, to the recipient's estate. A benefit payment owed to the member, surviving spouse, or alternate beneficiary which was not paid before the death of the member, surviving spouse, or alternate beneficiary must be paid to the named beneficiary of the recipient or, if there is no named beneficiary, to the recipient's estate.
9. The board shall adopt rules providing for the receipt of retirement benefits in the following optional forms:
 - a. Single life.
 - b. An actuarially equivalent joint and survivor option, with fifty percent or one hundred percent options.
 - c. Actuarially equivalent life with ten-year or twenty-year certain options.
 - d. An actuarially equivalent partial lump sum distribution option with a twelve-month maximum lump sum distribution.
 - e. An actuarially equivalent graduated benefit option with either a one percent or two percent increase to be applied the first day of January of each year.

Except for supreme and district court judges, unless a member specifically requests that the member receive benefits according to one of these options at the time of applying for retirement, all retirement benefits must be in the form of a single life benefit. For supreme and district court judges, unless a member specifically requests that the member receive benefits according to one of these options at the time of applying for retirement, all retirement benefits must be in the form of a lifetime monthly pension with fifty percent of the benefit continuing for the life of the surviving spouse, if any.

10. The fund may accept rollovers from other eligible plans under rules adopted by the board for the purchase of additional service credit, but only to the extent the transfer is a rollover contribution that meets the requirement of section 408 of the Internal Revenue Code.
11. The board may accept trustee-to-trustee transfers as permitted by Internal Revenue Code section 403(b)(13) and section 457(e)(17) from an Internal

Revenue Code section 403(b) annuity or Internal Revenue Code section 457 deferred compensation plan for the purchase of permissive service credit, as defined in Internal Revenue Code section 415(n)(3)(A) or as repayment of a cashout from a governmental plan under Internal Revenue Code section 415(k)(3).

12. The board may establish individual retirement accounts and individual retirement annuities as permitted under section 408(q) of the Internal Revenue Code to allow employees to make voluntary employee contributions. The board may adopt rules to implement and administer the accounts and annuities under this section.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 538

HOUSE BILL NO. 1146

(Representatives Lefor, Dockter, Schauer, Stemen, M. Ruby)
(Senators Davison, Dever, Hogue)

AN ACT to amend and reenact sections 54-52-02.1, 54-52-06, 54-52.6-01, 54-52.6-02.2, 54-52.6-05, and 54-52.6-09.5 of the North Dakota Century Code, relating to employer eligibility to participate in the public employees retirement system defined contribution retirement plan, employer contribution requirements for the defined benefit and defined contribution retirement plans, and employee eligibility to elect to transfer to the defined contribution retirement plan; to provide for retroactive application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²³¹ **SECTION 1. AMENDMENT.** Section 54-52-02.1 of the North Dakota Century Code is amended and reenacted as follows:

54-52-02.1. Political subdivisions authorized to join public employees retirement system.

1. A political subdivision may, on behalf of its permanent employees, on behalf of its peace officers, firefighters, and correctional officers separately from its other employees, and permanent noncertified employees only in the case of school districts, enter agreements with the retirement board for the purpose of extending the benefits of the public employees retirement system, as provided in this chapter or chapter 54-52.6, to those employees. The agreement may, in accordance with this chapter and chapter 54-52.6, contain provisions relating to benefits, contributions, effective date, modification, administration, and other appropriate provisions as the retirement board and the political subdivision agree upon, but the agreement must provide:
 - a. The political subdivision will contribute on behalf of each eligible employee an amount equal to that provided in section 54-52-06 or 54-52-06.3 for peace officers, firefighters, and correctional officers participating separately from other political subdivision employees.
 - b. A portion of the moneys paid by the political subdivision may be used to pay administrative expenses of the retirement board.
2. Notwithstanding any other provision of law, a political subdivision having an existing police or firefighter pension plan may merge that plan into the public employees retirement system under rules adopted by and in a manner determined by the board.
3. Notwithstanding any other provision of this chapter, a political subdivision of this state not currently participating in the public employees retirement system may not become a participant in the retirement system until an actuarial study

²³¹ Section 54-52-02.1 was also amended by section 2 of House Bill No. 1419, chapter 537.

is performed under the direction of the board to calculate the required employer contribution for any past service liability and the required employer contribution must be an amount determined sufficient to amortize and fund any past service liability over a period not to exceed thirty years as determined by the board. Any fees incurred in performing the actuarial study must be paid for by the political subdivision in a manner determined by the board.

SECTION 2. AMENDMENT. Section 54-52-06 of the North Dakota Century Code is amended and reenacted as follows:

54-52-06. Employer's contribution to retirement plan - Report to the employee benefits programs committee. (Effective through December 31, 2025)

1. Each governmental unit shall contribute an amount equal to four and twelve-hundredths percent of the monthly salary or wage of a participating member. Governmental unit contributions increase by one percent of the monthly salary or wage of a participating member beginning with the monthly reporting period of January 2012; with an additional increase of one percent, beginning with the reporting period of January 2013; with an additional increase of one percent, beginning with the monthly reporting period of January 2014; and with an additional increase of one percent, beginning with the monthly reporting period of January 2024. For a participating member who first enrolls after December 31, 2019, the governmental unit shall contribute an additional amount equal to one and fourteen-hundredths percent of the monthly salary or wage of the participating member.
2. For those members who elect to exercise their rights under section 54-52-17.14, the employing governmental unit, or in the case of a member not presently under covered employment the most recent employing governmental unit, shall pay the associated employer contribution. If the employee's contribution is paid by the governmental unit under subsection 3 of section 54-52-05, the employer unit shall contribute, in addition, an amount equal to the required employee's contribution. Each governmental unit shall pay the contribution monthly, or in the case of an election made pursuant to section 54-52-17.14 a lump sum, into the retirement fund from the governmental unit's funds appropriated for payroll and salary or any other funds available for these purposes. Any governmental unit failing to pay the contributions monthly, or in the case of an election made pursuant to section 54-52-17.14 a lump sum, or failing to otherwise comply with the board's established wage reporting or payroll reporting process requirements, is subject to a civil penalty of fifty dollars and, as interest, one percent of the amount due for each month of delay or fraction of a month after the payment became due. In lieu of assessing a civil penalty or one percent per month, or both, interest at the actuarial rate of return may be assessed for each month the contributions are delinquent. If contributions are paid within ninety days of the date the contributions became due, penalty and interest to be paid on delinquent contributions may be waived.
3. An employer is required to submit contributions for any past eligible employee who was employed after July 1, 1977, for which contributions were not made if the employee would have been eligible to become vested had the employee participated and if the employee elects to join the public employees retirement system. Employer contributions may not be assessed for eligible service that an employee has waived pursuant to subsection 1 of section 54-52-05.

4. Annually, the board shall report to the employee benefits programs committee the contributions necessary, as determined by the actuarial study, to maintain the fund's actuarial soundness.

Employer's contribution to retirement plan - Report to the employee benefits programs committee. (Effective after December 31, 2025)

1. a. As determined by actuarial valuations, each state governmental unit that receives budgetary approval from the legislative assembly shall contribute to the defined benefit plan an amount on a level percent of compensation basis for all main system defined benefit retirement plan employees and all defined contribution retirement plan employees sufficient under the actuarial valuation to meet both the normal cost plus the actuarially determined amount required to amortize the unfunded accrued liability of the main plan over a closed period of thirty and one-half years, beginning January 1, 2026, and continuing through June 30, 2056. By November fifteenth of each even-numbered year the board shall publish the contribution rate required under this subsection. The board shall calculate this rate based on the July first actuarial report of that year. In lieu of each state governmental unit that receives budgetary approval from the legislative assembly contributing the additional actuarially determined rate, the legislative assembly may authorize a transfer to the public employees retirement system fund in an amount equal to or greater than the actuarially determined amount as most recently published by the board for the succeeding biennium.
- b. Each participating political subdivision and state governmental unit that does not receive budgetary approval from the legislative assembly shall contribute an amount equal to eight and twelve-hundredths percent of the monthly salary or wage of a participating member.
- c. For a participating member who first enrolls after December 31, 2019, a participating political subdivision shall contribute an additional amount equal to one and fourteen-hundredths percent of the monthly salary or wage of the participating member.
2. For those members who elect to exercise their rights under section 54-52-17.14, the employing governmental unit, or in the case of a member not presently under covered employment the most recent employing governmental unit, shall pay the associated employer contribution. If the employee's contribution is paid by the governmental unit under subsection 3 of section 54-52-05, the employer unit shall contribute, in addition, an amount equal to the required employee's contribution. Each governmental unit shall pay the contribution monthly, or in the case of an election made pursuant to section 54-52-17.14 a lump sum, into the retirement fund from the governmental unit's funds appropriated for payroll and salary or any other funds available for these purposes. Any governmental unit failing to pay the contributions monthly, or in the case of an election made pursuant to section 54-52-17.14 a lump sum, or failing to otherwise comply with the board's established wage reporting or payroll reporting process requirements, is subject to a civil penalty of fifty dollars and, as interest, one percent of the amount due for each month of delay or fraction of a month after the payment became due. In lieu of assessing a civil penalty or one percent per month, or both, interest at the actuarial rate of return may be assessed for each month the contributions are delinquent. If contributions are paid within ninety days of the date the contributions became due, penalty and interest to be paid on delinquent contributions may be waived.

3. An employer is required to submit contributions for any past eligible employee who was employed after July 1, 1977, for which contributions were not made if the employee would have been eligible to become vested had the employee participated and if the employee elects to join the public employees retirement system. Employer contributions may not be assessed for eligible service that an employee has waived pursuant to subsection 1 of section 54-52-05.
4. Annually, the board shall report to the employee benefits programs committee the contributions necessary, as determined by the actuarial study, to maintain the fund's actuarial soundness.

²³² **SECTION 3. AMENDMENT.** Section 54-52.6-01 of the North Dakota Century Code is amended and reenacted as follows:

54-52.6-01. Definition of terms.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the public employees retirement system board.
2. "Deferred member" means ~~a person~~ an individual who elected to receive deferred vested retirement benefits under chapter 54-52.
3. "Eligible employee", for employees who become participating members after December 31, 2024, has the same meaning as provided under section 54-52-02.15. For employees who elected to join the defined contribution retirement plan under this chapter before January 1, 2025, the term includes a permanent state employee, except an employee of the judicial branch or an employee of the board of higher education and state institutions under the jurisdiction of the board of higher education, who is at least eighteen years of age and who is in a position not classified by the North Dakota human resource management services.
4. "Employee" means ~~any person~~ an individual employed by the state, whose compensation is paid out of state funds, or funds controlled or administered by the state or paid by the federal government through any of its executive or administrative officials.
5. "Employer" means the state of North Dakota, except the highway patrol for members of the retirement plan created under chapter 39-03.1, or a participating political subdivision of the state.
6. "Participating member" means an eligible employee who elects to participate in the defined contribution retirement plan established under this chapter.
7. "Permanent employee" means a state employee whose services are not limited in duration and who is filling an approved and regularly funded position and is employed twenty hours or more per week and at least five months each year.
8. "Wages" and "salaries" means earnings in eligible employment under this chapter reported as salary on a federal income tax withholding statement plus any salary reduction or salary deferral amounts under 26 U.S.C. 125, 401(k),

²³² Section 54-52.6-01 was also amended by section 6 of Senate Bill No. 2121, chapter 535.

403(b), 414(h), or 457. "Salary" does not include fringe benefits such as payments for unused sick leave, personal leave, vacation leave paid in a lump sum, overtime, housing allowances, transportation expenses, early retirement, incentive pay, severance pay, medical insurance, workforce safety and insurance benefits, disability insurance premiums or benefits, or salary received by a member in lieu of previously employer-provided fringe benefits under an agreement between an employee and a participating employer. Bonuses may be considered as salary under this section if reported and annualized pursuant to rules adopted by the board.

²³³ **SECTION 4. AMENDMENT.** Section 54-52.6-02.2 of the North Dakota Century Code is amended and reenacted as follows:

54-52.6-02.2. Election after December 31, 2024 - Additional employer contribution.

1. As used in this section, "eligible employee" means a permanent ~~state~~ employee of a state entity that as of January 1, 2025, receives budgetary approval from the legislative assembly, who on December 31, 2024, is a participating member of the public employees retirement system main system plan under chapter ~~54-42~~54-52, who has been a participating member under chapter 54-52 for no more than five years, and who is at least eighteen years of age.
2. The board shall provide a three-month election period, from January 1, 2025, through March 31, 2025, for an eligible employee to transfer to the defined contribution plan under this chapter pursuant to the rules and policies adopted by the board.
 - a. An election under this section made by a member of the public employees retirement system under chapter 54-52 to transfer to the defined contribution retirement plan under this chapter is irrevocable.
 - b. For an eligible employee who elects to transfer from the public employees retirement system under chapter 54-52 to the defined contribution retirement plan under this chapter, the board shall transfer a lump sum amount from the public employees retirement system fund to the member's account in the defined contribution retirement plan under this chapter. However, if the eligible employee terminates employment before receiving the lump sum transfer under this section, the election made is ineffective and the eligible employee remains a member of the public employees retirement system under chapter 54-52 and retains all the rights and privileges under that chapter.
 - c. The board shall calculate the lump sum amount to be transferred based on the actuarial present value of the eligible employee's accumulated benefit obligation under the public employees retirement system based on the assumption the eligible employee will retire under the earlier applicable normal retirement age, plus interest from January 1, 2025, to the date of transfer, at the rate of one-half of one percent less than the actuarial interest assumption at the time of the election.
 - d. This section does not affect an eligible individual's right to health benefits under chapter 54-52.1.

²³³ Section 54-52.6-02.2 was also amended by section 10 of House Bill No. 1031, chapter 64, and section 7 of Senate Bill No. 2121, chapter 535.

3. The state employer of an eligible employee who elects under this section to participate in the defined contribution retirement plan under this chapter shall pay an additional annual contribution of three thousand three hundred and thirty-three dollars for up to three years. Under this subsection, the employer shall pay the additional contribution each year the eligible employee continues permanent employment with the state, beginning January 2026, and extending no further than January 2028.
4. If the board receives notification from the internal revenue service that this section or any portion of this section will cause the public employees retirement system or the retirement plan established under this chapter to be disqualified for tax purposes under the Internal Revenue Code, that portion that will cause the disqualification does not apply.

SECTION 5. AMENDMENT. Section 54-52.6-05 of the North Dakota Century Code is amended and reenacted as follows:

54-52.6-05. Direction of investments.

1. Each participating member shall direct the investment of the individual's accumulated employer and employee contributions and earnings to one or more investment choices within available categories of investment provided by the board.
2. The board shall provide an investment menu of investment options. In establishing the investment options, the board shall:
 - a. Include predetermined investment portfolio options constructed to reflect different risk profiles that automatically reallocate and rebalance contributions as a participating member ages.
 - b. Allow a participating member to construct an investment portfolio using some or all of the investment options.
3. The board shall provide a diversified menu of ~~mutual funds investment solutions and in-plan~~ lifetime annuity options that may include in-plan and out-of-plan options, either fixed, variable, or a combination of both. In selecting an annuity provider the board shall comply with section 54-52.6-05.1.

SECTION 6. AMENDMENT. Section 54-52.6-09.5 of the North Dakota Century Code is amended and reenacted as follows:

54-52.6-09.5. Employer contribution for defined benefit plan. (Effective after December 31, 2025)

In addition to the employer contribution under section 54-52.6-09, a state employer that receives budgetary approval from the legislative assembly shall contribute to the defined benefit retirement plan under chapter 54-52, an amount equal to the contribution rate calculated under section 54-52-06 less the amount of the required employer contribution under sections 54-52.2-09 and 54-52.6-09. If a state employer uses federal funds to pay any or all of an employee's wages, the employer shall use state funds to pay this additional contribution.

SECTION 7. RETROACTIVE APPLICATION. Section 4 of this Act applies retroactively to January 1, 2025.

SECTION 8. EMERGENCY. Section 4 of this Act is declared to be an emergency measure.

Approved April 10, 2025

Filed April 11, 2025

CHAPTER 539

HOUSE BILL NO. 1602

(Representatives Kasper, J. Johnson, Kempenich, Koppelman, Motschenbacher,
D. Ruby, Steiner)
(Senators Cleary, Paulson, Hogue, Klein)

AN ACT to amend and reenact section 54-52-02.15 of the North Dakota Century Code, relating to political subdivision participation in the public employees retirement system defined contribution retirement plan.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²³⁴ **SECTION 1. AMENDMENT.** Section 54-52-02.15 of the North Dakota Century Code is amended and reenacted as follows:

54-52-02.15. Public employees retirement system main plan - Closure to new hires - Multiple plan membership.

1. Under this section "eligible employee" means a permanent employee who:
 - a. Meets all the eligibility requirements set by this chapter;
 - b. Is at least eighteen years of age;
 - c. Becomes a participating member after December 31, 2024; and
 - d. Is not eligible to participate in the law enforcement plan, judges' plan, highway patrol plan, teachers' fund for retirement plan, or alternative retirement program established under section 15-10-17 for university system employees.
2. Effective January 1, 2025, the public employees retirement system defined benefit main plan maintained for employees is closed to new eligible employees. However, an employee who becomes a participating or deferred member under this chapter before January 1, 2025, remains in the defined benefit retirement plan under this chapter, regardless of being rehired after December 31, 2024.
3. Except as otherwise provided under this section, effective January 1, 2025, an eligible employee who begins employment with ana participating employer shall participate in the defined contribution retirement plan under chapter 54-52.6 as provided under section 54-52.6-02.1.
4. This section does not impact an employee to the extent the employee is a participating member in one or more of the following enumerated plans: law enforcement plan, judges' plan, highway patrol plan, teachers' fund for retirement plan, or alternative retirement program established under section 15-10-17 for university system employees.

²³⁴ Section 54-52-02.15 was also amended by section 2 of House Bill No. 1274, chapter 536, and section 3 of House Bill No. 1419, chapter 537.

- a. A participating or deferred member in the defined contribution retirement plan under chapter 54-52.6 who becomes eligible to participate in a plan enumerated under this subsection is eligible to participate in the retirement plan enumerated under this subsection.
 - b. A participating member of a retirement plan enumerated under this subsection who becomes an eligible employee is not eligible to participate in the defined benefit retirement plan under this chapter but instead participates in the defined contribution retirement plan under chapter 54-52.6. However, this subdivision does not apply to an individual who before January 1, 2025, is a participating or a deferred member under this chapter, as that individual continues to participate in the defined benefit retirement plan under this chapter.
5. The board shall adopt rules to implement this section.
 6. This section may not be construed to require a political subdivision to participate in the defined contribution retirement plan under chapter 54-52.6, even if the political subdivision has participated or continues to participate in the defined benefit retirement plan under this chapter. Political subdivision participation in the public employees retirement system, including the defined contribution retirement plan under chapter 54-52.6, is optional.
 7. Notwithstanding sections 54-52-02.1 and 54-52-04, the board may not assess any fees or costs against a political subdivision for withdrawing from the defined contribution retirement plan under chapter 54-52.6.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 540

SENATE BILL NO. 2227

(Senators Bekkedahl, Boschee, Roers)
(Representatives Fegley, Lefor, Schauer)

AN ACT to amend and reenact subsection 1 of section 54-52-05 of the North Dakota Century Code, relating to employee participation in the public employees retirement system; to provide for retroactive application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 54-52-05 of the North Dakota Century Code is amended and reenacted as follows:

1. a. Every eligible participating political subdivision employee, at the time the political subdivision joins the plan ~~must~~shall so state in writing if the employee concurs in the plan and all future eligible employees of the participating political subdivision are participating members in the plan and must be enrolled in the plan within the first month of employment.
- b. Except as otherwise provided by law, every other eligible governmental unit employee of a participating governmental unit is a participating member in the plan and must be enrolled in the plan within the first month of employment. An employee who was not enrolled in the retirement system when eligible to participate must be enrolled immediately upon notice of the employee's eligibility, unless the employee waives in writing the employee's right to participate for the previous time of eligibility, to avoid contributing to the fund for past service.
- c. An employee ~~who is~~ eligible for normal retirement who accepts a retirement benefit under this chapter and ~~who~~ subsequently becomes employed with a participating employer other than the employer ~~with which~~ the employee was employed with at the time the employee retired under this chapter may, before being re-enrolled in the retirement plan within the first month of employment, elect to permanently waive future participation in the retirement plan and the retiree health program and maintain that employee's retirement status. An employee making this election is not required to make any future employee contributions to the public employees retirement system nor is the employee's employer required to make any further contributions on behalf of that employee.
- d. An employee eligible for normal retirement who accepts a retirement benefit under this chapter and subsequently becomes employed with the same participating employer the employee was employed with at the time the employee retired under this chapter may not participate in the retirement plan or the retiree health program and may maintain that employee's retirement status if the employee is appointed by an elected state official to an unclassified state position for the duration of the elected official's term until a successor is appointed.

SECTION 2. RETROACTIVE APPLICATION. This Act applies retroactively to December 14, 2024.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 541

HOUSE BILL NO. 1112

(Government and Veterans Affairs Committee)
(North Dakota State Forester)

AN ACT to amend and reenact subsection 8 of section 54-52-01, section 54-52-06.4, subsection 3 of section 54-52-17, and subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to membership of the public employees retirement system.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²³⁵ **SECTION 1. AMENDMENT.** Subsection 8 of section 54-52-01 of the North Dakota Century Code is amended and reenacted as follows:

8. "Firefighter" means a participating member who is employed as a firefighter by the state or a political subdivision and, notwithstanding subsection ~~4314~~, for an individual employed after July 31, 2017, is employed at least thirty-two hours per week and at least twenty weeks each year of employment. A firefighter who is a participating member of the law enforcement retirement plan created by this chapter who begins employment after July 31, 2017, is ineligible to participate concurrently in any other retirement plan administered by the public employees retirement system. The term does not include a firefighter employee of the North Dakota national guard.

²³⁶ **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 firefighters or peace officers employed by the state or security officers employed by the national guard - Employer contribution. (Retroactive application - See note)

1. a. 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; with an additional increase of one percent, beginning with the reporting period of January 2013; with an additional increase of one percent, beginning with the reporting period of January 2024; and with an additional increase of one percent, beginning with the reporting period of January 2025.

²³⁵ Section 54-52-01 was also amended by section 1 of House Bill No. 1077, chapter 534, section 1 of House Bill No. 1177, chapter 533, section 1 of House Bill No. 1274, chapter 536, section 1 of House Bill No. 1419, chapter 537, and section 1 of Senate Bill No. 2121, chapter 535.

²³⁶ Section 54-52-06.4 was also amended by section 3 of House Bill No. 1274, chapter 536, and section 5 of House Bill No. 1419, chapter 537.

- b. Each firefighter or peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, who is a member of the public employees retirement system is assessed and shall pay six percent of the employee's monthly salary.
 - c. 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.
 - d. The assessment under this subsection must be deducted and retained out of the employee's salary in equal monthly installments.
2. The employer of a firefighter or peace officer employed by the state or national guard security officer 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 firefighter's, 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 firefighter's, peace officer's, or security officer's assessment.

²³⁷ **SECTION 3. 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, a firefighter employed by a political subdivision, a firefighter or peace officer employed by the state, or 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 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 members first enrolled after December 31, 2015, except for a national guard security officer or firefighter, a firefighter employed by a political subdivision, a firefighter or peace officer employed by the state, a peace officer or correctional officer employed by a political subdivision, or a supreme court or district court judge, is:
 - (1) The first day of the month next following the month in which the member attains the age of sixty-five years; or

²³⁷ Section 54-52-17 was also amended by section 4 of House Bill No. 1112, chapter 541, section 4 of House Bill No. 1274, chapter 536, section 6 of House Bill No. 1419, chapter 537, section 1 of Senate Bill No. 2119, chapter 542, and section 2 of Senate Bill No. 2121, chapter 535.

- (2) When the member has a combined total of years of service credit and years of age equal to ninety and the member attains a minimum age of sixty and has not received a retirement benefit under this chapter.
- c. Normal retirement date for a national guard security officer or firefighter is:
 - (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; or
 - (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.
- d. Normal retirement date for a peace officer, firefighter, 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, firefighter, or correctional officer attains the age of fifty-five years and has completed at least three eligible years of employment; or
 - (2) When the peace officer, firefighter, 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.
- e. (1) Normal retirement date for a peace officer employed by the bureau of criminal investigation is:
 - (a) [1] For a member employed before August 1, 2023, 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; and
 - [2] For a member employed after July 31, 2023, 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 ten eligible years of employment; or
 - (b) 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.
- (2) Normal retirement date for a firefighter or peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, is:
 - (a) The first day of the month next following the month in which the firefighter or peace officer attains the age of fifty-five years and has completed at least three eligible years of employment; or

- (b) When the firefighter or 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.
- f. 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.
- g. (1) Early retirement date, except for a national guard security officer or firefighter, a firefighter, peace officer, or correctional officer employed by a political subdivision, or a firefighter or peace officer employed by the state, 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.
- (2) 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.
- (3) For a firefighter or peace officer employed by the state, other than a peace officer employed by the bureau of criminal investigation, or a firefighter, peace officer, or correctional officer employed by a political subdivision, early retirement date is the first day of the month next following the month in which the peace officer, firefighter, or correctional officer attains the age of fifty years and has completed at least three years of eligible employment.
- (4) For a peace officer employed by the bureau of criminal investigation, early retirement date is the first day of the month next following the month in which the peace officer attains the age of fifty years and has completed at least three years of eligible employment.
- h. 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.
- (1) A member is eligible to receive disability retirement benefits only if the member became disabled during the period of eligible employment and applies for disability retirement benefits within twelve months of the date the member terminates employment.
- (2) 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 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 the board

deems necessary and these payments are appropriated from the retirement fund for those purposes. A member's receipt of disability benefits under this section is limited to receipt from the fund to which the member was actively contributing at the time the member became disabled.

²³⁸ **SECTION 4. AMENDMENT.** Subsection 4 of section 54-52-17 of the North Dakota Century Code is amended and reenacted as follows:

4. The board shall calculate retirement benefits as follows:

- a. Normal retirement benefits for all retirees, except supreme and district court judges, and peace officers employed by the bureau of criminal investigation, ~~and other peace officers employed by the state~~, reaching normal retirement date equal an annual amount, payable monthly, comprised of a service benefit and a prior service benefit, as defined in this chapter, which is determined as follows:

(1) For members first enrolled:

(a) Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.

(b) After December 31, 2019, service benefit equals one and seventy-five hundredths percent of final average salary multiplied by the number of years of service employment.

(2) Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.

- b. Normal retirement benefits for all supreme and district court judges under the public employees retirement system reaching normal retirement date equal an annual amount, payable monthly, comprised of a benefit as defined in this chapter, determined as follows:

(1) Benefits must be calculated from the time of appointment or election to the bench and must equal three and one-half percent of final average salary multiplied by the first ten years of judicial service, two and eighty hundredths percent of final average salary multiplied by the second ten years of judicial service, and one and one-fourth percent of final average salary multiplied by the number of years of judicial service exceeding twenty years.

(2) Service benefits must include, in addition, an amount equal to the percent specified in subdivision a of final average salary multiplied by the number of years of nonjudicial employee service and employment.

- c. Normal retirement benefits for a peace officer employed by the bureau of criminal investigation reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:

²³⁸ Section 54-52-17 was also amended by section 3 of House Bill No. 1112, chapter 541, section 4 of House Bill No. 1274, chapter 536, section 6 of House Bill No. 1419, chapter 537, section 1 of Senate Bill No. 2119, chapter 542, and section 2 of Senate Bill No. 2121, chapter 535.

- (1) The first twenty years of credited service multiplied by three percent of final average salary.
 - (2) For years in excess of twenty years of credited service multiplied by one and seventy-five hundredths percent of final average salary.
- d. ~~Normal retirement benefits for a peace officer employed by the state, other than by the bureau of criminal investigation, reaching the normal retirement date equals an annual amount, payable monthly, comprised of a service benefit and a prior service benefit determined as follows:~~
- (1) ~~For members first enrolled:~~
 - (a) ~~Before January 1, 2020, service benefit equals two percent of final average salary multiplied by the number of years of service employment.~~
 - (b) ~~After December 31, 2019, service benefit equals one and seventy five hundredths percent of final average salary multiplied by the number of years of service employment.~~
 - (2) ~~Prior service benefit equals two percent of final average salary multiplied by the number of years of prior service employment.~~
- e. Postponed retirement benefits are calculated as for single life benefits for those members who retired on or after July 1, 1977.
- f.e. Early retirement benefits are calculated as for single life benefits accrued to the date of termination of employment, but must be actuarially reduced to account for benefit payments beginning before the normal retirement date, as determined under subsection 3. Except for a national guard security officer or firefighter, a firefighter, peace officer, or correctional officer employed by a political subdivision, a firefighter or peace officer employed by the state, or a supreme court or district court judge, early retirement benefits for members first enrolled after December 31, 2015, are calculated for single life benefits accrued to the date of termination of employment, but must be reduced by a fixed rate of eight percent per year to account for benefit payments beginning before the normal retirement date. A retiree, other than a supreme or district court judge, is eligible for early retirement benefits only after having completed three years of eligible employment. A supreme or district court judge retiree is eligible for early retirement benefits only after having completed five years of eligible employment.
- g.f. Except for supreme and district court judges, disability retirement benefits are twenty-five percent of the member's final average salary. Disability retirement benefits for supreme and district court judges are seventy percent of final average salary reduced by the member's primary social security benefits and by any workforce safety and insurance benefits paid. The minimum monthly disability retirement benefit under this section is one hundred dollars.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 542

SENATE BILL NO. 2119

(State and Local Government Committee)
(North Dakota Public Employees Retirement System)

AN ACT to create and enact a new paragraph to subdivision h of subsection 3 of section 54-52-17 of the North Dakota Century Code, relating to disability retirement benefit eligibility.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²³⁹ **SECTION 1.** A new paragraph to subdivision h of subsection 3 of section 54-52-17 of the North Dakota Century Code is created and enacted as follows:

A member who has reached normal retirement age or normal retirement date and is eligible for unreduced retirement benefits may not apply for a disability retirement benefit.

Approved March 18, 2025

Filed March 18, 2025

²³⁹ Section 54-52-17 was also amended by section 3 of House Bill No. 1112, chapter 541, section 4 of House Bill No. 1112, chapter 541, section 4 of House Bill No. 1274, chapter 536, section 6 of House Bill No. 1419, chapter 537, and section 2 of Senate Bill No. 2121, chapter 535.

CHAPTER 543

HOUSE BILL NO. 1113

(Government and Veterans Affairs Committee)
(North Dakota Public Employees Retirement System)

AN ACT to create and enact a new section to chapter 54-52.2 of the North Dakota Century Code, relating to payment of administrative expenses for the public employees retirement system deferred compensation plan; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-52.2 of the North Dakota Century Code is created and enacted as follows:

Administrative expenses - Continuing appropriation.

1. A participating member shall pay the administrative expenses of the plan in a manner determined by the board. The board:
 - a. Or a vendor retained by the board, may charge reasonable administrative expenses and deduct those expenses from a participating member's account in the deferred compensation plan established under this chapter.
 - b. May pay the administrative expenses of the plan from fines and fees collected from a vendor in a manner determined by the board.
 - c. Shall deposit vendor fines and fees and any money deducted from a participating member's account in an administrative expenses account with the state treasurer.
 - d. May use funds from the payroll clearing account established under section 54-52.3-03 and the administrative expenses account to pay for consulting expenses.
2. All money in the payroll clearing account and the administrative expenses account are appropriated to the board on a continuing basis for the purpose of retaining a consultant as required for the administration of this chapter.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 544

HOUSE BILL NO. 1175

(Representative Klemin)
(Senator Hogue)

AN ACT to amend and reenact sections 54-55-01, 54-55-03, 54-55-04, and 54-55-05 of the North Dakota Century Code, relating to the North Dakota 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.

1. The commission on uniform state laws consists of ~~an~~:
 - a. ~~An~~ individual engaged in the practice of law in this state, ~~the~~;
 - b. ~~The~~ dean or a full-time member of the faculty of the law school of the university of North Dakota, ~~a~~;
 - c. ~~A~~ law-trained judge of a court of record in this state, ~~a~~;
 - d. ~~A~~ member of the house of representatives ~~and a~~;
 - e. ~~A~~ member of the senate ~~of the legislative assembly~~; and a
 - f. ~~A~~ member of the legislative council.
2. 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, also known as the national uniform laws commission, 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.
3. Except for the ~~member~~ members appointed by the attorney general, the members of the legislative assembly, the member of the legislative council, any members appointed under subsection 9, and life members, commissioners 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.~~
4. The members of the legislative assembly on the commission must be appointed by the legislative management for a term not to exceed ~~four~~ two years as prescribed by the legislative management, and the member of the legislative council must be appointed by the chairman of the legislative management.

5. The term of a commissioner commences on the first day of September.
6. The term of the member appointed by the attorney general may not extend beyond the term of that attorney general.
7. All commissioners must be residents of the state, except for the commissioners who have been elected life members of the national conference of commissioners on uniform state laws.
8. To be eligible for appointment, an individual must be a licensed attorney and in good standing with the state bar association of North Dakota at the time of first appointment.
9. If a member of the house of representatives or the senate is not eligible to serve as a commissioner under this chapter, the legislative management may appoint an individual who is eligible.

SECTION 2. AMENDMENT. Section 54-55-03 of the North Dakota Century Code is amended and reenacted as follows:

54-55-03. Meeting and organization.

The commissioners shall meet at least once each two-year period and shall ~~organize by electing one of their number as~~ select a chairman, vice chairman, and another as a secretary. ~~The chairman and secretary officers elected under this section~~ shall hold their respective offices for a term of two years and until their successors are elected.

SECTION 3. AMENDMENT. Section 54-55-04 of the North Dakota Century Code is amended and reenacted as follows:

54-55-04. Duties of commissioners and commission.

1. Each commissioner shall attend the annual meeting of the national conference of commissioners on uniform state laws, also known as the national uniform law commission, and shall promote uniformity in state laws on those subjects where uniformity may be deemed desirable and practicable. The commission shall also promote as far as practicable the uniform judicial application and construction of all uniform state laws.
2. During the interim between legislative sessions, the commission may submit its recommendations for enactment of uniform and model laws to the legislative management for its review and recommendation. Commissioners shall provide ~~such~~ the assistance to the legislative management as the legislative management requests with respect to its review of uniform and model laws.
3. During each biennial legislative session, and at any other time as the commission may deem proper, the commission shall report to the legislative assembly an account of its transactions and its advice and recommendations for legislation. The report must include the recommendations of the legislative management with respect to uniform and model laws recommended by the commission.

SECTION 4. AMENDMENT. Section 54-55-05 of the North Dakota Century Code is amended and reenacted as follows:

54-55-05. No compensation for commissioners - Commissioners entitled to reimbursement.

The

1. Except as provided for members of the legislative assembly under section 54-03-20, the commissioners shall serve without compensation for services as commissioners.
2. The commissioners who are appointed to the commission and the commissioners who have been elected life members of the national conference of commissioners on uniform state laws also known as the national uniform law commission, ~~except those who are appointed by virtue of having served five years on the commission but who have not served at least twenty years in the legislative assembly,~~ are entitled to be reimbursed, from moneys appropriated for that purpose, for necessary expenses incurred in performing their duties at the rates provided in sections 44-08-04 and 54-06-09.
3. Warrant-checks for expense reimbursement must be prepared by the office of management and budget upon vouchers submitted by the commissioners.

Approved March 21, 2025

Filed March 24, 2025

CHAPTER 545

SENATE BILL NO. 2048

(State and Local Government Committee)
(At the request of the Information Technology Department)

AN ACT to amend and reenact section 54-59-11 of the North Dakota Century Code, relating to information technology plans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-59-11 of the North Dakota Century Code is amended and reenacted as follows:

54-59-11. Information technology plans.

Each executive branch state agency or institution, excluding the institutions under the control of the board of higher education, unless the chief information officer grants an exemption, shall participate in the information technology planning process based on guidelines developed by the department. ~~The plan must be submitted to the department by August fifteenth of each even-numbered year unless the chief information officer grants an extension. The department shall review each entity's plan for compliance with statewide information technology policies and standards and may require an entity to change its plan to comply with statewide policies or standards or to resolve conflicting directions among plans. Agencies of the judicial and legislative branches shall file their information technology plans with the department by August fifteenth of each even-numbered year. Based on the plans, the department shall prepare a statewide information technology plan and distribute copies of that plan to members of the legislative assembly as requested by the legislative council. The statewide information technology plan must be developed with emphasis on long-term~~agency strategic goals, business objectives, and accomplishments~~alignment to statewide information technology initiatives.~~

Approved March 28, 2025

Filed March 31, 2025

CHAPTER 546

HOUSE BILL NO. 1524

(Representatives Monson, Brandenburg, Kempenich, O'Brien, Ostlie, Pyle)
(Senators Kessel, Meyer, Myrdal, Barta, Lemm)

AN ACT to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to regional planning council grants from the department of commerce.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

Regional planning council grants - Purpose.

The department may award grants to regional planning councils under chapter 54-40.1 to support local and regional implementation of state-authorized programs and initiatives, including housing, regional workforce, rural catalyst, local food and grocery, and other state-authorized programs, subject to legislative appropriations. The department may approve grants to support program implementation, resource development, and efforts to attract and leverage public or private investment in local and regional areas of the state.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 547

SENATE BILL NO. 2226

(Senators Sickler, Barta, Larson, Myrdal)
(Representatives Klemin, Satrom)

AN ACT to amend and reenact subsection 1 of section 54-61-01 of the North Dakota Century Code, relating to the commission on legal counsel for indigents; to provide an appropriation; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 54-61-01 of the North Dakota Century Code is amended and reenacted as follows:

1. The commission on legal counsel for indigents is established for the purpose of developing and monitoring a process for the delivery of state-funded legal counsel services for indigents which are required under the Constitution of North Dakota and the United States Constitution and any applicable statute or court rule. The commission shall provide indigent defense services for indigent individuals determined by the court to be eligible for and in need of those services pursuant to the standards and policies of the commission governing eligibility for such services. For purposes of establishing release conditions at an initial appearance, an incarcerated individual is presumed indigent.

SECTION 2. APPROPRIATION - COMMISSION ON LEGAL COUNSEL FOR INDIGENTS - LEGAL COUNSEL SERVICES AT INITIAL APPEARANCES. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$463,644 or so much of the sum as may be necessary, to the commission on legal counsel for indigents for the purpose of providing legal counsel services for incarcerated individuals at initial appearances, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on January 1, 2026.

Approved April 22, 2025

Filed April 23, 2025

CHAPTER 548

SENATE BILL NO. 2188

(Senators Patten, Kessel, Sickler)
(Representatives Bosch, Novak, Porter)

AN ACT to amend and reenact sections 54-63.1-03 and 54-63.1-07 of the North Dakota Century Code, relating to the membership of the clean sustainable energy authority and the clean sustainable energy fund line of credit; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-63.1-03 of the North Dakota Century Code is amended and reenacted as follows:

54-63.1-03. Clean sustainable energy authority - Membership - Meetings.

1. The clean sustainable energy authority consists of ~~seventeen~~eighteen members, including nine voting members and ~~eight~~nine nonvoting technical advisors.
2. The nine voting members consist of:
 - a. Two members, one from the senate and one from the house of representatives, appointed by the legislative management to serve as co-chairmen;
 - b. Two members appointed by the lignite research council;
 - c. Two members appointed by the oil and gas research council;
 - d. Two members appointed by the renewable energy council; and
 - e. One member appointed by the western Dakota energy association.
3. The ~~eight~~nine nonvoting technical advisors consist of:
 - a. One member appointed by the North Dakota outdoor heritage fund advisory board;
 - b. The commissioner of commerce or the commissioner's designee;
 - c. The director of the department of environmental quality or the director's designee;
 - d. The director of the department of water resources or the director's designee;
 - e. The director of mineral resources or the director's designee;

- e-f. The director of the North Dakota pipeline authority or the director's designee;
 - f-g. The director of the North Dakota transmission authority or the director's designee;
 - g-h. The director of the state energy research center or the director's designee; and
 - h-i. The president of the Bank of North Dakota or the president's designee.
4. The term of office for each co-chairman is two years. The term of office for the other voting members is four years, and the other voting members may not serve more than two consecutive terms. The terms of office for the voting members commence on July first. The initial terms for the voting members of the authority must be staggered following a method determined by the authority.
 5. The authority shall meet at least semiannually. The co-chairmen shall call a meeting upon written request from three voting members of the authority. Five voting members is a quorum at any meeting.
 6. The authority may not forward a recommendation to the commission unless the recommendation fulfills the purposes of this chapter and is approved by a majority of the voting members of the authority.

SECTION 2. AMENDMENT. Section 54-63.1-07 of the North Dakota Century Code is amended and reenacted as follows:

54-63.1-07. Clean sustainable energy fund - Continuing appropriation - Line of credit - Loans - Repayments.

1. There is created in the state treasury the clean sustainable energy fund. The fund consists of all moneys transferred to the fund by the legislative assembly; loan proceeds; interest upon moneys in the fund; principal and interest payments to the fund; and donations, grants, and other contributions received by the commission for deposit in the fund. All moneys in the fund are appropriated to the commission on a continuing basis to provide grants, loans, and other financial assistance and for administrative and operating costs of the authority and program pursuant to the provisions under this chapter.
2. Any bond proceeds deposited in the fund must be used for loans or loan guarantees. The Bank of North Dakota shall deposit in the fund all principal and interest paid on the loans made from the fund. The Bank may use a portion of the interest paid on the outstanding loans as a servicing fee to pay for administrative costs, not to exceed one-half of one percent of the amount of the interest payment. The fund must be audited annually pursuant to section 6-09-29, and the cost of the audit must be paid from the fund.
3. The Bank of North Dakota shall extend a line of credit to the industrial commission to support loans or loan guarantees issued from the clean sustainable energy fund. The line of credit may not exceed three hundred ninety million dollars, and the interest rate associated with the line of credit must be the prevailing interest rate charged to North Dakota governmental entities. The industrial commission shall repay the line of credit from moneys available in the clean sustainable energy fund derived from payments

received on loans issued under this chapter or other sources. If the moneys available from the clean sustainable energy fund on June 30, ~~2025~~2029, are not sufficient to repay the line of credit, the industrial commission shall request from the legislative assembly a deficiency appropriation to repay the line of credit or the industrial commission may repay the line of credit from other funds, as appropriated by the legislative assembly.

4. The industrial commission may access the line of credit to the extent needed through June 30, ~~2025~~2029, to provide funding as authorized by the legislative assembly to support loans or loan guarantees issued from the clean sustainable energy fund. Any moneys borrowed from the Bank of North Dakota pursuant to this section must be transferred to the clean sustainable energy fund to support loans or loan guarantees.

SECTION 3. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - CLEAN SUSTAINABLE ENERGY GRANTS AND LOANS. During the biennium beginning July 1, 2025, and ending June 30, 2027, the office of management and budget shall transfer the sum of \$50,000,000 from the strategic investment and improvements fund to the clean sustainable energy fund, as follows:

1. \$10,000,000 for grants; and
2. \$40,000,000 to repay a line of credit and to provide funding for loans.

Approved May 12, 2025

Filed May 12, 2025

CHAPTER 549

SENATE BILL NO. 2098

(Senator Larson)
(Representative Heinert)

AN ACT to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to a state alert notice system; and to repeal sections 39-03-13.2 and 54-12-32 of the North Dakota Century Code, relating to the state's silver and blue alert notice systems.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁴⁰ **SECTION 1.** A new chapter to title 54 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter:

1. "Amber alert notice" means an urgent bulletin using the emergency alert system to air a description of a child who has been abducted.
2. "Blue alert notice" means an urgent bulletin using the emergency alert system to air a description of an individual or an individual's vehicle to aid in the apprehension of an individual who 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, abducted a law enforcement officer, or caused a law enforcement officer to go missing while on duty, and the individual has left the scene of the offense.
3. "Missing endangered individual" means:
 - a. A disabled adult or elderly vulnerable adult as defined in section 50-25.2-01 who has disappeared and whose disappearance has been reported to law enforcement;
 - b. An individual who has a developmental disability as defined in section 25-01.2-01 who has disappeared and whose disappearance has been reported to law enforcement; or
 - c. An elderly adult who has disappeared, whose disappearance has been reported to law enforcement and the disappearance:
 - (1) Indicates the individual is believed to be in grave danger of serious bodily harm or death, as determined by a law enforcement agency and either the highway patrol or bureau of criminal investigation, based on

²⁴⁰ Section 54-67-01 was amended by section 2 of House Bill No. 1535, chapter 497. Section 54-67-02 was amended by section 2 of House Bill No. 1535, chapter 497. Section 54-67-04 was amended by section 2 of House Bill No. 1535, chapter 497.

a report received from the missing adult's family member or an individual who has significant frequent contact with the missing adult, which contains sufficient evidence of the imminent risk;

- (2) Warrants a silver alert notice activation due to the particular circumstances, as determined by a law enforcement agency and either the highway patrol or bureau of criminal investigation, based on a report received from the missing adult's family member or an individual who has significant frequent contact with the missing adult, which contains sufficient evidence that the particular circumstances warrant a silver alert notice activation.

4. "Silver alert notice" means an urgent bulletin using the emergency alert system to air a description of a missing individual to aid in the location of that individual.

Alert notice system activation.

1. A law enforcement agency may request the bureau of criminal investigation or the superintendent of the highway patrol to activate an amber alert notice, a blue alert notice, or a silver alert notice.
2. The bureau of criminal investigation, in cooperation with the highway patrol, shall prepare an operational plan to prepare for and respond to requests for activation of an amber alert notice, a blue alert notice, or a silver alert notice. The plan must include the role and requirements of the division of state radio of the department of emergency services in broadcasting an alert to the public.

Minimum requirements for activating an amber or blue alert notice.

1. An amber alert notice may not be activated unless:
- a. The abduction involves a child seventeen years of age or younger;
 - b. The law enforcement agency investigating the abduction has confirmed the child is believed to be in grave danger of serious bodily harm or death; and
 - c. The bureau of criminal investigation or the superintendent of the highway patrol determines sufficient descriptive information has been provided about the child, the abductor, or the abductor's motor vehicle to:
 - (1) Assist with the safe recovery of the child;
 - (2) Assist with the apprehension of the abductor; and
 - (3) Believe an immediate broadcast alert will assist in the search for and safe return of the child.
2. A blue alert notice may not be activated unless:
- a. An individual who is a suspect in an offense 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, abducted a law enforcement officer, or caused a law enforcement officer to go 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.

²⁴¹ **SECTION 2. REPEAL.** Sections 39-03-13.2 and 54-12-32 of the North Dakota Century Code are repealed.

Approved March 20, 2025

Filed March 20, 2025

²⁴¹ Section 39-03-13.2 was amended by section 21 of House Bill No. 1079, chapter 339; section 54-12-32 was amended by section 23 of House Bill No. 1079, chapter 339.

CHAPTER 550

SENATE BILL NO. 2029

(Legislative Management)
(Government Finance Committee)

AN ACT to create and enact a new subsection to section 30.1-28-07 and chapter 54-68 of the North Dakota Century Code, relating to an office of guardianship and conservatorship and the removal of a guardian; to amend and reenact section 30.1-29-15 and subsection 1 of section 50-24.1-07 of the North Dakota Century Code, relating to the removal of a conservator and the recovery of medical assistance expenses; to repeal chapter 27-27 and section 54-68-02.1 of the North Dakota Century Code, relating to the task force on guardianship monitoring and transition requirements; to provide a penalty; to provide for a report; to provide an appropriation; to provide a continuing appropriation; to provide for a transfer; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁴² **SECTION 1.** A new subsection to section 30.1-28-07 of the North Dakota Century Code is created and enacted as follows:

The court may order a guardian to be listed on a registry if the court removed the guardian for good cause. A guardian listed on the registry is disqualified from acting as a guardian in any guardianship proceeding. The court shall send a copy of the order to the state court administrator, who shall maintain and administer the registry. This subsection does not apply to a licensed guardian. For purposes of this subsection, a licensed guardian includes a guardian whose license has been suspended but excludes a guardian whose license is revoked.

SECTION 2. AMENDMENT. Section 30.1-29-15 of the North Dakota Century Code is amended and reenacted as follows:

30.1-29-15. (5-415) Death, resignation, or removal of conservator.

1. The court may remove a conservator for good cause, upon notice and hearing, or accept the resignation of a conservator. After a conservator's death, resignation, or removal, the court may appoint another conservator. A conservator so appointed succeeds to the title and powers of the predecessor.
2. The court may order a conservator to be listed on a registry if the court removed the conservator for good cause. A conservator listed on the registry is disqualified from acting as a conservator in any conservatorship proceeding. The court shall send a copy of the order to the state court administrator, who shall maintain and administer the registry. This subsection does not apply to a licensed conservator. For purposes of this subsection, a licensed conservator includes a conservator whose license has been suspended but excludes a conservator whose license is revoked.

²⁴² Section 30.1-28-07 was also amended by section 9 of Senate Bill No. 2291, chapter 318.

SECTION 3. AMENDMENT. Subsection 1 of section 50-24.1-07 of the North Dakota Century Code is amended and reenacted as follows:

1. On the death of any recipient of medical assistance who was a resident of a nursing facility, intermediate care facility for individuals with intellectual disabilities, or other medical institution and with respect to whom the department determined that resident reasonably was not expected to be discharged from the medical institution and to return home, or who was fifty-five years of age or older when the recipient received the assistance, and on the death of the spouse of the deceased recipient, the total amount of medical assistance paid on behalf of the recipient following the institutionalization of the recipient who cannot reasonably be expected to be discharged from the medical institution, or following the recipient's fifty-fifth birthday, as the case may be, must be allowed as a preferred claim against the decedent's estate after payment, in the following order, of:
 - a. Recipient liability expense applicable to the month of death for nursing home or basic care services;
 - b. Funeral expenses not in excess of three thousand five hundred dollars;
 - c. Expenses of the last illness, other than those incurred by medical assistance;
 - d. Expenses of administering the estate, including attorney's fees approved by the court;
 - e. Claims made under chapter 50-01;
 - f. Claims made under chapter 50-24.5;
 - g. Claims made under chapter 50-06.3 and on behalf of the state hospital;
and
 - h. Claims made under chapter 54-68; and
 - i. Claims made under subsection 4.

²⁴³ **SECTION 4.** Chapter 54-68 of the North Dakota Century Code is created and enacted as follows:

54-68-01. Definitions.

As used in this chapter:

1. "Agency permit" means temporary authorization given by the office to an employee of a professional guardianship or professional conservatorship entity which allows the permitholder to provide guardianship or conservatorship services as an agent of the entity.
2. "Identifiable information" means an individual's personal details, including the individual's name, address, telephone number, facsimile number, social security number, electronic mail address, program identification number.

²⁴³ Section 54-68-02.1 was repealed by section 6 of Senate Bill No. 2029, chapter 550.

employer identification number, or any other unique identifying number, characteristic, or code and any demographic information collected about the individual.

3. "Investigation counsel" means the guardianship and conservatorship counsel.
4. "Licensed conservator" means a person licensed by the office to provide conservatorship services.
5. "Licensed guardian" means a person licensed by the office to provide guardianship services.
6. "Office" means the office of guardianship and conservatorship.
7. "Operations committee" means the guardianship and conservatorship operations committee established under section 54-68-03.
8. "Public conservator" means a conservator under contract with the office to provide conservatorship services for an individual eligible for public services.
9. "Public guardian" means a guardian under contract with the office to provide guardianship services for an individual eligible for public services.
10. "Public services" means state or federally funded programs administered by the office available to eligible individuals.
11. "Review board" means the guardianship and conservatorship review board established under section 54-68-05.
12. "Unlicensed conservator" means a person providing conservatorship services without a conservator license.
13. "Unlicensed guardian" means a person providing guardianship services without a guardian license.

54-68-02. Office of guardianship and conservatorship - Purpose - Powers and duties - Report - Audit.

1. The office of guardianship and conservatorship is established, consisting of the operations committee, office staff, and review board.
2. The office, in its capacity of supervising and directing guardianship and conservatorship, shall operate independently of any state agency that provides services to individuals under guardianship or conservatorship. The office shall administer programs assigned by state law. The office may adopt rules to administer and enforce this chapter.
3. The office shall:
 - a. Develop policies and procedures, including eligibility criteria for:
 - (1) Receiving public services;
 - (2) A public guardian or a public conservator;
 - (3) A licensed guardian or a licensed conservator; and

- (4) Distribution of funding for direct payments and expense reimbursements for public services.
 - b. Develop ethical standards for:
 - (1) A licensed guardian or a licensed conservator; and
 - (2) An unlicensed guardian or an unlicensed conservator.
 - c. Monitor guardianship and conservatorship services.
 - d. Develop policies and procedures for proceedings if a guardian or a conservator is unable to fulfill the duties of a guardian or a conservator.
 - e. Keep accurate records of all financial transactions performed under this chapter in the manner required by the office of management and budget.
 - f. Provide a report each biennium to the legislative management regarding the operations of the office, including the cost of public guardians and public conservators, and any other information requested by the legislative management.
4. The office may:
- a. Recommend rules applicable to a licensed guardian or a licensed conservator.
 - b. Grant licenses to a guardian or conservator and agency permits, including revoking or suspending an agency permit.
 - c. Require insurance or bond coverage for a licensed guardian or a licensed conservator as a condition for licensure.
 - d. Establish mandatory disclosure and reporting requirements for a licensed guardian or a licensed conservator, including a process to disclose information or submit reports to the office.
 - e. Provide training for guardians and conservators.
 - f. Provide annual reports to the governor.
 - g. Distribute funding for direct payments, expense reimbursements, or other public services, including funding for public administrators.
 - h. Establish and collect fees to support guardianship and conservatorship services and the duties of the office, which must be deposited in the guardianship and conservatorship support fund.
 - i. Seek and apply for private, federal, or other funds to help support guardians and conservators and to safeguard the rights of individuals who receive public services.
 - j. Accept private funds for deposit in the guardianship and conservatorship support fund.

5. The office may not authorize payment for services for any public guardian or public conservator that provides services for more individuals than allowed through statute, regulation, or administrative rule.
6. The office, its officers, or its employees may not act as a public guardian or a public conservator or act in any other representative capacity for any individual. This subsection does not prohibit an officer or employee from acting as a guardian or conservator in a personal capacity apart from any duties as an officer or employee.
7. The office is subject to audits by the state auditor under chapter 54-10.
8. The director of the office of management and budget shall allocate office space in the state capitol for the office of guardianship and conservatorship, or, if office space in the capitol is unavailable, shall negotiate for, contract for, and obtain office space for the office in the city of Bismarck or in the Bismarck area. The office of guardianship and conservatorship's office space may not be located in the office space of the department of health and human services or the judicial branch and must provide sufficient privacy and security for the office to conduct its business. The director of the office of management and budget shall charge the office of guardianship and conservatorship an amount equal to the fair value of the office space and related services the office of management and budget renders to the office of guardianship and conservatorship.

54-68-02.1. Transition - Requirements.

1. By August 1, 2025, each appointing authority shall make the initial appointments to the operations committee in accordance with section 54-68-03.
2. By August 31, 2025, the operations committee shall appoint an executive director and investigation counsel.
3. By January 1, 2026, each appointing authority shall make the initial appointments to the review board in accordance with section 54-68-05.
4. By March 31, 2026, the office shall:
 - a. Develop by rule initial policies, procedures, and eligibility criteria for:
 - (1) Receiving public services;
 - (2) A public guardian or a public conservator;
 - (3) A licensed guardian or a licensed conservator; and
 - (4) Distribution of funding for direct payments and expense reimbursements for public services.
 - b. Develop by rule ethical standards for:
 - (1) A licensed guardian or a licensed conservator; and
 - (2) An unlicensed guardian or an unlicensed conservator.

- c. Develop by rule policies and procedures for proceedings if a guardian or a conservator is unable to fulfill the duties of a guardian or a conservator.
 - d. Set by rule daily rates for fees and a reimbursement mechanism protocol.
 - e. Establish initial fees to support guardianship and conservatorship services and the duties of the office.
- 5. The office may adopt rules necessary to facilitate the creation of the office and assume the administration of guardianship programs.

54-68-03. Operations committee.

- 1. A guardianship and conservatorship operations committee is created to oversee the operation of the office. The operations committee shall:
 - a. Appoint an office director and investigation counsel who serve at the will of the operations committee.
 - b. Oversee and provide consent to the office for the adoption of administrative rules.
 - c. Oversee the administration of programs and personnel under the office.
 - d. Provide input and approval of the office budget.
- 2. The operations committee shall consist of:
 - a. Two members of the legislative assembly, one from each chamber, appointed by the chairman of the legislative management;
 - b. Two members appointed by the chief justice of the supreme court;
 - c. Two members appointed by the governor; and
 - d. One member appointed by the state bar association of North Dakota.
- 3. Initially, members of the operations committee shall serve staggered terms as follows:
 - a. Two members shall serve a term of one year;
 - b. Two members shall serve a term of two years; and
 - c. Three members shall serve a term of three years.
- 4. After the expiration of initial terms, all appointments must be for a term of three years. A member may not serve more than two consecutive terms of three years.
- 5. A member of the operations committee serves at the will of the appointing authority, and may be removed for good cause. A vacancy must be filled in the same manner as the original appointment for the unexpired portion of the term.
- 6. A member of the operations committee is entitled to:

- a. Per diem compensation in accordance with section 54-35-10; and
- b. Payment for mileage and travel expenses incurred in the conduct of committee business as provided under sections 44-08-04 and 54-06-09.

54-68-04. Director - Investigation counsel - Powers and duties.

1. The powers and duties of the director of the office of guardianship and conservatorship include:
 - a. Within the limits of legislative appropriations, to employ the necessary staff to provide services in accordance with this chapter.
 - b. To contract with guardians to administer services.
 - c. To grant guardian and conservator licenses.
 - d. To develop, maintain, and revise a comprehensive master plan for guardianship and conservatorship in this state, including the needs and resources.
 - e. To recommend rules to the operations committee regarding the administration of the office.
 - f. To develop and submit budgets for the office.
 - g. To present an annual report to the operations committee on the status of the office.
2. The powers and duties of the investigation counsel of the office of guardianship and conservatorship include:
 - a. To oversee the complaint process.
 - b. To recommend rules to the operations committee regarding operation of the complaint and appeals process.
 - c. To investigate noncompliance under this chapter reported after April 1, 2026, by conducting interviews, accessing records, issuing subpoenas, and ordering depositions.
 - d. To issue formal disciplinary complaints.
 - e. To attend disciplinary hearings.

54-68-05. Review board.

1. A guardianship and conservatorship review board is created to conduct disciplinary proceedings and issue sanctions for a guardian or conservator. The guardianship and conservatorship review board shall consist of:
 - a. One member representing guardians, appointed by the guardianship association of North Dakota;
 - b. One member representing family guardians, appointed by the chief justice of the supreme court;

- c. One member representing the protection and advocacy project, appointed by the committee on protection and advocacy;
 - d. Two members appointed by the state bar association of North Dakota, consisting of:
 - (1) One lawyer licensed to practice law in the state who is not an active judge or employee of a judge; and
 - (2) One retired judge, judicial referee, or surrogate judge; and
 - e. Two members of the public, appointed by the governor.
2. Initially, members of the review board shall serve staggered terms as follows:
- a. Two members shall serve a term of one year;
 - b. Two members shall serve a term of two years; and
 - c. Three members shall serve a term of three years.
3. After the expiration of initial terms, all appointments must be for a term of three years. A member may not serve more than two consecutive terms of three years.
4. A member of the review board serves at the will of the appointing authority, and may be removed for good cause. A vacancy must be filled in the same manner as the original appointment for the unexpired portion of the term.
5. A member of the review board may not receive compensation for their service but is entitled to payment for mileage and travel expenses incurred in the conduct of committee business as provided under sections 44-08-04 and 54-06-09.
6. Office staff, under the oversight of the operations committee, shall develop by rule complaint protocols, hearing procedures, ethics rules, disciplinary measures, and sanctions. Office staff, under the oversight of the operations committee, may develop other rules necessary for the review board.
7. Review board meetings are closed meetings under chapter 44-04.

54-68-06. Guardianship and conservatorship support fund - Continuing appropriation.

There is created in the state treasury the guardianship and conservatorship support fund. The fund consists of all moneys transferred to the fund by the legislative assembly, interest upon moneys in the fund, fee collections, donations, grants, and other contributions received for deposit in the fund. All moneys in the fund are appropriated on a continuing basis to the office to defray the expenses of supporting guardianship and conservatorship services, including guardianship and conservatorship training and monitoring.

54-68-07. Records - Confidentiality - Disclosure - Penalty.

1. For purposes of this chapter, confidential records as defined under section 44-04-17.1 include:

- a. Identifiable information that may reasonably be used to identify a guardian, conservator, complainant, or an individual applying for or receiving services; and
 - b. A report concerning an applicant, provider, or recipient of public services.
2. Confidential information may be disclosed only:
 - a. In the administration of a program under the supervision or administration of the office; or
 - b. When authorized or required by administrative rule, court rule, or law.
3. The office may disclose information uncovered during a disciplinary investigation to the attorney general or bureau of criminal investigation related to a criminal investigation when the investigation counsel suspects the subject of the investigation has committed a crime.
4. A person that discloses, authorizes, or knowingly allows, participates in, or acquiesces in the disclosure of confidential information in violation of this section is guilty of a class C felony.

54-68-08. Guardianship and conservatorship limitations - Representation to the public - Exemption.

1. A person may not serve as a guardian or a conservator for three or more adult individuals at the same time unless that person is a licensed guardian or a licensed conservator or has an agency permit. This subsection does not apply to an individual appointed as a guardian or conservator for a family member.
2. A public guardian or a public conservator may not provide services to a minor unless authorized by a proceeding under section 30.1-28-03.3.
3. A person must be a licensed guardian or a licensed conservator to offer guardianship or conservatorship services to the public.
4. This section does not apply to:
 - a. A federal or state agency.
 - b. A financial institution under section 6-08.1-01 when appointed as a conservator.
 - c. Human service zones, including human service zone directors or human service zone team members, as defined in section 50-01.1-01.
5. A person who violates this section after August 1, 2026, is guilty of a class B misdemeanor.

54-68-09. Immunity.

1. A person who in good faith provides information or testimony regarding a guardian's or conservator's misconduct or lack of professionalism is not subject to civil liability.

2. An employee of the office, a member of the review board, or an agent of the review board acting in good faith is not subject to civil liability.

54-68-10. Authority - Appeals - Applicability.

1. The office may revoke or suspend a guardian or a conservator license.
2. Upon receipt of any report or complaint, the office shall assess the need for an investigation of the report or complaint. For the purpose of investigating a report or complaint:
 - a. The office or operations committee shall:
 - (1) Establish confidentiality and disclosure standards for investigating a report or complaint and subsequent disciplinary proceedings.
 - (2) Adopt rules to effectuate the powers and duties under this chapter.
 - b. Office staff may:
 - (1) Interview an alleged victim, witness, or any other individual with knowledge of the situation.
 - (2) Access any record or information on an applicant, provider, or recipient of public services.
 - (3) Issue subpoenas for the attendance of witnesses and the production of designated documents, electronically stored information, or tangible things in accordance with the North Dakota Rules of Civil Procedure.
 - (4) Order the deposition of a person residing within or outside the state to be taken in accordance with the North Dakota Rules of Civil Procedure.
 - (5) Coordinate with other agencies and departments, including the attorney general and bureau of criminal investigation.
3. Appeals under this chapter must be conducted in accordance with chapter 28-32.
4. A guardian or conservator subject to the jurisdiction of a court of this state shall follow the rules of the office if the guardian or the conservator serves an adult ward, adult protected person, or incapacitated person, as defined in title 30.1.

54-68-11. Attorney general - Counsel - Bureau of criminal investigation - Primary authority for investigations.

1. The attorney general may act as legal counsel in any particular investigation or proceeding under section 54-12-02. The attorney general shall appear and defend any officer or employee of the office and any member of the review board in any action founded on an act or omission arising out of performance of an official duty.

2. In accordance with chapter 54-12, the attorney general and bureau of criminal investigation have primary authority to investigate criminal cases related to a guardianship or conservatorship.

54-68-12. Duty to disclose and cooperate.

1. A state or local governmental entity and its officers and employees, and the officials, officers, and employees of the courts of this state shall disclose records and information requested by the review board or investigation counsel or any authorized representative of the review board or investigation counsel and shall cooperate with and give reasonable assistance to the review board or investigation counsel and any authorized representative of the review board or counsel unless prohibited by federal regulation or law.
2. A sheriff or police officer shall serve process and execute all lawful orders upon request of the office, its authorized representative, the review board, or the investigation counsel. The service of process extends to all parts of the state in any investigation or disciplinary proceeding under this chapter.

54-68-13. Duties of witnesses - Penalty.

1. An individual is obliged to attend as a witness in any investigation or disciplinary proceeding commenced under this chapter.
2. If an individual refuses to attend, testify, or produce any writings or things required by subpoena, the office, review board, or investigation counsel that issued the subpoena may petition the district court of the district in which the attendance or production is required for an order compelling the individual to attend and testify or produce the writings or things required by the subpoena. The court shall order the individual to appear before the court at a specified time and place to show cause why the individual has not attended, testified, or produced the writings or things as required. A copy of the order must be served on the individual. If the court determines the subpoena was regularly issued, the court shall order the individual to appear at the time and place fixed in the order and testify or produce the required writings or things.
3. An individual who fails to obey an order under this section is guilty of a class A misdemeanor.

54-68-14. Preferred claim.

1. The office has a preferred claim against the estate of an individual or an individual's spouse for recovery of funds expended under this chapter for the care of that individual or the individual's spouse. All funds recovered under this chapter must be deposited in the general fund.
2. A claim may not be required to be paid and interest may not begin to accrue during the lifetime of the decedent's surviving spouse, if any.
3. A statute of limitation or similar statute or the doctrine of laches may not bar a claim under this chapter.

54-68-15. Supreme court power.

A court of this state may refer cases to the office. The court may adopt court rules as necessary to facilitate case management with the district courts, the office, and the review board.

SECTION 5. REPEAL. Chapter 27-27 of the North Dakota Century Code is repealed.

²⁴⁴ **SECTION 6. REPEAL.** Section 54-68-02.1 of the North Dakota Century Code, as created in Section 4 of this Act, is repealed.

SECTION 7. APPROPRIATION - OFFICE OF GUARDIANSHIP AND CONSERVATORSHIP - FULL-TIME EQUIVALENT POSITION AUTHORIZATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the office of guardianship and conservatorship for the purpose of defraying the expenses of the office of guardianship and conservatorship, for the biennium beginning July 1, 2025, and ending June 30, 2027, as follows:

Office of guardianship and conservatorship	\$1,200,000
Total general fund	\$1,200,000
Full-time equivalent positions	4.00

SECTION 8. TRANSFER. The office of management and budget shall transfer the full-time equivalent attorney position authorized for the office of guardianship and conservatorship line item in Senate Bill No. 2002 to the office of guardianship and conservatorship, for the biennium beginning July 1, 2025, and ending June 30, 2027. The remaining full-time equivalent positions authorized for the office of guardianship and conservatorship line item in Senate Bill No. 2002 shall transfer as caseload permits but no later than April 1, 2026.

SECTION 9. TRANSFER. The office of management and budget shall transfer any unspent appropriation authority authorized for the office of guardianship and conservatorship line item in Senate Bill No. 2002 to the office of guardianship and conservatorship, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 10. TRANSFER. The office of management and budget shall transfer any unspent appropriation authority for guardianship related services and grants from the department of health and human services in House Bill No. 1012 to the office of guardianship and conservatorship, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 11. TRANSFER. The office of management and budget shall transfer any unspent appropriation authority from the guardianship grants line item in Section 1 of House Bill No. 1015 to the office of guardianship and conservatorship, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 12. ATTORNEY GENERAL - EMERGENCY COMMISSION REQUEST. During the 2025-26 interim, the attorney general may submit a request to the emergency commission in accordance with chapter 54-16 to request authorization and related funding for one full-time equivalent position for the bureau of criminal investigation related to guardianship and conservatorship case investigations. Prior to submitting a request, the office of guardianship and conservatorship must be

²⁴⁴ Section 54-68-02.1 was created by section 4 of Senate Bill No. 2029, chapter 550.

operational and the attorney general must identify an increase in workload related to guardianship and conservatorship case investigations which necessitates the addition of one full-time equivalent position.

SECTION 13. EFFECTIVE DATE.

1. Sections 54-68-08, 54-68-10, and 54-68-11, as created in Section 4 of this Act, become effective on April 1, 2026.
2. Sections 6, 9, 10 and 11 of this Act become effective on April 1, 2026.

Approved May 2, 2025

Filed May 2, 2025

CHAPTER 551

HOUSE BILL NO. 1448

(Representatives Christy, Bahl, Hagert, Ista, Nathe, O'Brien, Toman, Warrey, Dockter)
(Senators Boschee, Meyer, Davison)

AN ACT to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to the advanced technology review committee, advanced technology grant program, and advanced technology grant fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Definitions.

In this chapter, unless the context otherwise requires:

1. "Chief information officer" means the chief information officer of the information technology department.
2. "Commissioner" means the commissioner of the department of commerce.
3. "Committee" means the advanced technology review committee.
4. "Department" means the department of commerce.
5. "Vice chancellor for information technology" means the chief information officer and vice chancellor for information technology of the North Dakota university system.

Advanced technology review committee - Membership - Meetings.

1. The advanced technology review committee consists of:
 - a. The chief information officer or a designee within the information technology department;
 - b. The vice chancellor for information technology or a designee within the North Dakota university system;
 - c. One individual from the private sector with significant information and advanced technology knowledge, appointed by the governor;
 - d. One individual from the private sector with significant information and advanced technology knowledge, appointed by the majority leader of the house of representatives;
 - e. One individual from the private sector with significant information and advanced technology knowledge, appointed by the majority leader of the senate; and

- f. The commissioner, or a designee within the department of commerce, who shall serve as a nonvoting member of the committee and provide recommendations to the committee regarding grant awards.
2. By July first of each odd-numbered year, the chief information officer and vice chancellor for information technology shall compile a list of individuals with significant private sector information and advanced technology knowledge working within the state to be forwarded to the governor and the majority leaders of the house of representatives and senate. The governor and the majority leaders of the house of representatives and senate must consider the listed individuals for committee membership appointments.
3. The chief information officer, vice chancellor for information technology, and commissioner are permanent members of the committee. The term of office of the members of the committee appointed from the private sector is four years except the initial term of office of the individual appointed by the majority leader of the senate is three years and the initial term of office of the individual appointed by the governor is two years. Each term of office commences on August first. Members serve at the pleasure of the appointing entity and may be reappointed for additional terms. By August first of each year, the chairman of the legislative management shall select one of the appointed members to serve as the chairman of the committee. The chairman of the committee shall select a vice chair. If a committee member ceases to qualify as a member of the appointing entity, that individual's membership on the committee ceases immediately and the appointing entity shall appoint a new member to the committee for the remainder of the term.
4. A committee member representing the private sector is entitled to receive compensation in an amount not exceeding one hundred thirty-five dollars per day and travel and expense reimbursement as provided by law for state officers for attending meetings of the committee, to be paid by the department within the limits of legislative appropriations.
5. The committee shall meet as necessary at the call of the committee chairman to review and approve grant applications from entrepreneurs, startup companies, and small businesses that are in the initial phases of advanced technology product research, development, and innovation and are unable to access financial resources for prototype product development.

Advanced technology grant program - Eligibility - Use of funds.

1. The department shall administer the advanced technology grant program to provide grants for activities identified in this chapter. The department shall provide administrative support for the program, including the drafting of application forms, receiving applications, reviewing applications for completeness and compliance with committee policy, and forwarding complete applications to the committee in accordance with the guidelines established by the committee.
2. The committee shall establish guidelines for entities to qualify for an advanced technology grant under this section. Program guidelines relating to ownership of intellectual property, inventions, and discoveries must address activities and issues unique to technologies, patents, and companies created as a result of an advanced technology grant.

3. In determining whether to approve an application for grant funding, the committee shall consider the extent to which the applicant's proposal will support early stage research and development of advance technologies, promote economic development, and advance the workforce in the state. The committee shall give priority to applications promoting the advancement of artificial intelligence, machine learning, quantum computing, and similar research and development and product innovation proposals. The committee shall consider and process applications in a timely manner to allow applicants an opportunity to leverage other funds.
4. Grant recipients shall use funding awarded under this section to enhance advance technology product research, development, and innovation, and to the extent possible, leverage state, federal, and private sources of funding. An entity receiving a grant under this section may not use the funds for capital or building investments or other activities not identified in this chapter. The funds may not be used for administrative costs or to supplant funding for regular operations of the entity. If an entity awarded a grant no longer conducts its activities in the state, the entity must repay the awarded grant funding to the department.

Advanced technology grant fund.

The advanced technology grant fund is a special fund in the state treasury administered by the department. Moneys in the fund must be used for providing grants and for the payment of committee and department administrative expenses incurred related to the requirements of this chapter, subject to legislative appropriations. Interest earned on moneys in the fund must be credited to the fund.

Advanced technology grant program - Postaward monitoring.

Upon completion of work performed from funding provided by an advanced technology grant, the department shall conduct an independent review of the results. Evaluation criteria may include how the work performed has:

1. Contributed to development of an advanced technology product or process and enhanced the ability of a company to make investments in the state, or otherwise enticed a company to invest in or move to the state;
2. Promoted economic development of the public or private sectors in the state;
3. Led to a patent or research that is commercially viable; or
4. Positively affected workforce in the state.

Approved May 1, 2025

Filed May 2, 2025

TAXATION

CHAPTER 552

SENATE BILL NO. 2038

(Legislative Management)
(Taxation Committee)

AN ACT to amend and reenact subsection 17 of section 57-01-02 of the North Dakota Century Code, relating to the ability of the tax commissioner to make disclosures regarding taxpayers receiving tax incentives; and to provide for retroactive application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 17 of section 57-01-02 of the North Dakota Century Code is amended and reenacted as follows:

17. Upon receipt of a written request from the chairman of the legislative management or the chairman of a standing committee of the legislative assembly, the tax commissioner shall disclose the amount of any tax ~~deduction or credit incentive~~ that was claimed or earned by a taxpayer. For purposes of this subsection, a "tax incentive" includes a tax deduction, credit, or exemption. This subsection does not authorize disclosure of the taxpayer's name or any other information prohibited from disclosure under title 57. The tax commissioner shall provide notice to taxpayers of possible disclosure under this subsection, in a manner as prescribed by the tax commissioner.

SECTION 2. RETROACTIVE APPLICATION. This Act applies retroactively to tax incentives claimed or granted after December 31, 2024.

Approved March 24, 2025

Filed March 25, 2025

CHAPTER 553

SENATE BILL NO. 2039

(Legislative Management)
(Taxation Committee)

AN ACT to amend and reenact subsection 1 of section 57-02-01 and subdivision a of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the definition of agricultural property and the farm structure and improvements property tax exemption; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁴⁵ **SECTION 1. AMENDMENT.** Subsection 1 of section 57-02-01 of the North Dakota Century Code is amended and reenacted as follows:

1. a. "Agricultural property" means platted or unplatted lands used for raising agricultural crops or grazing farm animals, ~~except as provided in this subsection. For platted lands:~~
 - (1) Lands platted and assessed as agricultural property prior to March 30, 1981, shall continue to be assessed as agricultural property until put to a use other than raising agricultural crops or grazing farm animals. ~~Agricultural property includes land on which a greenhouse or other building is located if the land is used for a nursery or other purpose associated with the operation of the greenhouse. The time limitations contained in this section may not be construed to prevent property that was assessed as other than agricultural property from being assessed as agricultural property if the property otherwise qualifies under this subsection.~~
 - a. (2) Property platted on or after March 30, 1981, is not agricultural property when any four of the following conditions exist:
 - (1)(a) The land is platted by the owner.
 - (2)(b) Public improvements, including sewer, water, or streets, are in place.
 - (3)(c) Topsoil is removed or topography is disturbed to the extent that the property cannot be used to raise grow crops or graze farm animals.
 - (4)(d) Property is zoned other than agricultural.
 - (5)(e) Property has assumed an urban atmosphere because of adjacent residential or commercial development on three or more sides.
 - (6)(f) The parcel is less than ten acres [4.05 hectares] and not contiguous to agricultural property.

²⁴⁵ Section 57-02-01 was also amended by section 7 of House Bill No. 1176, chapter 555.

~~(7)(g)~~ The property sells for more than four times the county average true and full agricultural value.

b. For purposes of this subsection:

- (1) "Raising agricultural crops" includes the storage of harvested crops produced by a farmer or a direct relative of the farmer until the crop is delivered to the first end-point user.
- (2) The existence of any of the conditions in paragraph 2 of subdivision a may not be used as a basis to exclude unplatted land used to raise agricultural crops or land platted and assessed as agricultural property prior to March 30, 1981, used to raise agricultural crops from being classified as agricultural property.
- (3) Land that was assessed as agricultural property at the time the land was put to use for extraction of oil, natural gas, or subsurface minerals as defined in section 38-12-01 must continue to be assessed as agricultural property if the remainder of the surface owner's parcel of property on which the subsurface mineral activity is occurring continues to qualify for assessment as agricultural property under this subsection.
- (4) Agricultural property includes land on which a greenhouse or other building is located if the land is used for a nursery or other purpose associated with the operation of the greenhouse.
- (5) The time limitations contained in this subsection may not be construed to prevent property that was assessed as other than agricultural property from being assessed as agricultural property if the property otherwise qualifies under this subsection.

SECTION 2. AMENDMENT. Subdivision a of subsection 15 of section 57-02-08 of the North Dakota Century Code is amended and reenacted as follows:

a. All farm structures and improvements located on agricultural lands.

- (1) This subsection must be construed to exempt farm buildings and improvements only, and may not be construed to exempt from taxation industrial plants, or structures of any kind not used or intended for use as a part of a farm plant, or as a farm residence.
- (2) "Farm buildings and improvements" includes a greenhouse or other building used primarily for the growing of horticultural or nursery products from seed, cuttings, or roots, if not used on more than an occasional basis for a showroom for the retail sale of horticultural or nursery products. A greenhouse or building used primarily for display and sale of grown horticultural or nursery products is not a farm building or improvement.
- (3) (a) The following structures and improvements are not exempt under this subsection:

[1] Any structure or improvement used primarily in connection with a retail or wholesale business other than farming, ~~any~~:

- [2] Any structure or improvement located on platted land within the corporate limits of a city, ~~any~~except a structure owned by a farmer, used exclusively for storage of harvested crops produced by the farmer or a direct relative of the farmer until the crop is delivered to the first end-point user, and affixed to land platted and assessed as agricultural property prior to March 30, 1981;
- [3] Any structure or improvement used by a manufacturing facility as defined in section 19-24.1-01, ~~or any;~~ and
- [4] Any structure or improvement located on railroad operating property subject to assessment under chapter 57-05 ~~is not exempt under this subsection.~~
- (b) For purposes of this paragraph, "business other than farming" includes processing to produce a value-added physical or chemical change in an agricultural commodity beyond the ordinary handling of that commodity by a farmer prior to sale.
- (4) The following factors may not be considered in application of the exemption under this subsection:
- (a) Whether the farmer grows or purchases feed for animals raised on the farm.
 - (b) Whether animals being raised on the farm are owned by the farmer.
 - (c) Whether the farm's replacement animals are produced on the farm.
 - (d) Whether the farmer is engaged in contract feeding of animals on the farm.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2025.

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 554

SENATE BILL NO. 2201

(Senators Weber, Bekkedahl, Hogue)
(Representatives Headland, Lefor, Vigesaa)

AN ACT to amend and reenact section 57-02-08.9 of the North Dakota Century Code, relating to the primary residence credit; to provide for application; to provide a retroactive effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁴⁶ **SECTION 1. AMENDMENT.** Section 57-02-08.9 of the North Dakota Century Code is amended and reenacted as follows:

57-02-08.9. Primary residence credit - Qualification - Application. (Effective for the first two taxable years beginning after December 31, 2023)

1. ~~An individual~~A taxpayer is entitled to a credit of five hundred dollars against the property tax due on the ~~individual's taxpayer's~~ primary residence as provided in this section. The credit may not exceed the amount of property tax due. The credit must be applied to reduce the property tax owed on the ~~individual's taxpayer's~~ primary residence after other exemptions or credits under this chapter have been applied.
2. For purposes of this section, ~~"primary:~~
 - a. "Owned" means an individual holds a present ownership interest, including ownership in fee simple, holds a present life estate or other terminable present ownership interest, holds a beneficial interest in a qualifying trust, or is a purchaser under a contract for deed. The term does not include a mere right of occupancy or a tenancy under a lease.
 - b. (1) "Primary residence" means a dwelling in this state ~~owned and occupied by an individual as that individual's primary place of residence and includes residences taxed under chapter 57-55, including the land, appurtenances, and improvements used in the residential occupancy of the dwelling, that, subject to paragraph 2 and subsection 3, is:~~
 - (a) Owned by one or more individuals, either directly or through a beneficial interest in a qualifying trust;
 - (b) Designed or adapted for human residence;
 - (c) Used as a residence; and

²⁴⁶ Section 57-02-08.9 was also amended by section 10 of House Bill No. 1176, chapter 555, and section 11 of House Bill No. 1176, chapter 555.

- (d) Occupied as a primary place of residence by an owner, by an individual who has a life estate in the property, or, for property owned through a beneficial interest in a qualifying trust, by a trustor or beneficiary of the trust who qualifies for the credit.
 - (2) For purposes of the definition of "primary residence" under this subdivision:
 - (a) An individual may not have more than one primary residence.
 - (b) A primary residence includes a primary residence taxed under chapter 57-55.
 - c. "Qualifying trust" means a trust:
 - (1) In which the agreement, will, or court order creating the trust, an instrument transferring property to the trust, or any other agreement that is binding on the trustee provides that the trustor of the trust or a beneficiary of the trust has the right to use and occupy as the trustor's or beneficiary's primary residence rent free and without charge except for taxes and other costs and expenses specified in the instrument or court order:
 - (a) For life;
 - (b) For the lesser of life or a term of years; or
 - (c) Until the date the trust is revoked or terminated by an instrument or court order that describes the property with sufficient certainty to identify it and is recorded in the real property records of the county in which the property is located; and
 - (2) That acquires the property in an instrument of title or under a court order that:
 - (a) Describes the property with sufficient certainty to identify it and the interest acquired; and
 - (b) Is recorded in the real property records of the county in which the property is located.
 - d. "Trustor" means an individual who transfers an interest in real or personal property to a qualifying trust, whether during the individual's lifetime or at death, or the individual's spouse.
 - 3. An individual who does not reside in the primary residence ~~in this state~~ is eligible for the credit under this section if the individual's absence is due to confinement in a nursing home, hospital, or other care facility, for as long as that confinement lasts and the portion of the primary residence previously occupied by the individual is not rented to another ~~individual~~person.
 - 4. Only one credit under this section may be applied against the property taxes levied against any primary residence. A trust may not claim a credit for more than one primary residence under this section.

5. An individual whose primary residence is a farm structure exempt from taxation under subsection 15 of section 57-02-08 is not eligible for a credit under this section.
6. The credit may not reduce the liability for special assessments levied upon any property.
7. To apply for a credit under this section, an applicant shall sign and file with the tax commissioner, by April first of each year, an application containing a verified statement of facts establishing the applicant's eligibility as of the date of the claim on a form and in the manner prescribed by the tax commissioner.
8. The tax commissioner, in consultation with the county auditors, shall prescribe, design, and make available all forms necessary to effectuate this section. The tax commissioner shall make these forms available upon request.

SECTION 2. RETROACTIVE EFFECTIVE DATE - APPLICATION - EXPIRATION DATE. This Act is retroactively effective and applies for the first two taxable years beginning after December 31, 2023, and after that date is ineffective. A taxpayer who, regardless of the application requirements and deadlines under section 57-02-08.9, qualifies for a credit under this Act against taxes levied on a primary residence owned through a beneficial interest in a qualifying trust in taxable year 2024, may file an abatement claim no later than May 1, 2025, to receive a refund of taxes paid equal to the amount of the credit allowed under this Act. Supplemental certifications by the county auditor and the tax commissioner and supplemental payments by the state treasurer shall be made and distributed according to the procedures provided under section 57-02-08.10 and may be made after the dates prescribed in section 57-02-08.10.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

Approved February 18, 2025

Filed February 18, 2025

CHAPTER 555

HOUSE BILL NO. 1176

(Representatives Nathe, Hagert, Headland, Lefor, Porter, Stemen, Swiontek,
Vigesaa)
(Senators Bekkedahl, Hogue, Weber, Rummel)

AN ACT to create and enact two new sections to chapter 54-27, a new section to chapter 57-02, and a new section to chapter 57-15 of the North Dakota Century Code, relating to a legacy earnings fund, a legacy property tax relief fund, a primary residence certification, and a limitation on property tax levies without voter approval; to amend and reenact section 6-09.4-10.1, subsection 1 of section 21-10-06, sections 40-40-06, 54-27-19.3, and 57-02-01, subdivision b of subsection 2 of section 57-02-08.1, section 57-02-08.8, section 57-02-08.9 as amended by section 1 of Senate Bill No. 2201, as approved by the sixty-ninth legislative assembly, sections 57-02-08.10, 57-02-27, 57-02-27.1, 57-02-53, 57-09-04, 57-11-03, 57-12-06, 57-15-02.2, 57-15-14.2, and 57-20-07.1 of the North Dakota Century Code, relating to funds invested by the state investment board, property tax definitions, the renters refund, the property tax credit for disabled veterans, the primary residence credit, property classifications, assessment and budget hearing notices to property owners, school district levies, and the property tax statement; to repeal sections 21-10-12 and 21-10-13 of the North Dakota Century Code, relating to legacy fund definitions and the legacy earnings fund; to provide for a legislative management study; to provide for a legislative management report; to provide an appropriation; to provide an exemption; to provide an effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁴⁷ **SECTION 1. AMENDMENT.** Section 6-09.4-10.1 of the North Dakota Century Code is amended and reenacted as follows:

6-09.4-10.1. Legacy sinking and interest fund - Debt service requirements - Public finance authority.

There is created in the state treasury the legacy sinking and interest fund. The fund consists of all moneys deposited in the fund under section ~~24-10-135~~ of this Act. Moneys in the fund may be spent by the public finance authority pursuant to legislative appropriations to meet the debt service requirements for evidences of indebtedness issued by the authority for transfer to the Bank of North Dakota for allocations to infrastructure projects and programs.

²⁴⁸ **SECTION 2. AMENDMENT.** Subsection 1 of section 21-10-06 of the North Dakota Century Code is amended and reenacted as follows:

²⁴⁷ Section 6-09.4-10.1 was also amended by section 8 of Senate Bill No. 2012, chapter 44.

²⁴⁸ Section 21-10-06 was also amended by section 9 of Senate Bill No. 2012, chapter 44.

1. Subject to the provisions of section 21-10-02, the board shall invest the following funds:
 - a. State bonding fund.
 - b. Teachers' fund for retirement.
 - c. State fire and tornado fund.
 - d. Workforce safety and insurance fund.
 - e. Public employees retirement system.
 - f. Insurance regulatory trust fund.
 - g. State risk management fund.
 - h. Budget stabilization fund.
 - i. Water projects stabilization fund.
 - j. Health care trust fund.
 - k. Cultural endowment fund.
 - l. Petroleum tank release compensation fund.
 - m. Legacy fund.
 - n. ~~Legacy earnings fund.~~
 - ~~o. Opioid settlement fund.~~
 - ~~p-o.~~ A fund under contract with the board pursuant to subsection 3.

SECTION 3. AMENDMENT. Section 40-40-06 of the North Dakota Century Code is amended and reenacted as follows:

40-40-06. Notice of ~~preliminary budget statement~~ Contents How given ~~public budget hearing date.~~

4. On or before August tenth of each year, after the governing body has prepared the preliminary budget statement, the auditor of the municipality shall:
 - a. ~~Provide the county auditor with a copy of the preliminary budget statement.~~
- ~~b-1.~~ Set a public budget hearing date no earlier than September seventh and no later than October seventh for the purpose of adopting the final budget and making the annual tax levy.
- ~~c-2.~~ Provide notice of the public budget hearing date to the county auditor.
2. ~~For municipalities anticipating levying less than one hundred thousand dollars in the current year, notice must:~~

- a. ~~Contain a statement of the total proposed expenditures for each fund in the preliminary budget, but need not contain any detailed statement of the proposed expenditures;~~
- b. ~~Be published at least once, not less than six days prior to the budget hearing, in a newspaper published in the municipality, if there is one, and if no newspaper is published in the municipality, the notice must be published not less than six days prior to the meeting in the official city newspaper as provided by section 40-01-09; and~~
- c. ~~Provide that any taxpayer may appear and discuss with the governing body any item of proposed expenditures or may object to any item or amount.~~

²⁴⁹ **SECTION 4. AMENDMENT.** Section 54-27-19.3 of the North Dakota Century Code is amended and reenacted as follows:

54-27-19.3. Legacy earnings highway distribution fund.

A legacy earnings highway distribution fund is created as a special fund in the state treasury ~~into which must be deposited any allocations of legacy fund earnings made under section 21-10-13.~~ Any moneys in the legacy earnings highway distribution fund must be allocated and transferred by the state treasurer, as follows:

1. Sixty percent must be transferred to the department of transportation for deposit in the state highway fund;
2. Ten percent must be transferred to the legacy earnings township highway aid fund;
3. One and five-tenths percent must be transferred to the public transportation fund; and
4. Twenty-eight and five-tenths percent must be allocated to cities and counties using the formula established in subsection 4 of section 54-27-19. Moneys received by counties and cities must be used for roadway purposes in accordance with section 11 of article X of the Constitution of North Dakota.

²⁵⁰ **SECTION 5.** A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

Legacy earnings fund - State treasurer - Legacy fund distribution - Allocations.

1. There is created in the state treasury the legacy earnings fund. The fund consists of all moneys distributed by the state treasurer from the legacy fund pursuant to section 26 of article X of the Constitution of North Dakota. The distribution from the legacy fund on July first of each odd-numbered year must be equal to eight percent of the five-year average value of the legacy fund balance as reported by the state investment board. The average value of the legacy fund balance must be calculated using the fund balance at the end of each fiscal year for the five-year period ending with the most recently completed even-numbered fiscal year.

²⁴⁹ Section 54-27-19.3 was repealed by section 18 of Senate Bill No. 2012, chapter 44.

²⁵⁰ Section 54-27-32 was also created by section 13 of Senate Bill No. 2012, chapter 44.

2. From the amount distributed to the legacy earnings fund under subsection 1, the state treasurer shall allocate the funding in July of each odd-numbered year in the following order:
 - a. The first one hundred two million six hundred twenty-four thousand dollars or an amount equal to the amount appropriated from the legacy sinking and interest fund for debt service payments for a biennium, whichever is less, to the legacy sinking and interest fund under section 6-09.4-10.1.
 - b. The remaining amount as follows:
 - (1) Thirty percent to the highway fund.
 - (2) The remainder to the legacy property tax relief fund.

SECTION 6. A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

Legacy property tax relief fund.

There is created in the state treasury the legacy property tax relief fund. The fund consists of all moneys allocated to the fund under section 5 of this Act and all moneys transferred to the fund by the legislative assembly.

²⁵¹ **SECTION 7. AMENDMENT.** Section 57-02-01 of the North Dakota Century Code is amended and reenacted as follows:

57-02-01. Definitions.

As used in this title, unless the context or subject matter otherwise requires:

1. "Agricultural property" means platted or unplatted lands used for raising agricultural crops or grazing farm animals, except lands platted and assessed as agricultural property prior to March 30, 1981, shall continue to be assessed as agricultural property until put to a use other than raising agricultural crops or grazing farm animals. Agricultural property includes land on which a greenhouse or other building is located if the land is used for a nursery or other purpose associated with the operation of the greenhouse. The time limitations contained in this section may not be construed to prevent property that was assessed as other than agricultural property from being assessed as agricultural property if the property otherwise qualifies under this subsection.
 - a. Property platted on or after March 30, 1981, is not agricultural property when any four of the following conditions exist:
 - (1) The land is platted by the owner.
 - (2) Public improvements, including sewer, water, or streets, are in place.
 - (3) Topsoil is removed or topography is disturbed to the extent that the property cannot be used to raise crops or graze farm animals.
 - (4) Property is zoned other than agricultural.

²⁵¹ Section 57-02-01 was also amended by section 1 of Senate Bill No. 2039, chapter 553.

- (5) Property has assumed an urban atmosphere because of adjacent residential or commercial development on three or more sides.
 - (6) The parcel is less than ten acres [4.05 hectares] and not contiguous to agricultural property.
 - (7) The property sells for more than four times the county average true and full agricultural value.
- b. Land that was assessed as agricultural property at the time the land was put to use for extraction of oil, natural gas, or subsurface minerals as defined in section 38-12-01 must continue to be assessed as agricultural property if the remainder of the surface owner's parcel of property on which the subsurface mineral activity is occurring continues to qualify for assessment as agricultural property under this subsection.
- 2. "Air carrier transportation property" means the operative property of each airline whose property is assessed for taxation purposes pursuant to chapters 57-06 and 57-32.
 - 3. "Assessed valuation" means fifty percent of the true and full value of property.
 - 4. "Centrally assessed property" means all property which is assessed by the state board of equalization under chapters 57-05, 57-06, and 57-32.
 - 5. "Commercial property" means all property, or portions of property, not included in the classes of property defined in subsections 1, 4, ~~44-10, 12, 13, and 4214~~.
 - 6. "Credits" means and includes every claim and demand for money or other valuable thing, and every annuity or sum of money receivable at stated periods, due or to become due, and all claims and demands secured by deeds or mortgages, due or to become due.
 - 7. "Governing body" means a board of county commissioners, city council, board of city commissioners, school board, or board of education, or the similarly constituted and acting board of any other municipality.
 - 8. "Money" or "moneys" means gold and silver coin, treasury notes, bank notes, and every deposit which any person owning the same or holding in trust and residing in this state is entitled to withdraw as money or on demand.
 - 9. "Municipality" or "taxing district" means a county, city, township, school district, water conservation and flood control district, Garrison Diversion Conservancy District, county park district, joint county park district, irrigation district, park district, rural fire protection district, or any other subdivision of the state empowered to levy taxes.
 - 10. "Nonprimary residential property" means residential property, or portions of residential property, not included in the class of property defined in subsection 12.
 - 11. "Person" includes a firm, corporation, or limited liability company.
 - ~~44-12.~~ "Primary residential property" means residential property certified as a primary residence under section 14 of this Act.

13. "Railroad property" means the operating property, including franchises, of each railroad operated in this state, including any electric or other street or interurban railway.
- 42-14. "Residential property" means all property, or portions of property, used by an individual or group of individuals as a dwelling, including property upon which a mobile home is located but not including hotel and motel accommodations required to be licensed under chapter 23-09 nor structures providing living accommodations for four or more separate family units nor any tract of land upon which four or more mobile homes are located. The term includes nonprimary residential property and primary residential property.
- 43-15. "Taxable valuation" signifies the valuation remaining after deducting exemptions and making other reductions from the original assessed valuation, and is the valuation upon which the rate of levy finally is computed and against which the taxes finally are extended.
- 44-16. "Tract", "lot", "piece or parcel of real property", or "piece or parcel of land" means any contiguous quantity of land in the possession of, owned by or recorded as the property of, the same claimant, person, or company.
- 45-17. "True and full value" means the value determined by considering the earning or productive capacity, if any, the market value, if any, and all other matters that affect the actual value of the property to be assessed. This shall include, for purposes of arriving at the true and full value of property used for agricultural purposes, farm rentals, soil capability, soil productivity, and soils analysis.
- 46-18. "Unencumbered cash" means the total cash on hand in any fund, less the amount belonging to the fund in closed banks and less the amount of outstanding warrants, bills, accounts, and contracts which are chargeable against the fund.
- 47-19. There shall be a presumption that a unit of land is not a farm unless such unit contains a minimum of ten acres [4.05 hectares], and the taxing authority, in determining whether such presumption shall apply, shall consider such things as the present use, the adaptability to use, and how similar type properties in the immediate area are classified for tax purposes.

SECTION 8. AMENDMENT. Subdivision b of subsection 2 of section 57-02-08.1 of the North Dakota Century Code is amended and reenacted as follows:

- b. For the purpose of this subsection, twenty percent of the annual rent, exclusive of any federal rent subsidy and of charges for any utilities, services, furniture, furnishings, or personal property appliances furnished by the landlord as part of the rental agreement, whether expressly set out in the rental agreement, must be considered as payment made for property tax. When any part of the twenty percent of the annual rent exceeds four percent of the annual income of a qualified applicant, the applicant is entitled to receive a refund from the state general fund for that amount in excess of four percent of the person's annual income, but the refund may not be in excess of four hundred six hundred dollars. If the calculation for the refund is less than five dollars, a minimum of five dollars must be sent to the qualifying applicant.

²⁵² **SECTION 9. AMENDMENT.** Section 57-02-08.8 of the North Dakota Century Code is amended and reenacted as follows:

57-02-08.8. Property tax credit for disabled veterans - Certification - Distribution.

1. A disabled veteran of the United States armed forces with an armed forces service-connected disability of fifty percent or greater or a disabled veteran who has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to one hundred percent as determined by the department of veterans' affairs, who was discharged under honorable conditions or who has been retired from the armed forces of the United States, or the surviving spouse if the disabled veteran is deceased, is eligible for a credit applied against the first ~~eight thousand one hundred nine thousand~~ thousand dollars of taxable valuation of the homestead owned and occupied by the disabled veteran or surviving spouse equal to the percentage of the disabled veteran's disability compensation rating for service-connected disabilities as certified by the department of veterans' affairs for the purpose of applying for a property tax credit. A surviving spouse who is receiving United States department of veterans affairs dependency and indemnity compensation receives a one hundred percent credit as described in this subsection. If the determination of disability or service-connected death occurs subsequent to the qualifying veteran's death through application of a law that renders a surviving spouse of a qualifying veteran eligible for United States department of veterans affairs disability and indemnity compensation, the determination for purposes of the credit under this subsection is presumed to precede the veteran's death. Sufficient proof of receipt of United States department of veterans affairs dependency and indemnity compensation includes correspondence directed to a surviving spouse of a qualifying veteran by the United States department of veterans affairs which indicates the surviving spouse is a survivor of the qualifying veteran and is in receipt of United States department of veterans affairs dependency and indemnity compensation.
2. If two disabled veterans are married to each other and living together, their combined credits may not exceed one hundred percent of ~~eight thousand one hundred nine thousand~~ thousand dollars of taxable valuation of the homestead. If a disabled veteran co-owns the homestead property with someone other than the disabled veteran's spouse, parent, or child, the credit is limited to that disabled veteran's interest in the homestead, ~~to a maximum amount calculated by multiplying eight thousand one hundred dollars of the taxable valuation by of the disabled veteran's percentage of interest in the homestead property and multiplying the result by the applicant's certified disability percentage, not to exceed the maximum credit amount in subsection 1.~~
3. A disabled veteran or ~~unmarried~~ surviving spouse claiming a credit under this section for the first time shall file with the county auditor an affidavit showing the facts required under this section, a description of the property, and a certificate from the United States department of veterans' affairs, or its successor, certifying to the amount of the disability. The affidavit and certificate must be open for public inspection. A person shall thereafter furnish to the assessor or other assessment officials, when requested to do so, any information which supports the claim for credit for any subsequent year.

²⁵² Section 57-02-08.8 was also amended by section 11 of House Bill No. 1031, chapter 64, and section 4 of House Bill No. 1180, chapter 344.

4. For purposes of this section, and except as otherwise provided in this section, "homestead":
 - a. "Child" means a child by birth, adoption, or marriage.
 - b. "Homestead" has the meaning provided in section 47-18-01 except that it also applies to a person who otherwise qualifies under the provisions of this section whether the person is the head of the family.
 - c. "Parent" means a birth parent, adoptive parent, or stepparent.
5. This section does not reduce the liability of a person for special assessments levied upon property.
6. A credit under this section terminates at the end of the taxable year of the death of the applicant.
7. The board of county commissioners may cancel the portion of unpaid taxes that represents the credit calculated in accordance with this section for any year in which the qualifying owner has held title to the homestead property. Cancellation of taxes for any year before enactment of this section must be based on the law that was in effect for that tax year.
8. Before the first of March of each year, the county auditor of each county shall certify to the tax commissioner on forms prescribed by the tax commissioner the name and address of each person for whom the property tax credit for homesteads of disabled veterans was allowed for the preceding year, the amount of credit allowed, the total of the tax mill rates of all taxing districts, exclusive of any state mill rates, that was applied to other real estate in the taxing districts for the preceding year, and such other information as may be prescribed by the tax commissioner.
9. On or before the first of June of each year, the tax commissioner shall audit the certifications, make the required corrections, and certify to the state treasurer for payment to each county the sum of the amounts computed by multiplying the credit allowed for each homestead of a disabled veteran in the county by the total of the tax mill rates, exclusive of any state mill rates that were applied to other real estate in the taxing districts for the preceding year.
10. The county treasurer upon receipt of the payment from the state treasurer shall apportion and distribute the payment without delay to the county and to the local taxing districts of the county on the basis on which the general real estate tax for the preceding year is apportioned and distributed.
11. On or before the first day of June of each year, the tax commissioner shall certify to the state treasurer the amount computed by multiplying the property tax credit allowed under this section for homesteads of disabled veterans in the state for the preceding year by one mill for deposit in the state medical center fund.
12. Supplemental certifications by the county auditor and by the tax commissioner and supplemental payments by the state treasurer may be made after the dates prescribed in this section to make such corrections as may be necessary because of errors or because of approval of an application for abatement filed by a person because the credit provided for the homestead of a disabled veteran was not allowed in whole or in part.

²⁵³ **SECTION 10. AMENDMENT.** Section 57-02-08.9 of the North Dakota Century Code as amended by section 1 of Senate Bill No. 2201, as approved by the sixty-ninth legislative assembly, is amended and reenacted as follows:

57-02-08.9. Primary residence credit - Qualification - Application. (Effective for the first ~~two~~ taxable ~~years~~year beginning after December 31, ~~2023~~2024)

1. A taxpayer is entitled to a credit of ~~five hundred dollars~~ against the property tax due on the taxpayer's primary residence as provided in this section. The credit ~~may~~:
 - a. Is limited to one thousand six hundred dollars.
 - b. May not reduce the liability for special assessments levied upon any property.
 - c. May not exceed the amount of property tax due against the primary residence. The credit must
 - d. Must be applied to reduce the property tax owed on the taxpayer's primary residence after other exemptions or credits under this chapter have been applied.
2. For purposes of this section:
 - a. "Owned" means an individual holds a present ownership interest, including ownership in fee simple, holds a present life estate or other terminable present ownership interest, holds a beneficial interest in a qualifying trust, or is a purchaser under a contract for deed. The term does not include a mere right of occupancy or a tenancy under a lease.
 - b. (1) "Primary residence" means a dwelling in this state, including the land, appurtenances, and improvements used in the residential occupancy of the dwelling, that, subject to paragraph 2 and subsection 3, is:
 - (a) Owned by one or more individuals, either directly or through a beneficial interest in a qualifying trust;
 - (b) Designed or adapted for human residence;
 - (c) Used as a residence; and
 - (d) Occupied as a primary place of residence by an owner, by an individual who has a life estate in the property, or, for property owned through a beneficial interest in a qualifying trust, by a trustor or beneficiary of the trust who qualifies for the credit.
 - (2) For purposes of the definition of "primary residence" under this subdivision:
 - (a) An individual may not have more than one primary residence.

²⁵³ Section 57-02-08.9 was also amended by section 11 of House Bill No. 1176, chapter 555, and section 1 of Senate Bill No. 2201, chapter 554.

- (b) A primary residence includes a primary residence taxed under chapter 57-55.
- c. "Qualifying trust" means a trust:
- (1) In which the agreement, will, or court order creating the trust, an instrument transferring property to the trust, or any other agreement that is binding on the trustee provides that the trustor of the trust or a beneficiary of the trust has the right to use and occupy as the trustor's or beneficiary's primary residence rent free and without charge except for taxes and other costs and expenses specified in the instrument or court order:
 - (a) For life;
 - (b) For the lesser of life or a term of years; or
 - (c) Until the date the trust is revoked or terminated by an instrument or court order that describes the property with sufficient certainty to identify it and is recorded in the real property records of the county in which the property is located; and
 - (2) That acquires the property in an instrument of title or under a court order that:
 - (a) Describes the property with sufficient certainty to identify it and the interest acquired; and
 - (b) Is recorded in the real property records of the county in which the property is located.
- d. "Trustor" means an individual who transfers an interest in real or personal property to a qualifying trust, whether during the individual's lifetime or at death, or the individual's spouse.
3. An individual who does not reside in the primary residence is eligible for the credit under this section if the individual's absence is due to confinement in a nursing home, hospital, or other care facility, for as long as that confinement lasts and the portion of the primary residence previously occupied by the individual is not rented to another person.
 4. Only one credit under this section may be applied against the property taxes levied against any primary residence. A trust may not claim a credit for more than one primary residence under this section. If a credit under this section is applied against the property tax due on a primary residence subject to a real estate transaction, any proration of the amount of property tax owed by a buyer or seller must be based on the amount of property tax owed after application of the credit under this section.
 5. An individual whose primary residence is a farm structure exempt from taxation under subsection 15 of section 57-02-08 is not eligible for a credit under this section.
 6. The credit may not reduce the liability for special assessments levied upon any property.

7. To apply for a credit under this section, an applicant shall sign and file with the tax commissioner, ~~by April first of each year,~~ an application containing a verified statement of facts establishing the applicant's eligibility as of the date of the ~~claim~~application on a form and in the manner prescribed by the tax commissioner. The application must be filed:
 - a. By April 1, 2025, to request a credit for taxable year 2025 for a primary residence taxed as real estate under this title or as a mobile home under chapter 57-55.
 - b. By September 1, 2025, to request a credit for taxable year 2026 for a primary residence taxed as a mobile home under chapter 57-55.
8. The tax commissioner, in consultation with the county auditors, shall prescribe, design, and make available all forms necessary to effectuate this section. The tax commissioner shall make these forms available upon request.

²⁵⁴ **SECTION 11. AMENDMENT.** Section 57-02-08.9 of the North Dakota Century Code is amended and reenacted as follows:

57-02-08.9. Primary residence credit - Qualification —~~Application.~~ (Effective for the first taxable year~~years~~ beginning after December 31, ~~2024~~2025)

1. A taxpayer is entitled to a credit against the property tax due on the taxpayer's parcel of primary residence~~residential property~~ as provided in this section. The credit:
 - a. Is limited to one thousand six hundred dollars.
 - b. May not reduce the liability for special assessments levied upon any property.
 - c. May not exceed the amount of property tax due against the parcel of primary residence~~residential property~~.
 - d. Must be applied to reduce the property tax owed on the ~~taxpayer's~~parcel of primary residence~~residential property~~ after other exemptions or credits under this chapter have been applied.
2. ~~For purposes of this section:~~
 - a. ~~"Owned" means an individual holds a present ownership interest, including ownership in fee simple, holds a present life estate or other terminable present ownership interest, holds a beneficial interest in a qualifying trust, or is a purchaser under a contract for deed. The term does not include a mere right of occupancy or a tenancy under a lease.~~
 - b. (1) ~~"Primary residence" means a dwelling in this state, including the land, appurtenances, and improvements used in the residential occupancy of the dwelling, that, subject to paragraph 2 and subsection 3, is:~~
 - (a) ~~Owned by one or more individuals, either directly or through a beneficial interest in a qualifying trust;~~

²⁵⁴ Section 57-02-08.9 was also amended by section 10 of House Bill No. 1176, chapter 555, and section 1 of Senate Bill No. 2201, chapter 554.

- (b) ~~Designed or adapted for human residence;~~
- (c) ~~Used as a residence; and~~
- (d) ~~Occupied as a primary place of residence by an owner, by an individual who has a life estate in the property, or, for property owned through a beneficial interest in a qualifying trust, by a trustor or beneficiary of the trust who qualifies for the credit.~~
- (2) ~~For purposes of the definition of "primary residence" under this subdivision:~~
 - (a) ~~An individual may not have more than one primary residence.~~
 - (b) ~~A primary residence includes a primary residence taxed under chapter 57-55.~~
- e. "Qualifying trust" means a trust:
 - (1) ~~In which the agreement, will, or court order creating the trust, an instrument transferring property to the trust, or any other agreement that is binding on the trustee provides that the trustor of the trust or a beneficiary of the trust has the right to use and occupy as the trustor's or beneficiary's primary residence rent free and without charge except for taxes and other costs and expenses specified in the instrument or court order:~~
 - (a) ~~For life;~~
 - (b) ~~For the lesser of life or a term of years; or~~
 - (c) ~~Until the date the trust is revoked or terminated by an instrument or court order that describes the property with sufficient certainty to identify it and is recorded in the real property records of the county in which the property is located; and~~
 - (2) ~~That acquires the property in an instrument of title or under a court order that:~~
 - (a) ~~Describes the property with sufficient certainty to identify it and the interest acquired; and~~
 - (b) ~~Is recorded in the real property records of the county in which the property is located.~~
- d. "Trustor" means an individual who transfers an interest in real or personal property to a qualifying trust, whether during the individual's lifetime or at death, or the individual's spouse.
- 3. ~~An individual who does not reside in the primary residence is eligible for the credit under this section if the individual's absence is due to confinement in a nursing home, hospital, or other care facility, for as long as that confinement lasts and the portion of the primary residence previously occupied by the individual is not rented to another person.~~
- 4. Only one credit under this section may be applied against the property taxes levied against any parcel of primary residence~~residential property~~. A trust may not claim a credit for more than one parcel of primary residence~~residential~~

property under this section. If a credit under this section is applied against the property tax due on a parcel of primary residence residential property subject to a real estate transaction, any proration of the amount of property tax owed by a buyer or seller must be based on the amount of property tax owed after application of the credit under this section.

- ~~5. An individual whose primary residence is a farm structure exempt from taxation under subsection 15 of section 57-02-08 is not eligible for a credit under this section.~~
- ~~6. The credit may not reduce the liability for special assessments levied upon any property.~~
- ~~7. To apply for a credit under this section, an applicant shall sign and file with the tax commissioner, an application containing a verified statement of facts establishing the applicant's eligibility as of the date of the application on a form and in the manner prescribed by the tax commissioner. The application must be filed:
 - ~~a. By April 1, 2025, to request a credit for taxable year 2025 for a primary residence taxed as real estate under this title or as a mobile home under chapter 57-55.~~
 - ~~b. By September 1, 2025, to request a credit for taxable year 2026 for a primary residence taxed as a mobile home under chapter 57-55.~~~~

~~8.3.~~ The tax commissioner, in consultation with the county auditors, shall prescribe, design, and make available all forms necessary to effectuate this section. ~~The tax commissioner shall make these forms available upon request.~~

²⁵⁵ **SECTION 12. AMENDMENT.** Section 57-02-08.10 of the North Dakota Century Code is amended and reenacted as follows:

57-02-08.10. Primary residence credit - Certification - Distribution. (Effective through ~~June 30, 2026~~ May 31, 2026)

1. By ~~June first of each year~~ June 1, 2025, the tax commissioner shall:
 - a. Review a sampling of information certified by the county auditor regarding the sum of the credits applied against real estate and mobile home taxes levied for taxable year 2024 to verify the accuracy of the application of the credit and certify to the state treasurer for payment to each county the aggregate dollar amount of credits applied against real estate and mobile home taxes levied for taxable year 2024;
 - b. Review the applications received under section 57-02-08.9 for credits to be applied against real estate and mobile home taxes levied for taxable year 2025 and determine which applicants qualify for the credit allowed under section 57-02-08.9 for taxable year 2025; and
 - ~~b.c.~~ Provide to each county auditor:

²⁵⁵ Section 57-02-08.10 was also amended by section 13 of House Bill No. 1176, chapter 555.

- (1) A copy of each approved application under subdivision ~~a~~b which identifies a primary residence located in the county; and
 - (2) The sum of the credits allowed under section 57-02-08.9 in the county for ~~the current~~ taxable year 2025.
2. By November 1, 2025, the tax commissioner shall:
 - a. Review the applications received under section 57-02-08.9 for primary residences taxed as mobile homes under chapter 57-55 for credits to be applied against taxes levied for taxable year 2026 and determine which applicants qualify for the credit allowed under section 57-02-08.9 for taxable year 2026; and
 - b. Provide to each county auditor:
 - (1) A copy of each approved application under subdivision a which identifies a primary residence taxed under chapter 57-55 located in the county; and
 - (2) The sum of the credits allowed under section 57-02-08.9 for primary residences taxed under chapter 57-55 in the county for taxable year 2026.
3. a. For taxable year 2025:
 - (1) The county auditor shall apply the credit under section 57-02-08.9 to each primary residence taxed as real estate under this title and identified by the tax commissioner as a qualifying primary residence on the corresponding property tax statement.
 - (2) The county auditor shall consider an application received under section 57-02-08.9 for a primary residence taxed as a mobile home under chapter 57-55 and identified by the tax commissioner as a qualifying primary residence under subdivisions b and c of subsection 1 as an application for an abatement and refund of taxes in the amount of the credit allowed. The county auditor shall present the application for abatement and refund of taxes to the board of county commissioners at its next regular meeting. The county commissioners shall approve the applications filed under this paragraph as soon as practicable and refunds must be issued without delay according to the procedures in section 57-23-09. The application, notice, and hearing requirements and procedures under chapter 57-23 and sections 57-55-04.1 and 57-55-12 do not apply to an application for abatement and refund filed under this paragraph.
- b. For taxable year 2026, the county auditor shall apply the credit under section 57-02-08.9 to each primary residence taxed as a mobile home under chapter 57-55 and identified by the tax commissioner as a qualifying primary residence on the corresponding mobile home tax statement.
- ~~3.4.~~ By January first of each year January 15, 2026, the county auditor shall certify to the tax commissioner the sum of the credits approved by the tax commissioner under ~~subsection 4~~ subdivisions b and c of subsection 1 and under subsection 2 which were applied ~~toward~~ against property taxes owed on primary residences in the county for the ~~preceding year~~ as provided in subsection 3.

- ~~4-5.~~ By ~~June first of each year after 2024~~ May 31, 2026, the tax commissioner shall review a sampling of information provided by the county auditor to verify the accuracy of the application of the credit and certify to the state treasurer for payment to each county the aggregate dollar amount of credits ~~allowed under section 57-02-08.9 in each county for the preceding year~~ applied against property taxes owed on primary residences in the county as provided in subsection 3.
- ~~5-6.~~ Within fourteen days of receiving the payment from the state treasurer, but no later than June thirtieth of each year ~~after 2024~~, the county treasurer shall apportion and distribute the payment to the county and to the taxing districts of the county on the same basis as property taxes ~~for the preceding year~~ and mobile home taxes were apportioned and distributed for the taxable year in which the taxes were levied.
- ~~6-7.~~ Supplemental certifications by the county auditor and the tax commissioner and supplemental payments by the state treasurer may be made after the dates prescribed in this section to make corrections necessary because of errors.
- ~~7-8.~~ The county auditors shall provide information requested by the tax commissioner to effectuate this section.
- ~~8-9.~~ The tax commissioner shall prescribe, design, and make available all forms necessary to effectuate this section.

²⁵⁶ **SECTION 13. AMENDMENT.** Section 57-02-08.10 of the North Dakota Century Code is amended and reenacted as follows:

57-02-08.10. Primary residence credit - Certification - Distribution. (Effective throughafter May 31, 2026)

1. ~~By June 1, 2025, the tax commissioner shall:~~
 - a. ~~Review a sampling of information certified by the county auditor regarding the sum of the credits applied against real estate and mobile home taxes levied for taxable year 2024 to verify the accuracy of the application of the credit and certify to the state treasurer for payment to each county the aggregate dollar amount of credits applied against real estate and mobile home taxes levied for taxable year 2024.~~
 - b. ~~Review the applications received under section 57-02-08.9 for credits to be applied against real estate and mobile home taxes levied for taxable year 2025 and determine which applicants qualify for the credit allowed under section 57-02-08.9 for taxable year 2025; and~~
 - c. ~~Provide to each county auditor:~~
 - (1) ~~A copy of each approved application under subdivision b which identifies a primary residence located in the county; and~~
 - (2) ~~The sum of the credits allowed under section 57-02-08.9 in the county for taxable year 2025.~~

²⁵⁶ Section 57-02-08.10 was also amended by section 12 of House Bill No. 1176, chapter 555.

2. ~~By November 1, 2025, the tax commissioner shall:~~
- a. ~~Review the applications received under section 57-02-08.9 for primary residences taxed as mobile homes under chapter 57-55 for credits to be applied against taxes levied for taxable year 2026 and determine which applicants qualify for the credit allowed under section 57-02-08.9 for taxable year 2026; and~~
 - b. ~~Provide to each county auditor:~~
 - (1) ~~A copy of each approved application under subdivision a which identifies a primary residence taxed under chapter 57-55 located in the county; and~~
 - (2) ~~The sum of the credits allowed under section 57-02-08.9 for primary residences taxed under chapter 57-55 in the county for taxable year 2026.~~
3. a. ~~For taxable year 2025:~~
- (1) ~~The county auditor shall apply the credit under section 57-02-08.9 to each primary residence taxed as real estate under this title and identified by the tax commissioner as a qualifying primary residence on the corresponding property tax statement.~~
 - (2) ~~The county auditor shall consider an application received under section 57-02-08.9 for a primary residence taxed as a mobile home under chapter 57-55 and identified by the tax commissioner as a qualifying primary residence under subdivisions b and c of subsection 1 as an application for an abatement and refund of taxes in the amount of the credit allowed. The county auditor shall present the application for abatement and refund of taxes to the board of county commissioners at its next regular meeting. The county commissioners shall approve the applications filed under this paragraph as soon as practicable and refunds must be issued without delay according to the procedures in section 57-23-09. The application, notice, and hearing requirements and procedures under chapter 57-23 and sections 57-55-04.1 and 57-55-12 do not apply to an application for abatement and refund filed under this paragraph.~~
- b. ~~For taxable year 2026, the~~The county auditor shall apply the credit under section 57-02-08.9 to each ~~primary residence taxed as a mobile home under chapter 57-55 and identified by the tax commissioner as a qualifying primary residence~~parcel of primary residential property on the corresponding ~~property tax statement or mobile home tax statement.~~
4. ~~2.~~ By January 15, 2026~~fifteenth of each year, the county auditor shall certify to the tax commissioner the sum of the credits approved by the tax commissioner under subdivisions b and c of subsection 1 and subsection 2 which that were applied against property taxes owed on primary residences in the county as provided in subsection 3 for:~~
- a. The preceding taxable year for primary residential property taxed as real estate under this title.
 - b. The current taxable year for primary residential property taxed as a mobile home under chapter 57-55.

- ~~5-3. By May 31, 2026~~thirty-first of each year, the tax commissioner shall ~~review a sampling of information provided by the county auditor to verify the accuracy of the application of the credit and~~ certify to the state treasurer for payment to each county the aggregate dollar amount of credits ~~applied against property taxes owed on primary residences in the county as provided~~certified by the counties in subsection ~~32~~.
- ~~6-4. Within fourteen days of receiving the payment from the state treasurer, but no later than June thirtieth of each year,~~ the county treasurer shall apportion and distribute the payment to the county and to the taxing districts of the county on the same basis as property taxes and mobile home taxes were apportioned and distributed for the taxable year in which the taxes were levied.
- ~~7-5. Supplemental certifications by the county auditor and the tax commissioner and supplemental payments by the state treasurer may be made after the dates prescribed in this section to make corrections necessary because of errors.~~
- ~~8-6. The county auditors shall provide information requested by the tax commissioner to effectuate this section.~~
- ~~9-7. The tax commissioner shall prescribe, design, and make available all forms necessary to effectuate this section.~~

SECTION 14. A new section to chapter 57-02 of the North Dakota Century Code is created and enacted as follows:

Primary residence certification - Eligibility for primary residential property classification - Application.

1. To be eligible for a primary residential property classification under this chapter, a primary residence must be certified by the county director of tax equalization as provided in this section.
2. A dwelling does not lose its character as a primary residence if the owner of the dwelling does not reside in the primary residence because the individual is confined in a nursing home, hospital, or other care facility, for as long as that confinement lasts and the portion of the primary residence previously occupied by the individual is not rented to another person.
3. To be certified as a primary residence and eligible for the primary residential property classification under this chapter, an owner shall sign and file with the tax commissioner an application containing a verified statement of facts establishing the owner's property meets the eligibility requirements to be considered a primary residence under this section as of the date of the application on a form and in the manner prescribed by the tax commissioner.
 - a. An application for primary residence certification must be filed by April first of each year to request a primary residence certification for:
 - (1) The taxable year during which the application is filed for a primary residence taxed as real estate under this title.
 - (2) The taxable year succeeding the taxable year during which the application is filed for a primary residence taxed as a mobile home under chapter 57-55.

- b. As soon as practicable after receiving the applications, no later than May thirty-first of each year, the tax commissioner shall:
 - (1) Review the applications received under this subsection and determine which applicants qualify for the primary residence certification; and
 - (2) Provide to each county director of tax equalization a copy of each approved or rejected application received under this subsection which identifies property located in the county.
 - c. Within fifteen days of receipt of the applications from the tax commissioner under paragraph 2 of subdivision b, the county director of tax equalization shall notify the applicant of the approval or denial of the application and reflect the appropriate classification of the property on the assessment list.
 - d. The tax commissioner may request additional documentation from the applicant when making the determination of eligibility.
 - e. Determinations of eligibility under this subsection may be appealed through the informal equalization process and formal abatement process.
- 4. A primary residence certification under this section is valid for the entire taxable year for which the application for certification was approved, without regard to any change of ownership of the property which occurs after the application for certification was approved.
- 5. The tax commissioner shall prescribe, design, and make available all forms necessary to effectuate this section. Application forms must include the full name and address of the applicant and any other information prescribed by the tax commissioner. The county director of tax equalization shall make these forms available to applicants upon request.
- 6. For purposes of this section:
 - a. "Owned" means the individual holds a present ownership interest, including ownership in fee simple, holds a present life estate or other terminable present ownership interest, holds a beneficial interest in a qualifying trust, or is a purchaser under a contract for deed. The term does not include a mere right of occupancy or a tenancy under a lease.
 - b. (1) "Primary residence" means a dwelling in this state, including the land, appurtenances, and improvements used in the residential occupancy of the dwelling, which is not exempt from property taxes as a farm residence and, subject to subsection 2 and paragraph 2, as of the assessment date of the taxable year, is:
 - (a) Owned by one or more individuals, either directly or through a beneficial interest in a qualifying trust;
 - (b) Designed or adapted for human residence;
 - (c) Used as a residence; and
 - (d) Occupied as a primary place of residence by an owner, an individual who has a life estate in the property, or, for property owned through a beneficial interest in a qualifying trust, by a trustor or beneficiary of the trust who qualifies for the certification.

- (2) For purposes of the term:
- (a) An individual may not have more than one primary residence.
 - (b) A primary residence includes a primary residence taxed under chapter 57-55.
- c. "Qualifying trust" means a trust:
- (1) In which the agreement, will, or court order creating the trust, an instrument transferring property to the trust, or any other agreement that is binding on the trustee provides that the trustor of the trust or a beneficiary of the trust has the right to use and occupy as the trustor's or beneficiary's primary residence rent free and without charge except for taxes and other costs and expenses specified in the instrument or court order:
 - (a) For life;
 - (b) For the lesser of life or a term of years; or
 - (c) Until the date the trust is revoked or terminated by an instrument or court order that describes the property with sufficient certainty to identify it and is recorded in the real property records of the county in which the property is located; and
 - (2) That acquires the property in an instrument of title or under a court order that:
 - (a) Describes the property with sufficient certainty to identify it and the interest acquired; and
 - (b) Is recorded in the real property records of the county in which the property is located.
- d. "Trustor" means an individual who transfers an interest in real or personal property to a qualifying trust, whether during the individual's lifetime or at death, or the individual's spouse.

SECTION 15. AMENDMENT. Section 57-02-27 of the North Dakota Century Code is amended and reenacted as follows:

57-02-27. Property to be valued at a percentage of assessed value - Classification of property - Limitation on valuation of annexed agricultural lands.

1. All property subject to taxation based on the value thereof must be valued as follows:
- 4- a. All primary residential property and nonprimary residential property to be valued at nine percent of assessed value. If any property is used for both residential and nonresidential purposes, the valuation must be prorated accordingly.
- 2- b. All agricultural property to be valued at ten percent of assessed value as determined pursuant to section 57-02-27.2.
- 3- c. All commercial property to be valued at ten percent of assessed value.

4. d. All centrally assessed property to be valued at ten percent of assessed value except as provided in section 57-06-14.1.
2. The resulting amounts must be known as resulting from the calculation under subsection 1 are the taxable valuation.
3. In determining the assessed value of real and personal property, except agricultural property, the assessor may not adopt a lower or different standard of value because the same is to serve as a basis of taxation, nor may the assessor adopt as a criterion of value the price at which said property would sell at auction, or at forced sale, or in the aggregate with all the property in the town or district, but the assessor shall value each article or description by itself, and at such sum or price as the assessor believes the same to be fairly worth in money. In assessing any tract or lot of real property, there must be determined the value of the land, exclusive of improvements, and the value of all taxable improvements and structures thereon, and the aggregate value of the property, including all taxable structures and other improvements, excluding the value of crops growing upon cultivated lands. In valuing any real property upon which there is a coal or other mine, or stone or other quarry, the same must be valued at such a price as such property, including the mine or quarry, would sell for at a fair voluntary sale for cash. Agricultural lands within the corporate limits of a city which are not platted constitute agricultural property and must be so classified and valued for ad valorem property tax purposes until such lands are put to another use. Agricultural lands, whether within the corporate limits of a city or not, which were platted and assessed as agricultural property prior to March 30, 1981, must be assessed as agricultural property for ad valorem property tax purposes until put to another use. Such valuation must be uniform with the valuation of adjoining unannexed agricultural land.

SECTION 16. AMENDMENT. Section 57-02-27.1 of the North Dakota Century Code is amended and reenacted as follows:

57-02-27.1. Property to be valued at true and full value.

1. All assessors and boards of equalization shall place the values of all items of taxable property at the true and full value of the property except as otherwise specifically provided by law, and the amount of taxes that may be levied on such property must be limited as provided in this chapter. For the purposes of sections 57-02-27, 57-02-27.1, 57-02-27.2, and 57-55-04, the term "true and full value" has the same meaning as provided in ~~subsection 15 of section 57-02-01~~, except that "true and full value" of agricultural lands must be as determined pursuant to section 57-02-27.2.
2. The governing body of the city or township may establish valuations that recognize the supply of vacant lots available for sale.

SECTION 17. AMENDMENT. Section 57-02-53 of the North Dakota Century Code is amended and reenacted as follows:

57-02-53. Assessment increase notice to property owner.

1. a. ~~When any assessor has increased the true and full valuation of any lot or tract of land and improvements to an amount that is an increase of three thousand dollars or more and ten percent or more from the amount of the previous year's assessment, the~~ an assessor shall deliver written notice of the

~~amount of increase and the amount of the previous true and full value of each parcel of taxable property for the current year's assessment to the property owner at the expense of the assessment district for which the assessor is employed and previous year, including improvements, which have been assessed by the assessor.~~

- ~~2.~~ Delivery of written notice to a property owner under this ~~subdivision~~section must be completed at least fifteen days before the meeting of the local board of equalization.
 - ~~b.~~ If written notice by the assessor was not required under subdivision a and action by the township, city, or county board of equalization or order of the state board of equalization has increased the true and full valuation of any lot or tract of land and improvements to an amount that results in a cumulative increase of three thousand dollars or more and ten percent or more from the amount of the previous year's assessment, written notice of the amount of increase and the amount of the previous year's assessment must be delivered to the property owner. The written notice under this subdivision must be mailed or delivered at the expense of the township, city, or county that made the assessment increase or at the expense of the township, city, or county that was ordered to make the increase by the state board of equalization. Delivery of written notice to a property owner under this subdivision must be completed within fifteen days after the meeting of the township, city, or county board of equalization that made or ordered the assessment increase and within thirty days after the meeting of the state board of equalization, if the state board of equalization ordered the assessment increase.
- ~~e-3.~~ The tax commissioner shall prescribe suitable forms for written notices under this ~~subsection~~section. The written notice under ~~subdivision a~~this section must show the~~contain:~~
 - ~~a.~~ The true and full value of the parcel of taxable property, including improvements, that the assessor determined for the current year and for the previous year and must also show the,
 - ~~b.~~ The date prescribed by law, time, and location for the meeting of the local board of equalization of the assessment district in which the parcel of taxable property is located and the meeting date, time, and location of the county board of equalization~~hearing of each taxing district.~~
- ~~d-4.~~ Delivery of written notice under this section must be by personal delivery to the property owner, mail addressed to the property owner at the property owner's last-known address, or electronic mail to the property owner directed with verification of receipt to an electronic mail address at which the property owner has consented to receive notice.
- ~~2.~~ The form of notice prescribed by the tax commissioner must require a statement to inform the taxpayer that an assessment increase may mean property taxes on the parcel will increase. The notice may contain an estimate of a tax increase resulting from the assessment increase.

SECTION 18. AMENDMENT. Section 57-09-04 of the North Dakota Century Code is amended and reenacted as follows:

57-09-04. Duties of board ~~—Limitation on increase—Notice.~~

The township board of equalization shall ascertain whether all taxable property in its township has been properly placed upon the assessment list and duly valued by the assessor. In case any real property has been omitted by inadvertence or otherwise, the board shall place the same upon the list with the true value thereof. The board shall proceed to correct the assessment so that each tract or lot of real property is entered on the assessment list at the true value thereof. ~~The board may not increase the valuation returned by the assessor to an amount that results in a cumulative increase of more than fifteen percent from the amount of the previous year's assessment without giving the owner or the owner's agent reasonable notice and opportunity to be heard regarding the intention of the board to increase it.~~ All complaints and grievances of residents of the township must be heard and decided by the board and it may make corrections as appear to be just. Complaints by nonresidents with reference to the assessment of any real property and complaints by others with reference to any assessment made after the meeting of the township board of equalization must be heard and determined by the county board of equalization. ~~The board must comply with any requirement for notice of an assessment increase under section 57-02-53.~~

SECTION 19. AMENDMENT. Section 57-11-03 of the North Dakota Century Code is amended and reenacted as follows:

57-11-03. Duties of board ~~—Limitation on increase—Notice.~~

At its meeting, the board of equalization shall proceed to equalize and correct the assessment roll. It may change the valuation and assessment of any real property upon the roll by increasing or diminishing the true and full valuation thereof as is reasonable and just to render taxation uniform, ~~except that the board may not increase the valuation of any property returned by the assessor to an amount that results in a cumulative increase of more than fifteen percent from the amount of the previous year's assessment without first giving the owner or the owner's agent reasonable notice and opportunity to be heard regarding the intention of the board to increase it.~~ All complaints and grievances of residents of the city must be heard and decided by the board and it may make corrections as appear to be just. Complaints by nonresidents with reference to the assessment of any real property and complaints by others with reference to any assessment made after the meeting of the city board of equalization must be heard and determined by the county board of equalization. ~~The board shall comply with any requirement for notice of an assessment increase under section 57-02-53.~~

SECTION 20. AMENDMENT. Section 57-12-06 of the North Dakota Century Code is amended and reenacted as follows:

57-12-06. County board of equalization - Equalizing between assessment districts and between properties ~~—Limitation on increase—Notice.~~

1. The rules prescribed in section 57-12-05 apply when the board of county commissioners is equalizing assessments between the several assessment and taxing districts in the county provided that in such case, except as otherwise provided in subsection 2, the board may raise or lower the valuation of classes of property only so as to equalize the assessments as between districts. ~~If the board orders an increase under this subsection, the board must comply with any requirement for notice of an assessment increase under section 57-02-53.~~

2. Notwithstanding any other provision of this section:
 - a. The county board of equalization after notice to the local board of equalization may reduce the assessment on any separate piece or parcel of real estate even though such property was assessed in a city or township having a local board of equalization. The county board of equalization may not reduce any such assessment unless the owner of the property or the person to whom it was assessed first appeals to the county board of equalization, either by appearing personally or by a representative before the board or by mail or other communication to the board, in which the owner's reasons for asking for the reduction are made known to the board. The proceedings of the board shall show the manner in which the appeal was made known to the board and the reasons for granting any reduction in any such assessment.
 - b. The county board of equalization after notice to the local board of equalization may increase the assessment on any separate piece or parcel of real property even though such property was assessed in a city or township having a local board of equalization. ~~The county board of equalization may not increase the valuation returned by the assessor or the local board of equalization to an amount that results in a cumulative increase of more than fifteen percent from the amount of the previous year's assessment without giving the owner or the owner's agent notice by mail to the owner of the property that such person may appear before the board on the date designated in the notice, which date must be at least five days after the mailing of the notice. The county auditor as clerk of the board shall send such notice to the person or persons concerned. If the board orders an increase under this subdivision, the board must comply with any requirement for notice of an assessment increase under section 57-02-53.~~
 - c. If the county board of equalization during the course of its equalization sessions determines that any property of any person has been listed and assessed in the wrong classification, it shall direct the county auditor to correct the listing so as to include such assessment in the correct classification.
3. The owner of any separate piece or parcel of real estate that has been assessed may appeal the assessment thereon to the state board of equalization as provided in section 57-13-04; provided, however, that such owner has first appealed the assessment to the local equalization board of the taxing district in which the property was assessed and to the county board of equalization of the county in which the property was assessed. Notwithstanding this requirement, an owner of property which has been subjected to a new assessment authorized under section 57-14-08 may appeal the new assessment to the state board of equalization in the manner provided for in section 57-14-08.

SECTION 21. AMENDMENT. Section 57-15-02.2 of the North Dakota Century Code is amended and reenacted as follows:

57-15-02.2. ~~Estimated property tax and budget~~Budget hearing notice.

1. On or before August tenth of each year, the governing body of a taxing district shall provide to the county auditor in each county in which the taxing district has taxable property a ~~preliminary budget statement and~~ the date, time, and

location of the taxing district's public hearing on its property tax levy, which may be no earlier than September seventh. A taxing district that fails to provide the information required under this subsection on or before August tenth may not impose a property tax levy in a greater amount of dollars than was imposed by the taxing district in the prior year.

2. By August thirty-first of each year, the county treasurer shall provide a written notice to the owner of each parcel of taxable property ~~with a total estimated property tax of at least one hundred dollars.~~ The text of the notice must contain:
 - a. The date, time, and location of the public budget hearing for each of the taxing districts in which the property owner's parcel is located, ~~which anticipate levying in excess of one hundred thousand dollars in the current year,~~ and the location at which the taxing district's budget is available for review; and
 - b. ~~The true and full value of the property based on the best information available;~~
 - c. ~~A column showing the actual property tax levy in dollars against the parcel by the taxing district that levied taxes against the parcel in the immediately preceding taxable year and a column showing the estimated property tax levy in dollars against the parcel by the taxing district levying tax in the taxable year for which the notice applies based on the preliminary budget statements of all taxing jurisdictions;~~
 - d. ~~A column indicating the difference between the taxing district's total levy from the previous year and the taxing district's estimated levy with the word "INCREASE" printed in boldface type if the proposed tax levy is larger in dollars than the levy in dollars in the previous year;~~
 - e. ~~Information identifying the estimated property tax savings that will be provided pursuant to section 57-20-07.1 based on the best information available;~~
 - f. A statement that there will be an opportunity for citizens to present oral or written comments regarding each taxing district's property tax levy; ~~and~~
 - g. ~~The actual amount of the special assessment installment payable against the parcel in the immediately preceding taxable year.~~
3. Delivery of written notice under this section must be by personal delivery to the property owner, mail addressed to the property owner at the property owner's last-known address, or electronic mail to the property owner directed with verification of receipt to an electronic mail address at which the property owner has consented to receive notice. If a parcel of taxable property is owned by more than one owner, notice must be sent to only one owner of the property. Failure of an owner to receive a notice under this section will not relieve the owner of property tax liability or modify the qualifying date under section 57-20-09 for which an owner may receive a discount for early payment of tax.
4. The tax commissioner shall prescribe suitable forms for written notices under this section.

5. The direct cost of providing taxpayer notices under this section may be allocated in a manner proportionate to the number of notices mailed on behalf of each taxing district ~~that intends to levy in excess of one hundred thousand dollars in property taxes in the current year.~~

SECTION 22. A new section to chapter 57-15 of the North Dakota Century Code is created and enacted as follows:

Limitation on levies by taxing districts without voter approval.

1.
 - a. Notwithstanding that a taxing district may have unused or excess levy authority under any other provision of law, this section supersedes and limits that authority. This section may not be interpreted as authority to increase any property tax levy authority otherwise provided by law and must be applied to limit any property tax levy authority to which a taxing district may otherwise be entitled. Property taxes levied in dollars by a taxing district may not exceed the greater of the base year levy increased by the allowable percentage limit or the adjusted year levy increased by the allowable percentage limit.
 - b. Excluding any negative excess percentage increase, a taxing district may carry forward an excess percentage increase to be used in any of the five succeeding taxable years. An excess percentage increase may be used only once to increase the limitation under subdivision a and may not be carried forward beyond five taxable years. The oldest unused excess percentage increase must be applied first.
2. The limitation under subsection 1 does not apply to:
 - a. New or increased property tax levy authority that becomes available to the taxing district in the current taxable year resulting from:
 - (1) A change in state law.
 - (2) Approval by the electors of the taxing district.
 - b. Property tax levy authority increased above zero mills in the current taxable year by the governing board of the taxing district, provided the levy authority was not previously used.
 - c. Any irrevocable tax to pay bonded indebtedness levied under section 16 of article X of the Constitution of North Dakota.
 - d. The one-mill levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.
 - e. The levy, not to exceed one mill, for the Garrison Diversion Conservancy District, authorized by section 57-15-26.8.
 - f. Taxes or special assessments levied to pay the principal and interest on any obligations of any political subdivision, including taxes levied for deficiencies in special assessment and improvement district funds and revenue bond and reserve funds.
 - g. Taxes levied to pay bonds, evidences of indebtedness, or obligations of any political subdivision, including taxes levied to pay evidences of indebtedness under chapter 57-47 issued by the Bank of North Dakota from the infrastructure revolving loan fund.

- h. Taxes levied pursuant to law for the proportion of the cost to any taxing district for a special improvement project by general taxation.
 - i. Taxes levied under sections 40-24-10, 40-43-01, 57-15-28, 57-15-41, and 57-15-48 and chapter 61-16.1.
 - j. Taxes levied by a school district under subsection 5 of section 57-15-14.2.
3. a. Except as provided in subdivision b, a majority of the qualified electors in a taxing district voting on the question at a statewide general election may approve a ballot measure to authorize the taxing district to impose a property tax levy exceeding the limitation under subsection 1 for four taxable years at a time, beginning with the taxable year after the general election during which the ballot measure was approved. The ballot measure must state the proposed percentage increase and the proposed dollar amount increase exceeding the limitation under subsection 1. The procedure under this subsection applies only to authorization of a property tax levy exceeding the limitation under subsection 1.
- b. A majority of the qualified electors in a township voting on the question at an annual township meeting may approve a property tax levy exceeding the limitation under subsection 1 for four taxable years at a time, beginning with the taxable year during which the annual township meeting vote under this subdivision is held. The notice and voting procedures applicable to the approval of a township tax levy under section 57-15-19 and approval of increased township general fund levy authority under section 57-15-20 apply to the vote under this subsection. The electors of the township voting on the question must be notified of the proposed percentage increase and the proposed dollar amount increase exceeding the limitation under subsection 1 before the vote.
4. For taxable year 2025, a city may levy an amount equal to the amount levied in dollars in the preceding taxable year under sections 40-05-19 and 57-15-42 as part of the levy under section 57-15-08 without including the dollars levied for this purpose as part of the limitation under subsection 1.
5. A city or county may not supersede or modify the application of this section under home rule authority.
6. For purposes of this section:
 - a. "Adjusted year levy" means amount of property tax levied in dollars by the taxing district in the preceding taxable year adjusted as follows:
 - (1) When property and improvements to property which were not taxable in the preceding taxable year are taxable in the current year, the amount levied in dollars in the preceding taxable year by the taxing district must be increased to reflect the taxes that would have been imposed against the additional taxable valuation attributable to that property at the mill rate applied to all property in the preceding taxable year, excluding the mill rate associated with:
 - (a) Any irrevocable tax levied to pay bonded indebtedness levied under section 16 of article X of the Constitution of North Dakota.

- (b) A tax levied for the one-mill levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.
- (2) When a property tax exemption existed in the preceding taxable year which has been reduced or no longer exists for the current taxable year, the amount levied in dollars in the preceding taxable year by the taxing district must be increased to reflect the taxes that would have been imposed against the portion of the taxable valuation of the property which is no longer exempt at the mill rate applied to all property in the preceding taxable year, excluding the mill rate associated with:
- (a) Any irrepealable tax levied to pay bonded indebtedness levied under section 16 of article X of the Constitution of North Dakota.
- (b) A tax levied for the one-mill levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.
- (3) When property that was taxable in the preceding taxable year is not taxable for the current taxable year, the amount levied in dollars in the preceding taxable year by the taxing district must be reduced by the amount of taxes that were imposed against the taxable valuation of that property in the preceding taxable year.
- (4) When a temporary mill levy increase, excluding an increase under this section, authorized by the electors of the taxing district or mill levy imposition authority under state law existed in the preceding taxable year but is no longer applicable or has been reduced, the amount levied in dollars in the preceding taxable year by the taxing district must be adjusted to reflect the expired temporary mill levy increase and the eliminated or reduced mill levy under state law before the percentage increase allowable under this subsection is applied.
- b. "Allowable percentage limit" means three percent.
- c. "Base year levy" means the highest amount of property tax levied in dollars by a taxing district in the three taxable years immediately preceding the current taxable year.
- d. "Excess percentage increase" means the difference, rounded to the nearest hundredth of a percent, between:
- (1) The allowable percentage limit; and
- (2) The difference between the actual amount of property tax levied in dollars and the greater of the base year levy or the adjusted year levy with the resulting difference under this paragraph divided by the greater of the base year levy or adjusted year levy.
- e. "Proposed percentage increase" means the difference, rounded to the nearest hundredth of a percent, between:

(1) The difference between the amount of property tax in dollars proposed to be levied by the governing board of the taxing district and the greater of the base year levy or the adjusted year levy with the resulting difference under this paragraph divided by the greater of the base year levy or adjusted year levy; and

(2) The allowable percentage limit.

f. "Taxing district" means any political subdivision empowered to levy taxes.

²⁵⁷ **SECTION 23. AMENDMENT.** Section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14.2. School district levies.

1. The board of a school district may levy a tax ~~not exceeding the amount in dollars that the school district levied for the prior year, plus twelve percent, up to an amount in dollars that would be generated by a levy of seventy-sixty mills on the taxable valuation of the district, for any purpose related to the provision of educational services~~ the school district's local contribution to the costs of education. The proceeds of this levy must be deposited into the school district's general fund and ~~may be used in accordance with this subsection for any purpose related to the provision of educational services~~. The proceeds may not be transferred into any other fund.
2. The board of a school district may levy no more than ten mills on the taxable valuation of the district, for any purpose related to the provision of educational services. The proceeds of this levy must be deposited into the school district's general fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund. The levy authority under this subsection may not be considered new or increased property tax levy authority for purposes of the levy limitation under section 22 of this Act.
3. The board of a school district may levy no more than twelve mills on the taxable valuation of the district, for miscellaneous purposes and expenses. The proceeds of this levy must be deposited into a special fund known as the miscellaneous fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
- ~~3-4.~~ The board of a school district may levy no more than three mills on the taxable valuation of the district for deposit into a special reserve fund, in accordance with chapter 57-19.
- ~~4-5.~~ The board of a school district may levy no more than the number of mills necessary, on the taxable valuation of the district, for the payment of tuition, in accordance with section 15.1-29-15. The proceeds of this levy must be deposited into a special fund known as the tuition fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
- ~~5-6.~~ The board of a school district may levy no more than five mills on the taxable valuation of the district, pursuant to section 57-15-15.1, for purposes of developing a school safety plan in accordance with section 15.1-09-60. The proceeds of this levy must be deposited into a special fund known as the school safety plan fund and used in accordance with this subsection.

²⁵⁷ Section 57-15-14.2 was also amended by section 7 of House Bill No. 1369, chapter 195.

~~6-7.~~ Nothing in this section limits the board of a school district from levying:

- a. Mills for a building fund, as permitted in sections 15.1-09-49 and 57-15-16; and
- b. Mills necessary to pay principal and interest on the bonded debt of the district, including the mills necessary to pay principal and interest on any bonded debt incurred under section 57-15-17.1 before July 1, 2013.

SECTION 24. AMENDMENT. Section 57-20-07.1 of the North Dakota Century Code is amended and reenacted as follows:

57-20-07.1. County treasurer to mail real estate tax statement - Contents of statement.

1. On or before December twenty-sixth of each year, the county treasurer shall mail a real estate tax statement to the owner of each parcel of real property at the owner's last-known address. The form of the real estate tax statement to be used in every county must be prescribed and approved for use by the tax commissioner. The statement must be provided in a manner that allows the taxpayer to retain a printed record of the obligation for payment of taxes and special assessments as provided in the statement. If a parcel of real property is owned by more than one individual, the county treasurer shall send only one statement to one of the owners of that property. Additional copies of the tax statement will be sent to the other owners upon their request and the furnishing of their names and addresses to the county treasurer. The tax statement must:
 - a. Include a dollar valuation of the true and full value as defined by law of the property and the total mill levy applicable.
 - b. Include, or be accompanied by a separate sheet, with three columns showing, for the taxable year to which the tax statement applies and the two immediately preceding taxable years, ~~the~~
 - (1) The property tax levy in dollars against the parcel by the county and school district and any city or township that levied taxes against the parcel.
 - (2) The amount of property tax levied as a result of mills levied by a school district under section 21-03-15 and subdivision b of subsection 7 of section 57-15-14.2.
 - c. Provide information identifying the property tax savings provided by the state of North Dakota. The tax statement must include a line item that is entitled "legislative tax relief" and identifies the dollar amount of property tax savings realized by the taxpayer under chapter 50-34 for taxable years before 2019, chapter 50-35 for taxable years after 2018, and chapter 15.1-27.
 - (1) For purposes of this subdivision, legislative tax relief under chapter 15.1-27 is determined by multiplying the taxable value for the taxable year for each parcel shown on the tax statement by ~~the number of mills of mill levy reduction grant under chapter 57-64 for the 2012 taxable year plus the number of mills determined by subtracting from the 2012 taxable year mill rate of the school district in which the parcel is located the lesser of one hundred twenty-five mills or the sum of:~~

- (a) ~~Fifty mills. The number of mills of mill levy reduction grant under chapter 57-64 for the 2012 taxable year; or and~~
- (b) ~~The 2012 taxable year mill rate of the school district minus excluding sixty mills.~~
- (2) Legislative tax relief under chapter 50-35 is determined by multiplying the taxable value for the taxable year for each parcel shown on the tax statement by the number of mills of relief determined by dividing the amount calculated in subsection 1 of section 50-35-03 for a human service zone by the taxable value of taxable property in the zone for the taxable year.
- d. Provide information identifying the primary residence credit, including information regarding the portion of the credit derived from funding distributed from the legacy fund.
- (1) The statement must include a separate line item identifying the primary residence credit realized by the taxpayer for each taxable year shown.
- (2) The statements must include a separate line item or conspicuous description identifying the portion of the credit derived from funding distributed from the legacy fund.
- (a) The dollar amount of the primary residence credit derived from funding distributed from the legacy fund is calculated as the product of the total amount of the primary residence credit realized by the taxpayer in a taxable year multiplied by the applicable percent.
- (b) By November first of each year, the tax commissioner shall notify each county auditor of the applicable percent to be used for the calculation in paragraph a for the current and prior two taxable years.
- (c) For purposes of this paragraph, "applicable percent" means the percent, rounded to the nearest hundredth of a percent, calculated as the quotient of the amount allocated to the legacy property tax relief fund from the legacy earnings fund for the primary residence credit pursuant to section 5 of this Act divided by the total amount appropriated from the legacy property tax relief fund for the primary residence credit, using the allocations and appropriations for the relevant tax years.
2. Failure of an owner to receive a statement will not relieve that owner of liability, nor extend the discount privilege past the February fifteenth deadline.

²⁵⁸ **SECTION 25. REPEAL.** Sections 21-10-12 and 21-10-13 of the North Dakota Century Code are repealed.

²⁵⁸ Section 21-10-12 was also repealed by section 18 of Senate Bill No. 2012, chapter 44; section 21-10-13 was also repealed by section 18 of Senate Bill No. 2012, chapter 44.

SECTION 26. LEGISLATIVE INTENT - CONSIDERATION OF FUTURE PROPERTY TAX RELIEF. It is the intent of the sixty-ninth legislative assembly that the seventieth legislative assembly consider using any funding available from the legacy property tax relief fund exceeding the amount needed for the primary residence credit to provide property tax relief to other property classifications, including agricultural, commercial, centrally assessed, and nonprimary residential property.

SECTION 27. LEGISLATIVE TAX REFORM AND RELIEF ADVISORY COMMITTEE - PROPERTY TAX REFORM AND RELIEF STUDY - TAX COMMISSIONER REPORT - REPORT TO LEGISLATIVE MANAGEMENT.

1. During the 2025-26 interim, the legislative management shall appoint a legislative tax reform and relief advisory committee.
2. The committee must consist of three members of the finance and taxation standing committee of the house of representatives, three members of the finance and taxation standing committee of the senate, one member of the appropriations committee of the house of representatives, and one member of the appropriations committee of the senate, appointed by the respective majority leaders of the house of representatives and senate. The legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedures governing the operation of other legislative management interim committees.
3. The committee shall study property tax reform and relief. Based on information provided by the tax department and input from local taxing districts, the study must include consideration of:
 - a. Historical property tax relief provided by the legislative assembly.
 - b. The estimated and actual fiscal impact of the property tax relief provided by the sixty-ninth legislative assembly.
 - c. Information from the tax commissioner and local taxing district representatives regarding the progress of implementing the primary residence credit and primary residence certification process.
 - d. Information and analysis from the tax commissioner regarding the impact of the property tax levy limitation under section 22 of this Act on taxing districts.
 - (1) By April 1, 2026, the tax commissioner shall gather and analyze information from local taxing districts necessary to conduct an analysis of the impact of the levy limitation, including:
 - (a) Action taken by the taxing districts to implement the levy limitation;
 - (b) Taxing district property value increases, separated by increases on existing property and new property;
 - (c) The number of taxing districts required to reduce the taxing district's total levy in dollars to comply with the levy limitation, including the method used by the taxing district to reduce the total levy in dollars and which levies were impacted by the total levy reduction; and

(d) Suggestions for improvement of the levy limitation.

- (2) The tax commissioner shall provide a summary of the tax commissioner's findings to the committee no later than June 1, 2026.
- e. The feasibility and desirability of revising the content of the real estate tax statement to improve transparency in property taxation, which may include a review of the statutory requirements related to the contents and delivery of the real estate tax statement, available historical real estate tax statements, and information regarding any administrative costs associated with updates to the real estate tax statement.
- f. Information and analysis from the tax commissioner, state supervisor of assessments, and local taxing district representatives related to tax exempt property. Upon request, the tax commissioner and state supervisor of assessments shall gather and compile information from the county directors of tax equalization and city, county, and township assessors related to tax exempt property. If valuation information is requested, and the actual true and full value of a parcel of tax exempt property is not available, the tax commissioner and state supervisor of assessments shall develop a uniform method to be used by the county directors of tax equalization and city, county, and township assessors to estimate true and full value. Upon request, the county directors of tax equalization and city, county, and township assessors shall provide the tax commissioner and state supervisor of assessments information without delay.
4. The committee shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly

SECTION 28. EXEMPTION - INTEGRATED FORMULA GAP FUNDING PROGRAM - DEFICIENCY APPROPRIATION REQUEST - REPORT.

1. Notwithstanding the provisions of chapter 15.1-27, the superintendent of public instruction shall develop an integrated formula gap funding program, for the biennium beginning July 1, 2025, and ending June 30, 2027.
2. To be eligible for gap funding, a school district must have:
 - a. Proportionately reduced the school district's property tax levies to comply with section 22 of this Act;
 - b. As a result of the proportional reduction in subdivision a, reduced the mills levied for the school district's local contribution to the costs of education under subsection 1 of section 57-15-14.2 to a levy of less than sixty mills in the taxable year ending during the school year; and
 - c. Levied at least sixty mills for the school district's local contribution to the costs of education for the taxable year preceding the taxable year ending during the school year, unless the levy was reduced due to the property tax levy limitation under section 22 of this Act, the twelve percent general fund levy limit in subsection 1 of section 57-15-14.2, as it existed on December 31, 2024, or an unanticipated increase in the total taxable valuation of the school district after the school district's budget was adopted.

3. A school district seeking gap funding under this section shall apply, on a form and in the manner prescribed by the superintendent of public instruction, to request gap funding. If the superintendent of public instruction determines the applicant meets the criteria under subsection 2, the superintendent of public instruction shall issue gap funding equal to the amount by which the value of 60 mills in the state aid calculation deducted in chapter 15.1-27 exceeds the amount the school district levied for the school district's local contribution to the costs of education under subsection 1 of section 57-15-14.2 for the taxable year ending during the school year.
4. The superintendent of public instruction may use funding provided for integrated formula payments to provide gap funding to eligible school districts.
5. If the superintendent of public instruction anticipates a shortfall in funding for the integrated formula payments for the 2025-27 biennium, the superintendent shall request a deficiency appropriation from the seventieth legislative assembly.
6. The superintendent of public instruction shall provide at least one report to the budget section during the 2025-26 interim and a report to the appropriations committees of the seventieth legislative assembly regarding the status of the program.

SECTION 29. APPROPRIATION - TAX COMMISSIONER - PRIMARY RESIDENCE CREDIT - DEFICIENCY APPROPRIATION REQUEST - INFORMATION ON PROPERTY TAX STATEMENTS.

1. There is appropriated out of any moneys in the legacy property tax relief fund, not otherwise appropriated, the sum of \$408,900,000, or so much of the sum as may be necessary, to the tax commissioner for the state reimbursement under the primary residence credit for the biennium beginning July 1, 2025, and ending June 30, 2027. If the tax commissioner anticipates expenditures will exceed the amount appropriated under this section, the tax commissioner may use unspent funding appropriated in the homestead tax credit line item or the disabled veterans' credit line item in House Bill No. 1006, as approved by the sixty-ninth legislative assembly, to provide any additional funding needed for the primary residence credit and shall request a deficiency appropriation from the seventieth legislative assembly for any remaining amount needed for the primary residence credit. The tax commissioner shall report to the office of management and budget and the legislative council any amounts used from the homestead tax credit and disabled veterans' credit line items for the primary residence credit.
2. Pursuant to section 57-20-07.1, the tax commissioner shall notify each county auditor that the applicable percent for taxable years 2025 and 2026 is 100 percent, which reflects the portion of the primary residence credit derived from funding distributed from the legacy fund.

SECTION 30. TAX COMMISSIONER - PROPERTY TAX RELIEF PROGRAMS - PUBLIC AWARENESS. Any tax relief program advertising or public awareness campaigns conducted by the tax commissioner during the biennium beginning July 1, 2025, and ending June 30, 2027, must identify the amount of funding being utilized from the earnings of the legacy fund for the programs.

SECTION 31. EFFECTIVE DATE.

1. Sections 8, 9, 10, 22, and 23 of this Act are effective for taxable years beginning after December 31, 2024.
2. Sections 7, 11, 14, 15, and 16 of this Act are effective for taxable years beginning after December 31, 2025.
3. Section 12 of this Act becomes effective on June 1, 2025.
4. Section 13 of this Act becomes effective on June 1, 2026.

SECTION 32. EMERGENCY. Sections 10 and 12 of this Act are declared to be an emergency measure.

Approved May 3, 2025

Filed May 5, 2025

CHAPTER 556

SENATE BILL NO. 2367

(Senators Myrdal, Luick)
(Representative Monson)

AN ACT to amend and reenact subsections 8 and 9 of section 57-02-27.2 of the North Dakota Century Code, relating to assessment of agricultural property; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁵⁹ **SECTION 1. AMENDMENT.** Subsection 8 of section 57-02-27.2 of the North Dakota Century Code is amended and reenacted as follows:

8. Each local assessor shall determine the relative value of each assessment parcel within the assessor's jurisdiction and shall determine the agricultural value of each assessment parcel by adjusting the agricultural value estimate for the assessment district by the relative value of the parcel. Each parcel must then be assessed according to section 57-02-27. If either a local assessor or a township board of equalization develops an agricultural value for the lands in its assessment district differing substantially from the estimate provided by the county director of tax equalization, written evidence to support the change must be provided to the county director of tax equalization. In determining the relative value of each assessment parcel, the local assessor shall apply the following considerations, which are listed in descending order of significance to the assessment determination:
 - a. Actual use of the property for cropland or noncropland purposes by the owner of the parcel.
 - b. Soil type and soil classification data from detailed or general soil surveys.
 - ~~b-c.~~ The schedule of modifiers that must be used to adjust agricultural property assessments within the county as approved by the state supervisor of assessments under subsection 9.
 - e. ~~Actual use of the property for cropland or noncropland purposes by the owner of the parcel.~~

²⁶⁰ **SECTION 2. AMENDMENT.** Subsection 9 of section 57-02-27.2 of the North Dakota Century Code is amended and reenacted as follows:

9. a. In conjunction with the governing body of the county, the county director of tax equalization shall develop a schedule of modifiers to be used to adjust agricultural property assessments within the county and directions regarding how the modifiers must be applied by assessors.

²⁵⁹ Section 57-02-27.2 was also amended by section 2 of Senate Bill No. 2367, chapter 556.

²⁶⁰ Section 57-02-27.2 was also amended by section 1 of Senate Bill No. 2367, chapter 556.

- b. The county director of tax equalization shall submit the directions and schedule of modifiers developed under subdivision a to the state supervisor of assessments for approval for use within the county.
- c. Before February first of each year, the county director of tax equalization in each county shall provide to all assessors of agricultural property within the county ~~at the directions and schedule of modifiers that approved by the state supervisor of assessments under subdivision b.~~ The schedule of modifiers must be used to adjust agricultural property assessments within the county and directions regarding how those modifiers must be applied by assessors. Before the schedule of modifiers is provided to assessors within the county, the county director of tax equalization shall obtain the approval of the state supervisor of assessments for use of the schedule within the county as provided in this section.
- d. To request an adjustment to an owner's agricultural property assessment, the owner shall sign and file with the assessor an initial application in the manner prescribed by the tax commissioner. The application must contain a verified statement of facts establishing the owner's property meets the eligibility requirements for an adjustment to the property assessment based on the schedule of modifiers developed and approved under this subsection as of the date of the application. The assessor shall consider applications submitted under this subdivision when determining the agricultural value of each parcel subject to assessment under this section and may request additional information from the applicant when making a determination of eligibility. After the submission of an initial application, the assessor periodically shall review the property and determine whether a continued adjustment to the property assessment based on the schedule of modifiers is appropriate. The property owner shall notify the assessor if there is a change in circumstance that may affect the applicability of an adjustment to the owner's property assessment based on the schedule of modifiers.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2025.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 557

HOUSE BILL NO. 1115

(Finance and Taxation Committee)
(At the request of the Tax Commissioner)

AN ACT to amend and reenact subsection 3 of section 57-28-15, sections 57-33.2-16 and 57-33.2-16.1, subsection 2 of section 57-36-09.3, subsection 2 of section 57-36-09.4, subsection 2 of section 57-36-09.6, subsection 5 of section 57-38-60, subsection 2 of section 57-38-60.1, subsection 2 of section 57-38-60.2, subsection 2 of section 57-38-60.3, subsection 2 of section 57-39.2-15.2, subsection 2 of section 57-39.2-15.3, subsection 2 of section 57-39.2-18.1, subsection 2 of section 57-40.2-15.1, subsection 2 of section 57-40.2-15.2, subsection 2 of section 57-40.2-15.3, subsection 1 of section 57-43.1-16, subsection 1 of section 57-43.1-16.1, subsection 2 of section 57-43.1-17.2, subsection 2 of section 57-43.1-17.3, subsection 2 of section 57-43.1-17.5, subsection 1 of section 57-43.2-11, subsection 1 of section 57-43.2-11.1, subsection 2 of section 57-43.2-16.1, subsection 2 of section 57-43.2-16.2, subsection 2 of section 57-43.2-16.4, subsection 1 of section 57-43.3-14, subsection 1 of section 57-43.3-15, subsection 2 of section 57-43.3-20, subsection 2 of section 57-43.3-21, subsection 2 of section 57-43.3-21.1, and subsection 2 of section 57-63-08 of the North Dakota Century Code, relating to forms prescribed by the tax commissioner, filing of forms and reports with the tax commissioner, and maintaining bonds posted with the tax commissioner; to provide for application; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 3 of section 57-28-15 of the North Dakota Century Code is amended and reenacted as follows:

3. If the purchase price is to be paid in installments, the purchaser shall pay the first installment to the county treasurer and be given a contract for deed setting forth the terms of the sale. The contract for deed must be executed by the purchaser, the chairman of the board of county commissioners, and the county auditor. ~~The contract must be in a form prescribed by the state tax commissioner.~~ The contract must give the county the right to cancel the contract by resolution and due notice upon default by the purchaser.

SECTION 2. AMENDMENT. Section 57-33.2-16 of the North Dakota Century Code is amended and reenacted as follows:

57-33.2-16. Corporate officer and limited liability company governor or manager liability.

If a corporation or limited liability company taxable under this chapter fails for any reason to file the required returns or pay the tax due, any of its officers, governors, or managers having control or supervision of, or charged with the responsibility for making, the returns and payments, are personally liable for the failure. The dissolution of a corporation or limited liability company does not discharge an officer's, a governor's, or a manager's liability for a prior failure of the corporation or limited liability company to make a return or remit the tax due. The sum due for such a

liability may be assessed and collected under this chapter for the assessment and collection of other liabilities. If the officers, governors, or managers elect not to be personally liable for the failure to file the required returns or to pay the tax due, the corporation or limited liability company must make a cash deposit or post and maintain with the commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated annual tax liability of the corporation or limited liability company.

SECTION 3. AMENDMENT. Section 57-33.2-16.1 of the North Dakota Century Code is amended and reenacted as follows:

57-33.2-16.1. General partner in a limited liability limited partnership liability.

If a limited liability limited partnership taxable under this chapter fails for any reason to file the required returns or to pay the tax due, the general partners, jointly or severally, charged with the responsibility for the preparation of the returns and payment of the tax are personally liable for the partnership's failure. The dissolution of a limited liability limited partnership does not discharge a general partner's liability for a prior failure of the partnership to file a return or remit the tax due. The taxes, penalty, and interest may be assessed and collected pursuant to the provisions of this chapter. If the general partners elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability limited partnership must make a cash deposit or post and maintain with the commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated annual tax liability of the limited liability limited partnership.

SECTION 4. AMENDMENT. Subsection 2 of section 57-36-09.3 of the North Dakota Century Code is amended and reenacted as follows:

2. If the corporate officers elect not to be personally liable for the failure to file the required returns or to pay the tax due, the corporation must be required to make a cash deposit or post and maintain with the tax commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking provided for in this section must be in an amount equal to the estimated annual tobacco products tax liability of the corporation.

SECTION 5. AMENDMENT. Subsection 2 of section 57-36-09.4 of the North Dakota Century Code is amended and reenacted as follows:

2. If the governors, managers, or members elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability company must be required to make a cash deposit or post and maintain with the tax commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking provided for in this section must be in an amount equal to the estimated annual tobacco products tax liability of the limited liability company.

SECTION 6. AMENDMENT. Subsection 2 of section 57-36-09.6 of the North Dakota Century Code is amended and reenacted as follows:

2. If the general partners elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability limited partnership must make a cash deposit or post and maintain with the commissioner a bond

or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated annual tax liability of the limited liability limited partnership.

SECTION 7. AMENDMENT. Subsection 5 of section 57-38-60 of the North Dakota Century Code is amended and reenacted as follows:

5. In case of failure to timely file an information statement as required by subsections 3 and 4, and after thirty days' notice to file is given by the tax commissioner, the tax commissioner may assess a penalty of ~~ten~~ fifteen dollars for each failure to file, ~~not to exceed two thousand dollars.~~

SECTION 8. AMENDMENT. Subsection 2 of section 57-38-60.1 of the North Dakota Century Code is amended and reenacted as follows:

2. If the corporate officers elect not to be personally liable for the failure to file the required returns or to pay the tax due, the corporation must be required to make a cash deposit or post and maintain with the tax commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking provided for in this section must be in an amount equal to the estimated annual income tax withholding liability of the corporation.

SECTION 9. AMENDMENT. Subsection 2 of section 57-38-60.2 of the North Dakota Century Code is amended and reenacted as follows:

2. If the governors, managers, or members elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability company must be required to make a cash deposit or post and maintain with the tax commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking provided for in this section must be in an amount equal to the estimated annual income tax withholding liability of the limited liability company.

SECTION 10. AMENDMENT. Subsection 2 of section 57-38-60.3 of the North Dakota Century Code is amended and reenacted as follows:

2. If the general partners elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability limited partnership must make a cash deposit or post and maintain with the commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated annual income tax withholding liability of the limited liability limited partnership.

SECTION 11. AMENDMENT. Subsection 2 of section 57-39.2-15.2 of the North Dakota Century Code is amended and reenacted as follows:

2. If the governors, managers, or members elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability company must be required to make a cash deposit or post and maintain with the tax commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking provided for in this section must be in an amount equal to the estimated annual sales tax liability of the limited liability company.

SECTION 12. AMENDMENT. Subsection 2 of section 57-39.2-15.3 of the North Dakota Century Code is amended and reenacted as follows:

2. If the general partners elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability limited partnership must make a cash deposit or post and maintain with the commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated annual sales tax liability of the limited liability limited partnership.

SECTION 13. AMENDMENT. Subsection 2 of section 57-39.2-18.1 of the North Dakota Century Code is amended and reenacted as follows:

2. If the corporate officers elect not to be personally liable for the failure to file the required returns or to pay the tax due, the corporation must be required to make a cash deposit or post and maintain with the tax commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking provided for in this section must be in an amount equal to the estimated annual sales tax liability of the corporation.

SECTION 14. AMENDMENT. Subsection 2 of section 57-40.2-15.1 of the North Dakota Century Code is amended and reenacted as follows:

2. If the corporate officers, governors, managers, or members of a member-controlled limited liability company elect not to be personally liable for the failure to file the required returns or to pay the tax due, the corporation or limited liability company must be required to make a cash deposit or post and maintain with the tax commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking provided for in this section must be in an amount equal to the estimated annual use tax liability of the corporation or limited liability company.

SECTION 15. AMENDMENT. Subsection 2 of section 57-40.2-15.2 of the North Dakota Century Code is amended and reenacted as follows:

2. If the governors, managers, or members of a limited liability company elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability company must make a cash deposit or post and maintain with the commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated annual use tax liability of the limited liability company.

SECTION 16. AMENDMENT. Subsection 2 of section 57-40.2-15.3 of the North Dakota Century Code is amended and reenacted as follows:

2. If the general partners elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability limited partnership must make a cash deposit or post and maintain with the commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated annual use tax liability of the limited liability limited partnership.

SECTION 17. AMENDMENT. Subsection 1 of section 57-43.1-16 of the North Dakota Century Code is amended and reenacted as follows:

1. A refiner, supplier, distributor, importer, or exporter shall file a monthly report with the commissioner no later than the twenty-fifth day of each calendar month covering motor vehicle fuel sold and used during the preceding calendar month. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When the report is filed by mail, the report is timely if the envelope containing the report is postmarked by the United States postal service or other postal carrier service before midnight of the due date. The tax commissioner may, upon request and for good cause shown, grant an extension of time to file a report not to exceed thirty days.

SECTION 18. AMENDMENT. Subsection 1 of section 57-43.1-16.1 of the North Dakota Century Code is amended and reenacted as follows:

1. A terminal operator shall file a monthly report with the commissioner no later than the twenty-fifth day of each calendar month covering motor vehicle fuel received into and removed from the terminal during the preceding calendar month. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When the report is filed by mail, the report is timely if the envelope containing the report is postmarked by the United States postal service or other postal carrier service before midnight of the due date. The tax commissioner may, upon request and for good cause shown, grant an extension of time to file a report not to exceed thirty days.

SECTION 19. AMENDMENT. Subsection 2 of section 57-43.1-17.2 of the North Dakota Century Code is amended and reenacted as follows:

2. If the corporate officers elect not to be personally liable for the failure to file the required returns or to pay the tax due, the corporation must be required to make a cash deposit or post and maintain with the tax commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking provided for in this section must be in an amount equal to the estimated annual motor vehicle fuel tax liability of the corporation.

SECTION 20. AMENDMENT. Subsection 2 of section 57-43.1-17.3 of the North Dakota Century Code is amended and reenacted as follows:

2. If the governors, managers, or members elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability company must be required to make a cash deposit or post and maintain with the tax commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking provided for in this section must be in an amount equal to the estimated annual motor vehicle fuel tax liability of the limited liability company.

SECTION 21. AMENDMENT. Subsection 2 of section 57-43.1-17.5 of the North Dakota Century Code is amended and reenacted as follows:

2. If the general partners elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability limited partnership must make a cash deposit or post and maintain with the commissioner a bond

or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated motor fuel tax liability of the limited liability limited partnership.

SECTION 22. AMENDMENT. Subsection 1 of section 57-43.2-11 of the North Dakota Century Code is amended and reenacted as follows:

1. A refiner, supplier, distributor, retailer, importer, or exporter shall file a monthly report with the commissioner no later than the twenty-fifth day of each calendar month covering special fuel sold and used during the preceding calendar month. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When the report is filed by mail, the report is timely if the envelope containing the report is postmarked by the United States postal service or other postal carrier service before midnight of the due date. The commissioner may require separate reports to be filed covering liquefied petroleum gases. The tax commissioner may, upon request and for good cause shown, grant an extension of time to file a report not to exceed thirty days.

SECTION 23. AMENDMENT. Subsection 1 of section 57-43.2-11.1 of the North Dakota Century Code is amended and reenacted as follows:

1. A terminal operator shall file a monthly report with the commissioner no later than the twenty-fifth day of each calendar month covering special fuel received into and removed from the terminal during the preceding calendar month. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When the report is filed by mail, the report is timely if the envelope containing the report is postmarked by the United States postal service or other postal carrier service before midnight of the due date. The tax commissioner may, upon request and for good cause shown, grant an extension of time to file a report not to exceed thirty days.

SECTION 24. AMENDMENT. Subsection 2 of section 57-43.2-16.1 of the North Dakota Century Code is amended and reenacted as follows:

2. If the corporate officers elect not to be personally liable for the failure to file the required returns or to pay the tax due, the corporation must be required to make a cash deposit or post and maintain with the tax commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking provided for in this section must be in an amount equal to the estimated annual special fuel tax liability of the corporation.

SECTION 25. AMENDMENT. Subsection 2 of section 57-43.2-16.2 of the North Dakota Century Code is amended and reenacted as follows:

2. If the governors, managers, or members elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability company must be required to make a cash deposit or post and maintain with the tax commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking provided for in this section must be in an amount equal to the estimated annual special fuel tax liability of the limited liability company.

SECTION 26. AMENDMENT. Subsection 2 of section 57-43.2-16.4 of the North Dakota Century Code is amended and reenacted as follows:

2. If the general partners elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability limited partnership must make a cash deposit or post and maintain with the commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated annual special fuels tax liability of the limited liability limited partnership.

SECTION 27. AMENDMENT. Subsection 1 of section 57-43.3-14 of the North Dakota Century Code is amended and reenacted as follows:

1. A refiner, supplier, distributor, importer, or exporter shall file a monthly report with the commissioner no later than the twenty-fifth day of each calendar month covering aviation fuel sold and used during the preceding calendar month. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When the report is filed by mail, the report is timely if the envelope containing the report is postmarked by the United States postal service or other postal carrier service before midnight of the due date. The tax commissioner may, upon request and for good cause shown, grant an extension of time to file a report not to exceed thirty days.

SECTION 28. AMENDMENT. Subsection 1 of section 57-43.3-15 of the North Dakota Century Code is amended and reenacted as follows:

1. A terminal operator shall file a monthly report with the commissioner no later than the twenty-fifth day of each calendar month covering aviation fuel received into and removed from the terminal during the preceding calendar month. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When the report is filed by mail, the report is timely if the envelope containing the report is postmarked by the United States postal service or other postal carrier service before midnight of the due date. The tax commissioner may, upon request and for good cause shown, grant an extension of time to file a report not to exceed thirty days.

SECTION 29. AMENDMENT. Subsection 2 of section 57-43.3-20 of the North Dakota Century Code is amended and reenacted as follows:

2. If the corporate officers elect not to be personally liable for the failure to file the required returns or to pay the tax due, the corporation must make a cash deposit or post and maintain with the commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated annual aviation fuel tax liability of the corporation.

SECTION 30. AMENDMENT. Subsection 2 of section 57-43.3-21 of the North Dakota Century Code is amended and reenacted as follows:

2. If the governors, managers, or members of a limited liability company elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability company must make a cash deposit or post and maintain with the commissioner a bond or undertaking executed by a surety

company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated annual aviation fuel tax liability of the limited liability company.

SECTION 31. AMENDMENT. Subsection 2 of section 57-43.3-21.1 of the North Dakota Century Code is amended and reenacted as follows:

2. If the general partners elect not to be personally liable for the failure to file the required returns or to pay the tax due, the limited liability limited partnership must make a cash deposit or post and maintain with the commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated annual aviation fuel tax liability of the limited liability limited partnership.

SECTION 32. AMENDMENT. Subsection 2 of section 57-63-08 of the North Dakota Century Code is amended and reenacted as follows:

2. If any of the officers or managers elect not to be personally liable for the failure to file the required return or to pay the assessment due, the facility shall make a cash deposit or post and maintain with the commissioner a bond or undertaking executed by a surety company authorized to do business in this state. The cash deposit, bond, or undertaking must be in an amount equal to the estimated annual assessment liability of the facility.

SECTION 33. APPLICATION. Section 7 of this Act applies to information statements due after December 31, 2025.

SECTION 34. EFFECTIVE DATE. Section 7 of this Act becomes effective after December 31, 2025.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 558

SENATE BILL NO. 2282

(Senators Hogan, Weber, Wobbema)
(Representatives Mitskog, O'Brien)

AN ACT to create and enact a new section to chapter 57-38 and new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for child care contributions provided by qualified employers; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

Child care contribution credit.

1. A taxpayer that is a qualified employer is entitled to a credit against the income tax liability under section 57-38-30 or 57-38-30.3 as provided in this section. The total credit available with respect to each qualified employer is equal to fifty percent of the taxpayer's aggregate child care contributions paid during the taxable year. The credit must be claimed for the taxable year in which the child care contributions are made.
2. The credit allowed under this section may not exceed the liability for tax under this chapter. Any credit amount exceeding a taxpayer's liability for the taxable year may not be claimed as a carryback or carryforward.
3. A passthrough entity entitled to the credit under this section must be considered to be the taxpayer for purposes of this section and the amount of the credit allowed must be determined at the passthrough entity level. The amount of the total credit determined at the passthrough entity level must be allowed to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity.
4. To receive the tax credit provided under this section, a taxpayer shall claim the credit in the form and manner prescribed by the tax commissioner. The tax commissioner shall prescribe, design, and make available all forms necessary to effectuate this section.
5. For purposes of this section:
 - a. "Aggregate child care contributions" means the total amount of child care contributions made by a qualified employer to all qualified employees during the taxable year, limited to the first one thousand dollars in child care contributions per qualified employee.
 - b. "Child care costs" means costs incurred by an employee for early childhood services rendered by a child care provider, which are incurred to enable the employee to be gainfully employed by an employer.

- c. "Child care contribution" means a payment made to a child care provider by a qualified employer to subsidize a qualified employee's child care costs and a payment made to a qualified employee's child care costs.
- d. "Child care provider" means an early childhood services provider licensed under chapter 50-11.1 or a substantially similar provider that is licensed by another state and provides early childhood services within ten miles of this state.
- e. "Early childhood services" has the same meaning as in section 50-11.1-02.
- f. "Qualified employee" means an individual employed by the qualified employer claiming the credit under this section.
- g. "Qualified employer" means an employer that, in the taxable year:
 - (1) Made a child care contribution; and
 - (2) Provided an equal opportunity to all employees that have child care costs to receive an equal child care contribution from the employer during the taxable year.

²⁶¹ **SECTION 2.** A new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

Child care contribution credit under section 1 of this Act.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2024.

Approved April 30, 2025

Filed May 1, 2025

²⁶¹ Section 57-38-30.3 was also amended by section 12 of House Bill No. 1031, chapter 64.

CHAPTER 559

SENATE BILL NO. 2047

(Finance and Taxation Committee)
(At the request of the Tax Commissioner)

AN ACT to amend and reenact section 57-38-59 of the North Dakota Century Code, relating to withholding from wages of employees; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-38-59 of the North Dakota Century Code is amended and reenacted as follows:

57-38-59. Withholding from wages of employees - Penalty.

1. Except as provided in section 57-38-59.3, every employer making payment of wages to employees shall deduct and withhold from their wages such percentage or percentages, as determined by the tax commissioner, multiplied times the total amount required to be deducted by an employer from wages of an employee under the provisions of the Internal Revenue Code of 1986, as amended, as will approximate the income taxes due the state. The amount of tax withheld must be computed without regard to any other amount required to be withheld, but the tax withheld must as closely as possible pay any tax liability imposed by this chapter.
2. In the event that the tax deducted and withheld under subsection 1 should prove to be disproportionate to the tax liability, the tax commissioner may adjust the percentage that, when withheld, will, as closely as may be possible, pay the income tax liability imposed by this chapter.
3. The tax commissioner may, in lieu of the requirement above for deducting and withholding tax based upon a percentage of federal income tax withheld, adopt by rule tax tables that, when the tax provided for in the tables is withheld, will, as closely as possible, pay the income tax liability imposed by this chapter. When adopted by the tax commissioner, said tables must be followed by every employer required to deduct and withhold any tax imposed by this chapter.
4. Notwithstanding other provisions in this section, unless otherwise instructed by a taxpayer, an employer may not, for income tax purposes, withhold or deduct tax from wages described under subdivision g of subsection 2 of section 57-38-30.3.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2025.

Approved March 18, 2025

Filed March 18, 2025

CHAPTER 560

SENATE BILL NO. 2369

(Senator Cleary)

AN ACT to amend and reenact subsection 4 of section 57-39.2-04 of the North Dakota Century Code, relating to exempt sales from educational, religious, or charitable activities conducted by a nonprofit organization in a publicly or privately owned facility; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶² **SECTION 1. AMENDMENT.** Subsection 4 of section 57-39.2-04 of the North Dakota Century Code is amended and reenacted as follows:

4. a. Gross receipts from sales of tickets, or admissions to state, county, district, and local fairs.
- b. Gross receipts from educational, religious, or charitable activities when the entire amount of net receipts is expended for educational, religious, or charitable purposes. The exemption in this subdivision does not apply to:
 - (1) Gross receipts from taxable sales in excess of ten thousand dollars for an event not otherwise exempt under subdivision c, d, or e if the activities are held in a publicly owned facility for which is not an event otherwise exempt under subdivision c, d, or e fair market rent has not been paid; or
 - (2) Gross receipts from activities if the seller competes with retailers by maintaining inventory, conducting retail sales on a regular basis from a permanent or seasonal location, or soliciting sales from a website prepared for or maintained by the seller.
- c. Gross receipts derived by an institution of higher education located in this state from tickets or admissions to athletic, musical, dramatic, or scholastic events held, sponsored, hosted, or controlled by the institution of higher education, in which the primary performers or participants consist of students of an institution of higher education.
- d. Gross receipts derived by any public school district if such receipts are expended in accordance with section 15.1-07-10 or 15.1-07-11.
- e. Gross receipts of a nonprofit music or dramatic arts organization that is exempt from federal income taxation and is organized and operated for the presentation of live public performances of musical or theatrical works on a regular basis.

²⁶² Section 57-39.2-04 was also amended by section 1 of House Bill No. 1139, chapter 561.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 2025.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 561

HOUSE BILL NO. 1139

(Representatives Pyle, Frelich, Grueneich, Novak)
(Senators Kessel, Klein, Myrdal)

AN ACT to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for fire departments; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶³ **SECTION 1.** A new subsection to section 57-39.2-04 of the North Dakota Century Code is created and enacted as follows:

Gross receipts from sales when made to a fire department for the purpose of providing fire protection services. For purposes of this subsection, "fire department" means a fire department or fire district that has filed a certificate of existence under section 18-04-02 which has been approved.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 2025.

Approved April 23, 2025

Filed April 23, 2025

²⁶³ Section 57-39.2-04 was also amended by section 1 of Senate Bill No. 2369, chapter 560.

CHAPTER 562

SENATE BILL NO. 2177

(Senators Thomas, Conley, Hogue)
(Representatives Hagert, Schreiber-Beck, Lefor)

AN ACT to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to an animal agriculture facility infrastructure fund; to amend and reenact subsection 9 of section 11-23-02 and section 57-39.2-26 of the North Dakota Century Code, relating to county budget limits and the allocation of sales tax revenue; to provide a continuing appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 9 of section 11-23-02 of the North Dakota Century Code is amended and reenacted as follows:

9. The amount of cash reserve for the general fund and each special revenue fund, not to exceed seventy-five percent of the appropriation for the fund. This subsection does not apply to the cash reserve for the infrastructure development fund.

SECTION 2. AMENDMENT. Section 57-39.2-26 of the North Dakota Century Code is amended and reenacted as follows:

57-39.2-26. Allocation of revenue. (Effective through June 30, 2027)

Except as provided by sections 57-39.2-26.1, 57-39.2-26.2, 57-39.2-26.3, ~~and 57-39.2-26.4, and section 3 of this Act~~, all moneys collected and received under this chapter must be paid into the state treasury and must be credited by the state treasurer to the general fund. Moneys deposited with the commissioner as security for the payment of tax, penalties, or costs due must be deposited and accounted for as provided in subsection 3 of section 57-39.2-12.

Allocation of revenue. (Effective after June 30, 2027) Except as provided by sections 57-39.2-26.1 ~~and~~, 57-39.2-26.2, ~~and section 3 of this Act~~, all moneys collected and received under this chapter must be paid into the state treasury and must be credited by the state treasurer to the general fund. Moneys deposited with the commissioner as security for the payment of tax, penalties, or costs due must be deposited and accounted for as provided in subsection 3 of section 57-39.2-12.

SECTION 3. A new section to chapter 57-39.2 of the North Dakota Century Code is created and enacted as follows:

Animal agriculture facility infrastructure fund - State treasurer - Continuing appropriation.

1. The animal agriculture facility infrastructure fund is created as a special fund in the state treasury. The fund consists of all moneys transferred to the fund under subsection 2. All moneys in the fund are appropriated to the state treasurer on a continuing basis for the purpose of providing distributions to counties.

2. Notwithstanding any other provision of law, after the allocations under sections 57-39.2-26.1, 57-39.2-26.2, 57-39.2-26.3, and 57-39.2-26.4, a portion of sales, gross receipts, and use tax collections equal to the combined total of the amounts certified under subsection 4, not to exceed five hundred thousand dollars per year, must be deposited by the state treasurer in the animal agriculture facility infrastructure fund as needed.
3. Once per year, the state treasurer shall distribute to each county the amount certified by the tax commissioner under subsection 4. If the amount certified for a year exceeds five hundred thousand dollars, the state treasurer shall distribute the funding on a pro rata basis.
4. The amount certified by the tax commissioner for each county is the sum of the state portion of sales, gross receipts, and use tax due under this title on eligible tangible personal property purchased to construct new or to expand, upgrade, or replace existing animal agriculture facilities located in the county, including the purchase of new equipment used in animal agriculture facilities, based on documentation submitted to the tax commissioner by the facility owner, facility operator, or a contractor.
5. Documentation, including any required supporting documentation, must be submitted in the form and manner prescribed by the tax commissioner. The documentation for eligible tangible personal property submitted under this section must equal a taxable value of at least three hundred thousand dollars purchased during the calendar year and must be submitted by March thirty-first of the subsequent year. For purposes of this section, "animal agriculture facility" means a building or structure where an animal is kept, handled, housed, or bred.
6. Upon receipt of the funding distributed under this section, the county treasurer shall deposit the funding into an infrastructure development fund. The infrastructure development fund consists only of the funding distributed under this section and may be used only for infrastructure projects near animal agriculture facilities located in the county or for other county expenses. Pursuant to section 11-23-02, the cash reserve in the county's infrastructure development fund may exceed the limit for the fund.
7. An organized township within the county may request a portion of the funding from the county's infrastructure development fund for township road projects near animal agriculture facilities located in the township, and the county treasurer may distribute the requested funding to the organized township upon approval by the board of county commissioners.

SECTION 4. EXPIRATION DATE. This Act is effective through June 30, 2029, and after that date is ineffective.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 563

SENATE BILL NO. 2207

(Senators Patten, Marcellais, Walen, Weston)
(Representatives Brown, Davis)

AN ACT to amend and reenact subsection 2 of section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for tribal governments; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶⁴ **SECTION 1. AMENDMENT.** Subsection 2 of section 57-40.3-04 of the North Dakota Century Code is amended and reenacted as follows:

2. a. Any motor vehicle ~~procured by~~ owned ~~by~~ or in possession of ~~the~~:
 - (1) The federal ~~or~~ government;
 - (2) The state government ~~or a~~;
 - (3) A political subdivision ~~thereof~~ of this state;
 - (4) A tribal government of a federally recognized Indian tribe within the boundaries of any reservation in this state; or a motor vehicle ~~procured by or~~
 - (5) A person on behalf of the North Dakota lottery ~~that when the motor vehicle~~ is to be awarded as a prize in a game or promotion.
- b. For purposes of this subsection, an "Indian tribe" means a tribal government agency, instrumentality, or political subdivision that performs essential government functions. The term does not include a business entity or agency with the primary purpose of operating a business enterprise.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 2025.

Approved March 25, 2025

Filed March 26, 2025

²⁶⁴ Section 57-40.3-04 was also amended by section 2 of House Bill No. 1578, chapter 564, and section 5 of House Bill No. 1180, chapter 344.

CHAPTER 564

HOUSE BILL NO. 1578

(Representatives Grueneich, Brandenburg, Koppelman, O'Brien, Vetter, Weisz)
(Senators Conley, Cory)

AN ACT to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for abandoned motor vehicles; and to amend and reenact subsection 2 of section 23.1-15-07 of the North Dakota Century Code, relating to excise tax on a motor vehicle taken into the custody of a commercial towing service.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 23.1-15-07 of the North Dakota Century Code is amended and reenacted as follows:

2. If a commercial towing service takes custody of an abandoned motor vehicle and the vehicle is not reclaimed under section 23.1-15-06, the commercial towing service may obtain a release from the department of transportation which is sufficient title to dispose of the vehicle. The release entitles the commercial towing service to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. The department of transportation may not assess motor vehicle excise tax under section 57-40.3-02 on a motor vehicle transferred under this subsection. The license plates displayed on the abandoned vehicle must be removed and destroyed upon receipt of the new title.

²⁶⁵ **SECTION 2.** A new subsection to section 57-40.3-04 of the North Dakota Century Code is created and enacted as follows:

Any motor vehicle transferred under subsection 2 of section 23.1-15-07.

Approved March 27, 2025

Filed March 31, 2025

²⁶⁵ Section 57-40.3-04 was also amended by section 5 of House Bill No. 1180, chapter 344, and section 1 of Senate Bill No. 2207, chapter 563.

CHAPTER 565

SENATE BILL NO. 2296

(Senators Walen, Luick, Enget)
(Representatives Fegley, Vigesaa)

AN ACT to amend and reenact section 57-40.6-01 of the North Dakota Century Code, relating to emergency services communications systems.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-40.6-01 of the North Dakota Century Code is amended and reenacted as follows:

57-40.6-01. Definitions.

In this chapter, unless the context otherwise requires:

1. "911 system" means a set of networks, software applications, databases, call answering components, and operations and management procedures required to provide 911 services.
2. "911 system service provider" means an entity that provides the systems and support necessary to enable 911 calling for one or more public safety answering points in a specific geographic area. A 911 system service provider may provide the systems and support for either enhanced 911 or next generation 9-1-1.
3. "Assessed communications service" means a software service, communication connection, cable or broadband transport facilities, or a combination of these facilities, between a billed retail end user and a service provider's network that provides the end user, upon contacting 911, access to a public safety answering point through a permissible interconnection to the dedicated 911 network. The term includes telephone exchange access service, wireless service, and voice over internet protocol service.
4. "Automated notification system" means that portion of a telecommunications system that provides rapid notice of emergency situations to the public.
5. "Commissioner" means the state tax commissioner.
6. "Communication connection" means a telephone access line, wireless access line, unique voice over internet protocol service connection, or functional equivalent uniquely identifiable by a number, internet address, or other designation.
7. "Consumer" means a person who purchases prepaid wireless service in a retail transaction.
8. "Emergency services communication system" means a comprehensive statewide or countywide system, which provides rapid public access for coordinated dispatching of public safety services. The system includes a 911 system or radio system.

9. "FCC order" means federal communications commission order 94-102 [961 Federal Register 40348] and any other FCC order that affects the provision of wireless enhanced 911 service.
10. "First responder" means an individual trained to provide assistance during an emergency, including a firefighter as defined under section 18-11-03, law enforcement officer as defined under section 12.1-01-04, emergency medical services personnel as defined under section 23-27-02, and public safety telecommunicators.
11. "Prepaid wireless emergency 911 fee" means the fee that is required to be collected by a seller from a consumer in the amount established under section 57-40.6-14.
- ~~44-12.~~ "Prepaid wireless service" means any telecommunications service that provides the right to use a mobile wireless service as well as other nontelecommunications services, including the download of digital products delivered electronically, content and ancillary services, which are paid for in advance and sold in predetermined units or dollars which decline with use in a known amount.
- ~~42-13.~~ "Prepaid wireless service provider" means any person that provides prepaid wireless telecommunications service pursuant to a license issued by the federal communications commission.
- ~~43-14.~~ "Public safety answering point" or "PSAP" means a communications facility or combination of facilities which first receives 911 calls from persons in a 911 service area and which, as appropriate, may directly dispatch public safety services or extend, transfer, or relay 911 calls to appropriate public safety agencies.
- ~~44-15.~~ "Public safety answering point service area" means the geographic area for which a public safety answering point has dispatch and emergency communications responsibility.
- ~~45-16.~~ "Public safety services" means personnel, equipment, and facilities used by ~~law enforcement, fire, medical,~~ first responders or other supporting services used in providing a public safety response to an incident.
- ~~46-17.~~ "Public safety telecommunicator" means an individual whose primary full-time or part-time duties are receiving, processing, and transmitting public safety information received through an emergency services communication system.
- ~~47-18.~~ "Radio system" means a set of networks, software applications, databases, radio components and infrastructure, and operations and management procedures required to provide communication services.
- ~~48-19.~~ "Retail transaction" means the purchase of prepaid wireless service from a seller for any purpose other than resale.
- ~~49-20.~~ "Seller" means a person who sells prepaid wireless services to a consumer.
- ~~20-21.~~ "Subscriber service address" means, for purposes of telephone exchange access service and voice over internet protocol service subscribers, the address where the subscriber's communication device is used and, for purposes of wireless subscribers, the place of primary use, as that term is defined in section 57-34.1-02.

- 21-22. "Telephone access line" means the principal access to the telephone company's switched network, including an outward dialed trunk or access register.
- 22-23. "Telephone exchange access service" means service to any wire line telephone access line identified by a unique telephone number that provides local wire line access to the telecommunications network to a service subscriber and which enables the subscriber to access the emergency services communications system by dialing the digits 9-1-1 on the subscriber's telephone device.
- 23-24. "Unpublished" means information that is not published or available from directory assistance.
- 24-25. "Voice over internet protocol service" means a service that enables real-time two-way voice communications; requires a broadband connection from the user's location; requires internet protocol-compatible customer premises equipment; and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.
- 25-26. "Wireless access line" means each active wireless and prepaid wireless telephone number assigned to a commercial mobile radio service subscriber, including end users of resellers.
- 26-27. "Wireless enhanced 911 service" means the service required to be provided by wireless service providers pursuant to the FCC order.
- 27-28. "Wireless service" means commercial mobile radio service as defined in 47 U.S.C. 332(d)(1) and includes:
- a. Services commonly referred to as wireless; and
 - b. Services provided by any wireless real-time two-way voice communication device, including radio-telephone communications used in:
 - (1) Cellular telephone service;
 - (2) Personal communications service; or
 - (3) The functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, personal communications service, or a network radio access line.
- 28-29. "Wireless service provider" means any entity authorized by the federal communications commission to provide wireless service within this state.

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 566

HOUSE BILL NO. 1096

(Representatives Porter, Bosch, Heinert, Schreiber-Beck)
(Senators Davison, Patten, Weber)

AN ACT to amend and reenact section 57-40.6-04 of the North Dakota Century Code, relating to assessed communication service fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-40.6-04 of the North Dakota Century Code is amended and reenacted as follows:

57-40.6-04. Fee collection procedure.

An assessed communications service provider may retain the actual costs of administration in collection of the fee and any telephone exchange access service provider charges for 911 database management, not to exceed five two and one-half percent of the fee collected. The fee proceeds must be paid by the assessed communications service provider within thirty days after it is collected from the subscriber or customer unless the provider has fewer than ten subscribers or customers in a jurisdiction, in which case the provider may pay the proceeds quarterly.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 567

HOUSE BILL NO. 1281

(Representatives Pyle, Berg, Brandenburg, Christy, Kiefert, Novak, Vollmer)
(Senators Kessel, Luick, Patten, Weber, Weston)

AN ACT to amend and reenact sections 57-43.1-03.3, 57-43.2-04.5, and 57-43.3-03.1 of the North Dakota Century Code, relating to motor vehicle fuel tax, special fuels tax, and aviation fuel tax refunds for fuels purchased by fire departments; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-43.1-03.3 of the North Dakota Century Code is amended and reenacted as follows:

57-43.1-03.3. Refund to emergency- Emergency medical services operation - Fire department.

1. Upon application to the commissioner, the operator of an emergency medical services operation licensed under chapter 23-27 or a fire department is entitled to a refund of taxes paid under this chapter for motor vehicle fuel purchased and used by the emergency medical services operation or fire department.
2. The refund provided for in this section is not subject to reduction for deposit in the agricultural products utilization fund or the agricultural research fund.
3. For purposes of this section, "fire department" means a fire department or fire district that has filed a certificate of existence under section 18-04-02 which has been approved.

SECTION 2. AMENDMENT. Section 57-43.2-04.5 of the North Dakota Century Code is amended and reenacted as follows:

57-43.2-04.5. Refund to emergency- Emergency medical services operation - Fire department.

1. Upon application to the commissioner, the operator of an emergency medical services operation licensed under chapter 23-27 or a fire department is entitled to a refund of taxes paid under this chapter for special fuel purchased and used by the emergency medical services operation or fire department.
2. For purposes of this section, "fire department" means a fire department or fire district that has filed a certificate of existence under section 18-04-02 which has been approved.

SECTION 3. AMENDMENT. Section 57-43.3-03.1 of the North Dakota Century Code is amended and reenacted as follows:

57-43.3-03.1. Refund to emergency- Emergency medical services operation - Fire department.

1. Upon application to the commissioner, the operator of an emergency medical services operation licensed under chapter 23-27 or a fire department is entitled to a refund of taxes paid under this chapter for aviation fuel purchased and used by the emergency medical services operation or fire department.
2. For purposes of this section, "fire department" means a fire department or fire district that has filed a certificate of existence under section 18-04-02 which has been approved.

SECTION 4. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 2025.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 568

SENATE BILL NO. 2397

(Senators Enget, Sorvaag, Sickler)
(Representative Kempenich)

AN ACT to create and enact a new subsection to section 57-51.1-03 of the North Dakota Century Code, relating to a limited exemption for development incentive wells; to amend and reenact sections 57-51-02.6, 57-51-05, and 57-51.1-01 of the North Dakota Century Code, relating to the temporary exemption for oil and gas wells employing a system to avoid flaring, an exemption from gross production tax for gas produced from certain enhanced oil recovery projects, and the definition of development incentive well; to provide an effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-51-02.6 of the North Dakota Century Code is amended and reenacted as follows:

57-51-02.6. Temporary exemption for oil and gas wells employing a system to avoid flaring.

Gas is exempt from the tax under section 57-51-02.2 for a period of two years and thirty days from the time of first production if the gas is:

1. Collected and used at the well site to power an electrical generator that consumes ~~at least seventy-five percent of the gas~~ from the well; or
2. Collected at the well site by a system that intakes at least seventy-five percent of the gas and natural gas liquids volume from the well for beneficial consumption by means of compression to liquid for use as fuel, transport to a processing facility, production of petrochemicals or fertilizer, conversion to liquid fuels, separating and collecting over fifty percent of the propane and heavier hydrocarbons, or other value-added processes as approved by the industrial commission.

SECTION 2. AMENDMENT. Section 57-51-05 of the North Dakota Century Code is amended and reenacted as follows:

57-51-05. Payment of tax on monthly basis - When tax due - When delinquent - Payment by purchaser - By producer - How casinghead gas taxed - Exemptions.

1. The gross production tax on oil or gas, ~~as herein provided,~~ must be paid on a monthly basis. The tax on oil is due and payable on the twenty-fifth day of the month succeeding the month of production. The tax on gas is due and payable on the fifteenth day of the second month succeeding the month of production. If the tax is not paid as required by this section, it becomes delinquent and must be collected as provided in this chapter. The penalty does not apply if ninety percent of the tax due has been paid with the monthly return and the taxpayer files an amended monthly return and pays the total tax

due within sixty days from the original due date. The commissioner, upon request and a proper showing of the necessity ~~therefor~~ therefor an extension, may grant an extension of time, not to exceed fifteen days, for paying the tax and when the request is granted the tax is not delinquent until the extended period has expired. Any taxpayer who requests and is granted an extension of time for filing a return shall pay, with the tax, interest at the rate of twelve percent per annum from the date the tax was due to the date the tax is paid.

2. On oil or gas produced and sold, the gross production tax ~~thereon~~ must be paid by the purchaser, and the purchaser is authorized to deduct in making settlement with the producer or royalty owner, the amount of tax paid; provided, ~~that in the event oil produced is not sold but is retained by the producer, the tax on the oil not sold must be paid by the producer, including the tax due on royalty oil not sold; provided further, that in settlement with the royalty owner the producer has the right to deduct the amount of the tax paid on royalty oil or to deduct therefrom royalty oil equivalent in value at the time the tax becomes due with the amount of the tax paid.~~
3. Gas when produced and utilized in any manner, ~~except when used for fuel or otherwise used in the operation of any lease or premises in the drilling for or production of oil or gas therefrom, or for repressuring thereon,~~ must be considered for the purpose of this chapter, as to the amount utilized, as gas actually produced and saved, except gas:
 - a. Used for fuel or otherwise used in the operation of any lease or premises in the drilling for or production of oil or gas from the lease or premises, including repressuring on the lease or premises; and
 - b. Produced from an enhanced oil recovery project utilizing the injection of gas, either alone or in combination with other fluids, for the purpose of testing the feasibility of enhanced oil recovery operations on a temporary basis for one or more spacing units or employing enhanced oil recovery operations for an extended or indefinite period of time on a fieldwide basis through unitization of the reservoir that produces oil and gas. The exemption under this subdivision applies to all enhanced oil recovery projects created and established by the industrial commission after June 30, 2025, and for any gas produced after the date of first production following initial injection of gas until all gas injected as part of the enhanced oil recovery project has been recovered from the reservoir being tested or unitized.
4. All calculations of the gross production tax on oil or gas, including production, distribution, and claims for credit or refund, are based on the month of production and must be credited to that month.

SECTION 3. AMENDMENT. Section 57-51.1-01 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-01. Definitions for oil extraction tax.

For the purposes of this chapter:

1. "Average daily production" of a well means the qualified maximum total production of oil from the well during a calendar month period divided by the number of calendar days in that period, and "qualified maximum total production" of a well means that the well must have been maintained at the

maximum efficient rate of production as defined and determined by rule adopted by the industrial commission in furtherance of its authority under chapter 38-08.

2. "Development incentive well" means, as determined and certified by the industrial commission, a well spud after June 30, 2025, which:
 - a. Utilizes a new or innovative drilling or completion technique that constitutes a technical advancement that has not been previously utilized with demonstrated success by the operator within the specific formation targeted for development by that operator;
 - b. Demonstrates the capability to develop reserves within the target formation that would otherwise remain underdeveloped or undeveloped under existing drilling or completion techniques; and
 - c. Is designed and anticipated to, more likely than not, increase the number of new wells, additional production, or the ultimate recovery of oil or gas within the target formation.
3. "Horizontal well" means a well with a horizontal displacement of the well bore drilled at an angle of at least eighty degrees within the productive formation of at least three hundred feet [91.44 meters].
- ~~3-4.~~ "Oil" means petroleum, crude oil, mineral oil, casinghead gasoline, and all liquid hydrocarbons that are recovered from gas on the lease incidental to the production of the gas.
- 4-5. "Property" means the right which arises from a lease or fee interest, as a whole or any designated portion thereof, to produce oil. A producer shall treat as a separate property each separate and distinct producing reservoir subject to the same right to produce crude oil; provided, that such reservoir is recognized by the industrial commission as a producing formation that is separate and distinct from, and not in communication with, any other producing formation.
- ~~5-6.~~ "Qualifying secondary recovery project" means a project employing water flooding. To be eligible for the tax exemption provided under section 57-51.1-03, a secondary recovery project must be certified as qualifying by the industrial commission and the project operator must have obtained incremental production as defined in subsection 3 of section 57-51.1-03.
- ~~6-7.~~ "Qualifying tertiary recovery project" means a project for enhancing recovery of oil which meets the requirements of section 4993(c), Internal Revenue Code of 1954, as amended through December 31, 1986, and includes the following methods for recovery:
 - a. Miscible fluid displacement.
 - b. Steam drive injection.
 - c. Microemulsion.
 - d. In situ combustion.

- e. Polymer augmented water flooding.
- f. Cyclic steam injection.
- g. Alkaline flooding.
- h. Carbonated water flooding.
- i. Immiscible carbon dioxide displacement.
- j. New tertiary recovery methods certified by the industrial commission.

It does not include water flooding, unless the water flooding is used as an element of one of the qualifying tertiary recovery techniques described in this subsection, or immiscible natural gas injection. To be eligible for the tax exemption provided under section 57-51.1-03, a tertiary recovery project must be certified as qualifying by the industrial commission, the project operator must continue to operate the unit as a qualifying tertiary recovery project, and the project operator must have obtained incremental production as defined in subsection 3 of section 57-51.1-03.

7-8. "Restimulation well" means a previously completed oil or gas well that, following completion and production of oil, has been treated with an application of fluid under pressure for the purpose of initiating or propagating fractures in a target geologic formation to enhance production of oil. The term does not include a well that:

- a. Has less than sixty months of production or is producing more than one hundred and twenty-five barrels of oil per day reported to the industrial commission before completion of the restimulation treatment;
- b. Is part of a qualifying secondary recovery project, qualifying tertiary recovery project, or stripper well or stripper well property as defined under this section; or
- c. Is drilled but not completed and does not have a record of oil production reported to the industrial commission.

8-9. "Royalty owner" means an owner of what is commonly known as the royalty interest and shall not include the owner of any overriding royalty or other payment carved out of the working interest.

9-10. "Stripper well" means a well drilled and completed, or re-entered and recompleted as a horizontal well, after June 30, 2013, whose average daily production of oil during any preceding consecutive twelve-month period, excluding condensate recovered in nonassociated production, per well did not exceed ten barrels per day for wells of a depth of six thousand feet [1828.80 meters] or less, fifteen barrels per day for wells of a depth of more than six thousand feet [1828.80 meters] but not more than ten thousand feet [3048 meters], and thirty barrels per day for wells of a depth of more than ten thousand feet [3048 meters] outside the Bakken and Three Forks formations, and thirty-five barrels per day for wells of a depth of more than ten thousand feet [3048 meters] in the Bakken or Three Forks formation.

~~40-11.~~ "Stripper well property" means wells drilled and completed, or a well re-entered and recompleted as a horizontal well, before July 1, 2013, on a "property" whose average daily production of oil, excluding condensate recovered in nonassociated production, per well did not exceed ten barrels per day for wells of a depth of six thousand feet [1828.80 meters] or less, fifteen barrels per day for wells of a depth of more than six thousand feet [1828.80 meters] but not more than ten thousand feet [3048 meters], and thirty barrels per day for wells of a depth of more than ten thousand feet [3048 meters] during any preceding consecutive twelve-month period. Wells which did not actually yield or produce oil during the qualifying twelve-month period, including disposal wells, dry wells, spent wells, and shut-in wells, are not production wells for the purpose of determining whether the stripper well property exemption applies.

²⁶⁶ **SECTION 4.** A new subsection to section 57-51.1-03 of the North Dakota Century Code is created and enacted as follows:

- a. The first two hundred fifty thousand barrels of oil produced during the first thirty-six months after completion from a development incentive well drilled and completed before July 1, 2028, and certified as a qualified well by the industrial commission, are exempt from the tax under section 57-51.1-02.
- b. For purposes of the exemption under this subsection:
 - (1) An operator seeking certification of a well as a development incentive well shall meet the burden of demonstrating to the industrial commission that the well meets the criteria under subsection 2 of section 57-51.1-01.
 - (2) An operator seeking certification of a well as a development incentive well must be classified as one of the following:
 - (a) An operator with between forty and ninety-nine wells within the Bakken or Three Forks formations which have been:
 - [1] Drilled by the operator during the period beginning July 1, 2023, and ending June 30, 2025; or
 - [2] Drilled during the period beginning July 1, 2023, and ending June 30, 2025, and acquired by the operator.
 - (b) An operator with between one hundred and one hundred forty-nine wells within the Bakken or Three Forks formations which have been:
 - [1] Drilled by the operator during the period beginning July 1, 2023, and ending June 30, 2025; or
 - [2] Drilled during the period beginning July 1, 2023, and ending June 30, 2025, and acquired by the operator.
 - (c) An operator with one hundred fifty or more wells within the Bakken or Three Forks formations which have been:

²⁶⁶ Section 57-51.1-03 was also amended by section 1 of House Bill No. 1483, chapter 570.

- [1] Drilled by the operator during the period beginning July 1, 2023, and ending June 30, 2025; or
 - [2] Drilled during the period beginning July 1, 2023, and ending June 30, 2025, and acquired by the operator.
- (3) The industrial commission may not certify more than:
 - (a) Four development incentive wells for an operator classified under subparagraph a of paragraph 2 of subdivision b;
 - (b) Eight development incentive wells for an operator classified under subparagraph b of paragraph 2 of subdivision b; and
 - (c) Twelve development incentive wells for an operator classified under subparagraph c of paragraph 2 of subdivision b.
- c. The tax exemption under this subsection does not apply to a well located within the exterior boundaries of a reservation, a well located on trust properties outside reservation boundaries as defined in section 57-51.2-02, or a straddle well as defined in section 57-51.1-07.10 located on reservation trust land, unless a tribe makes an irrevocable election to opt-in to the tax exemption by providing written notice to the tax commissioner. If a tribe provides notice of its election to opt-in to the tax exemption, the tax commissioner shall apply the tax exemption beginning in the month of production after the notice is received by the tax commissioner.

SECTION 5. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 2025.

SECTION 6. EXPIRATION DATE. Sections 3 and 4 of this Act are effective through June 30, 2031, and after that date are ineffective.

Approved May 5, 2025

Filed May 6, 2025

CHAPTER 569

SENATE BILL NO. 2323

(Senators Bekkedahl, Sorvaag, Hogue)
(Representatives Lefor, Brandenburg, Richter)

AN ACT to amend and reenact sections 57-51-15 and 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas gross production tax allocations and the state share of oil and gas tax allocations; to provide for a legislative management report; to provide an exemption; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-51-15 of the North Dakota Century Code is amended and reenacted as follows:

57-51-15. Gross production tax allocation - Report. (~~Effective through June 30, 2027~~)

~~The gross production tax must be allocated monthly as follows:~~

- ~~1. 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. The state treasurer shall allocate the funding in the following order:~~
 - ~~a. Eight percent of the amount available under this subsection to the North Dakota outdoor heritage fund, but not in an amount exceeding twenty million dollars per fiscal year.~~
 - ~~b. 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 seven million five hundred thousand dollars per fiscal year and not in an amount that would bring the balance in the fund to more than one hundred million dollars.~~
 - ~~c. Any remaining revenues pursuant to subsection 3.~~
 - ~~d. For purposes of this subsection, "fiscal year" means the period beginning September first and ending August thirty first of the following calendar year.~~
- ~~2. The tax revenue collected under this chapter equal to four percent of the gross value at the well of the oil and four fifths of the tax on gas must be deposited with the state treasurer. The state treasurer shall allocate the funding in the following order:~~
 - ~~a. The first five million dollars of collections received from a county each fiscal year is allocated to the county.~~
 - ~~b. The remaining revenue collections received from a county each fiscal year are allocated thirty percent to the county and seventy percent as follows:~~

- ~~(1) Monthly amounts to the hub city funding pool to provide fifteen million four hundred thousand dollars per fiscal year for the allocations under paragraph 2 of subdivision a of subsection 5.~~
 - ~~(2) Monthly amounts to the hub city school district funding pool to provide two million one hundred thousand dollars per fiscal year for the allocations under paragraph 3 of subdivision a of subsection 5.~~
 - ~~(3) Monthly amounts to the supplemental school district funding pool to provide seventy percent of the total amount needed for the allocations under paragraph 4 of subdivision a of subsection 5.~~
 - ~~(4) Any remaining revenue collections to the state for the state's allocations pursuant to subsection 3.~~
- e. ~~For purposes of this subsection, "fiscal year" means the period beginning September first and ending August thirty-first of the following calendar year.~~
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 even numbered fiscal year before the start of the biennium, 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.~~
 - b. ~~Thirty five percent must be distributed proportionally 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 distributions under this subdivision.~~
 - e. ~~Twenty percent must be distributed to the incorporated cities of the county. A hub city must be omitted from distributions under this subdivision. Distributions among cities under this subsection must be proportional 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. ~~For purposes of this subsection, "fiscal year" means the period beginning September first and ending August thirty first of the following calendar year.~~
- 5. ~~For a county that received five million dollars or more of allocations under subsection 2 in the most recently completed even numbered fiscal year before the start of the biennium, revenues allocated to that county must be distributed by the state treasurer as follows:~~
 - a. ~~A portion of the revenues from each county must be distributed to a hub city funding pool, a hub city school district funding pool, and a supplemental school district funding pool as follows:~~
 - (1) ~~The amount distributed from each county to the funding pools under this subdivision must be proportional to each county's monthly oil and gas gross production tax revenue collections relative to the combined total monthly oil and gas gross production tax revenue collections from all the counties that receive allocations under this subsection.~~
 - (2) ~~The state treasurer shall distribute, to the hub city funding pool, the monthly amount needed from each county to provide six million six hundred thousand dollars per fiscal year for the allocations under this paragraph.~~
 - (a) ~~The state treasurer shall allocate monthly amounts from the hub city funding pool to provide a combined total of twenty two million dollars per fiscal year to all the hub cities, which includes the fifteen million four hundred thousand dollars under paragraph 1 of subdivision b of subsection 2 and the six million six hundred thousand dollars under this paragraph. The monthly allocation to each hub city must be proportional to each hub city's impact percentage score, including fractional percentage points rounded to the nearest tenth of a percent, relative to the combined total of all the hub cities' impact percentage scores.~~
 - (b) ~~The state treasurer shall calculate the impact percentage score for each hub city by summing the following:~~
 - [1] ~~The percentage of mining, quarrying, and oil and gas extraction employment relative to the total employment of all industries in the county in which the hub city is located, based on the most recent annual data for all ownership types compiled by job service North Dakota in the quarterly census of employment and wages, multiplied by forty five hundredths;~~
 - [2] ~~The average of the percentage of mining, quarrying, and oil and gas extraction employment relative to the total employment of all industries in each county for all the counties in the human service region in which the hub city is located, based on the most recent annual data for all ownership types compiled by job service North Dakota in the quarterly census of employment and wages, multiplied by fifteen hundredths;~~
 - [3] ~~The percentage of establishments engaged in mining, quarrying, and oil and gas extraction relative to the total~~

~~establishments of all industries in the county in which the hub city is located, based on the most recent annual data for all ownership types compiled by job service North Dakota in the quarterly census of employment and wages, multiplied by one tenth;~~

~~[4] The percentage of oil production in the human service region in which the hub city is located relative to the total oil production in all the human service regions with hub cities, based on the most recently available calendar year data compiled by the industrial commission in a report on the historical barrels of oil produced by county, multiplied by one tenth;~~

~~[5] The percentage change in population from five years prior for the hub city, based on the most recent actual or estimated census data published by the United States census bureau, multiplied by one tenth; and~~

~~[6] The percentage change in population from five years prior for the county in which the hub city is located, based on the most recent actual or estimated census data published by the United States census bureau, multiplied by one tenth.~~

~~(c) For purposes of this paragraph, "human service region" means the areas designated by the governor's executive order 1978-12 dated October 5, 1978.~~

~~(3) The state treasurer shall distribute, to the hub city school district funding pool, the monthly amount needed from each county to provide nine hundred thousand dollars per fiscal year for the allocations under this paragraph:~~

~~(a) The state treasurer shall allocate monthly amounts from the hub city school district funding pool to provide a combined total of three million dollars per fiscal year to all the hub city school districts, which includes the two million one hundred thousand dollars under paragraph 2 of subdivision b of subsection 2 and the nine hundred thousand dollars under this paragraph. The monthly allocation to each hub city school districts must be proportional to each hub city school district's impact percentage score, including fractional percentage points rounded to the nearest tenth of a percent, relative to the combined total of all the hub cities' impact percentage scores.~~

~~(b) For the purpose of determining the impact percentage score for each hub city school district, the state treasurer shall use the same impact percentage score as the corresponding score calculated for each hub city in paragraph 2.~~

~~(4) The state treasurer shall distribute, to the supplemental school district funding pool, the monthly amount needed from each county to provide for thirty percent of the total allocations under this paragraph. To each county that received more than five million dollars but less than thirty million dollars of total allocations under subsection 2 in the most recently completed even numbered fiscal year before the start of the~~

biennium, the state treasurer shall allocate a monthly amount from the supplemental school district funding pool which will be added to the distributions to school districts under paragraph 2 of subdivision b, as follows:

- (a) ~~To each county that received more than five million dollars but not exceeding ten million dollars of total allocations under subsection 2 in the most recently completed even numbered fiscal year before the start of the biennium, the state treasurer shall allocate a monthly amount that will provide a total allocation of one million five hundred thousand dollars per fiscal year. The allocation must be distributed to school districts within the county pursuant to paragraph 2 of subdivision b.~~
 - (b) ~~To each county that received more than ten million dollars but not exceeding fifteen million dollars of total allocations under subsection 2 in the most recently completed even numbered fiscal year before the start of the biennium, the state treasurer shall allocate a monthly amount that will provide a total allocation of one million two hundred fifty thousand dollars per fiscal year. The allocation must be distributed to school districts within the county pursuant to paragraph 2 of subdivision b.~~
 - (c) ~~To each county that received more than fifteen million dollars but not exceeding twenty million dollars of total allocations under subsection 2 in the most recently completed even numbered fiscal year before the start of the biennium, the state treasurer shall allocate a monthly amount that will provide a total allocation of one million dollars per fiscal year. The allocation must be distributed to school districts within the county pursuant to paragraph 2 of subdivision b.~~
 - (d) ~~To each county that received more than twenty million dollars but not exceeding twenty five million dollars of total allocations under subsection 2 in the most recently completed even numbered fiscal year before the start of the biennium, the state treasurer shall allocate a monthly amount that will provide a total allocation of seven hundred fifty thousand dollars per fiscal year. The allocation must be distributed to school districts within the county pursuant to paragraph 2 of subdivision b.~~
 - (e) ~~To each county that received more than twenty five million dollars but not exceeding thirty million dollars of total allocations under subsection 2 in the most recently completed even numbered fiscal year before the start of the biennium, the state treasurer shall allocate a monthly amount that will provide a total allocation of five hundred thousand dollars per fiscal year. The allocation must be distributed to school districts within the county pursuant to paragraph 2 of subdivision b.~~
- b. ~~After the distributions in subdivision a, each county's remaining revenues must be distributed as follows:~~
- (1) ~~Sixty percent must be distributed to the county treasurer and credited to the county general fund.~~

- ~~(2) Five percent must be distributed proportionally 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 distributions under this subdivision.~~
- ~~(3) Twenty percent must be distributed to the incorporated cities of the county. A hub city must be omitted from distributions under this subdivision. Distributions among cities under this subsection must be proportional 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.~~
- ~~(4) Four percent must be allocated among the organized and unorganized townships of the county. The state treasurer shall allocate the funds available under this subdivision among townships in proportion to each township's road miles relative to the total township road miles in the county. 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.~~
- ~~(5) Nine percent must be distributed among hub cities. The state treasurer shall distribute the funds available under this subdivision in proportion to the amounts the hub cities receive under paragraph 2 of subdivision a.~~
- ~~(6) Two percent must be distributed among hub city school districts. The state treasurer shall distribute the funds available under this subdivision in proportion to the amounts the hub city school districts receive under paragraph 3 of subdivision a.~~
- ~~(7) For purposes of this subsection, "fiscal year" means the period beginning September first and ending August thirty first of the following calendar year.~~

~~Gross production tax allocation. (Effective after June 30, 2027)~~ The gross production tax must be allocated monthly as follows:

1. 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. The state treasurer shall allocate the funding in the following order:
 - a. Eight percent of the amount available under this subsection to the North Dakota outdoor heritage fund, but not in an amount exceeding twenty million dollars per fiscal year.
 - b. 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 seven million five hundred thousand dollars

per fiscal year and not in an amount that would bring the balance in the fund to more than ~~fifty million~~ one hundred million dollars through June 30, 2027, or to more than fifty million dollars after June 30, 2027.

- c. Any remaining revenues pursuant to subsection 3.
 - d. For purposes of this subsection, "fiscal year" means the period beginning September first and ending August thirty-first of the following calendar year.
2. The tax revenue collected under this chapter equal to four percent of the gross value at the well of the oil and four-fifths of the tax on gas must be deposited with the state treasurer. The state treasurer shall allocate the funding in the following order:
 - a. The first five million dollars of collections received from a county each fiscal year is allocated to the county.
 - b. The remaining revenue collections received from a county each fiscal year are allocated thirty percent to the county and seventy percent as follows:
 - (1) Monthly amounts to the hub city funding pool to provide fifteen million four hundred thousand dollars per fiscal year for the allocations under paragraph 2 of subdivision a of subsection 5.
 - (2) Monthly amounts to the hub city school district funding pool to provide two million one hundred thousand dollars per fiscal year for the allocations under paragraph 3 of subdivision a of subsection 5.
 - (3) Monthly amounts to the supplemental school district funding pool to provide seventy percent of the total amount needed for the allocations under paragraph 4 of subdivision a of subsection 5.
 - (4) Monthly amounts to the hub city debt relief funding pool to provide seven million three hundred fifty thousand dollars per fiscal year for the allocations under paragraph 2 of subdivision a of subsection 5.
 - (5) Any remaining revenue collections to the state for the state's allocations pursuant to subsection 3.
 - c. For purposes of this subsection, "fiscal year" means the period beginning September first and ending August thirty-first of the following calendar year.
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 even-numbered fiscal year before the start of the biennium, 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.
 - b. Thirty-five percent must be distributed proportionally 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 distributions under this subdivision.
 - c. Twenty percent must be distributed to the incorporated cities of the county. A hub city must be omitted from distributions under this subdivision. Distributions among cities under this subsection must be proportional 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. For purposes of this subsection, "fiscal year" means the period beginning September first and ending August thirty-first of the following calendar year.
5. For a county that received five million dollars or more of allocations under subsection 2 in the most recently completed even-numbered fiscal year before the start of the biennium, revenues allocated to that county must be distributed by the state treasurer as follows:
 - a. A portion of the revenues from each county must be distributed to a hub city funding pool, a hub city school district funding pool, ~~and~~ a supplemental school district funding pool, and a hub city debt relief funding pool as follows:
 - (1) The amount distributed from each county to the funding pools under this subdivision must be proportional to each county's monthly oil and gas gross production tax revenue collections relative to the combined total monthly oil and gas gross production tax revenue collections from all the counties that receive allocations under this subsection.
 - (2) The state treasurer shall distribute, to the hub city funding pool, the monthly amount needed from each county to provide six million six hundred thousand dollars per fiscal year for the allocations under this paragraph.
 - (a) The state treasurer shall allocate monthly amounts from the hub city funding pool to provide a combined total of twenty-two million dollars per fiscal year to all the hub cities, which includes the fifteen million four hundred thousand dollars under paragraph 1 of subdivision b of subsection 2 and the six million six hundred thousand dollars under this paragraph. The monthly allocation to

each hub city must be proportional to each hub city's impact percentage score, including fractional percentage points rounded to the nearest tenth of a percent, relative to the combined total of all the hub cities' impact percentage scores.

- (b) The state treasurer shall calculate the impact percentage score for each hub city by summing the following:

- [1] The percentage of mining, quarrying, and oil and gas extraction employment relative to the total employment of all industries in the county in which the hub city is located, based on the most recent annual data for all ownership types compiled by job service North Dakota in the quarterly census of employment and wages, multiplied by forty-five hundredths;
- [2] The average of the percentage of mining, quarrying, and oil and gas extraction employment relative to the total employment of all industries in each county for all the counties in the human service region in which the hub city is located, based on the most recent annual data for all ownership types compiled by job service North Dakota in the quarterly census of employment and wages, multiplied by fifteen hundredths;
- [3] The percentage of establishments engaged in mining, quarrying, and oil and gas extraction relative to the total establishments of all industries in the county in which the hub city is located, based on the most recent annual data for all ownership types compiled by job service North Dakota in the quarterly census of employment and wages, multiplied by one-tenth;
- [4] The percentage of oil production in the human service region in which the hub city is located relative to the total oil production in all the human service regions with hub cities, based on the most recently available calendar year data compiled by the industrial commission in a report on the historical barrels of oil produced by county, multiplied by one-tenth;
- [5] The percentage change in population from five years prior for the hub city, based on the most recent actual or estimated census data published by the United States census bureau, multiplied by one-tenth; and
- [6] The percentage change in population from five years prior for the county in which the hub city is located, based on the most recent actual or estimated census data published by the United States census bureau, multiplied by one-tenth.

- (c) For purposes of this paragraph, "human service region" means the areas designated by the governor's executive order 1978-12 dated October 5, 1978.

- (3) The state treasurer shall distribute, to the hub city school district funding pool, the monthly amount needed from each county to provide nine hundred thousand dollars per fiscal year for the allocations under this paragraph.

- (a) The state treasurer shall allocate monthly amounts from the hub city school district funding pool to provide a combined total of three million dollars per fiscal year to all the hub city school districts, which includes the two million one hundred thousand dollars under paragraph 2 of subdivision b of subsection 2 and the nine hundred thousand dollars under this paragraph. The monthly allocation to each hub city school districts must be proportional to each hub city school district's impact percentage score, including fractional percentage points rounded to the nearest tenth of a percent, relative to the combined total of all the hub cities' impact percentage scores.
 - (b) For the purpose of determining the impact percentage score for each hub city school district, the state treasurer shall use the same impact percentage score as the corresponding score calculated for each hub city in paragraph 2.
- (4) The state treasurer shall distribute, to the supplemental school district funding pool, the monthly amount needed from each county to provide for thirty percent of the total allocations under this paragraph. To each county that received more than five million dollars but less than thirty million dollars of total allocations under subsection 2 in the most recently completed even-numbered fiscal year before the start of the biennium, the state treasurer shall allocate a monthly amount from the supplemental school district funding pool which will be added to the distributions to school districts under paragraph 2 of subdivision b, as follows:
- (a) To each county that received more than five million dollars but not exceeding ten million dollars of total allocations under subsection 2 in the most recently completed even-numbered fiscal year before the start of the biennium, the state treasurer shall allocate a monthly amount that will provide a total allocation of one million five hundred thousand dollars per fiscal year. The allocation must be distributed to school districts within the county pursuant to paragraph 2 of subdivision b.
 - (b) To each county that received more than ten million dollars but not exceeding fifteen million dollars of total allocations under subsection 2 in the most recently completed even-numbered fiscal year before the start of the biennium, the state treasurer shall allocate a monthly amount that will provide a total allocation of one million two hundred fifty thousand dollars per fiscal year. The allocation must be distributed to school districts within the county pursuant to paragraph 2 of subdivision b.
 - (c) To each county that received more than fifteen million dollars but not exceeding twenty million dollars of total allocations under subsection 2 in the most recently completed even-numbered fiscal year before the start of the biennium, the state treasurer shall allocate a monthly amount that will provide a total allocation of one million dollars per fiscal year. The allocation must be distributed to school districts within the county pursuant to paragraph 2 of subdivision b.

- (d) To each county that received more than twenty million dollars but not exceeding twenty-five million dollars of total allocations under subsection 2 in the most recently completed even-numbered fiscal year before the start of the biennium, the state treasurer shall allocate a monthly amount that will provide a total allocation of seven hundred fifty thousand dollars per fiscal year. The allocation must be distributed to school districts within the county pursuant to paragraph 2 of subdivision b.
 - (e) To each county that received more than twenty-five million dollars but not exceeding thirty million dollars of total allocations under subsection 2 in the most recently completed even-numbered fiscal year before the start of the biennium, the state treasurer shall allocate a monthly amount that will provide a total allocation of five hundred thousand dollars per fiscal year. The allocation must be distributed to school districts within the county pursuant to paragraph 2 of subdivision b.
- (5) The state treasurer shall distribute, to the hub city debt relief funding pool, the monthly amount needed from each county to provide three million one hundred fifty thousand dollars per fiscal year for the allocations under this paragraph. At least once per interim, each hub city shall provide a report to the budget section regarding the use of the funding received under this section and information on the hub city's outstanding debt, including maturity dates, interest rates, and annual repayment amounts.
- (a) The state treasurer shall allocate monthly amounts from the hub city debt relief funding pool to provide a combined total of ten million five hundred thousand dollars per fiscal year to all the hub cities, which includes the seven million three hundred fifty thousand dollars under paragraph 4 of subdivision b of subsection 2 and the three million one hundred fifty thousand dollars under this paragraph. The monthly allocation to hub cities under this paragraph is:
- [1] Seventy and thirteen hundredths percent to Williston;
 - [2] Nineteen and ninety-four hundredths to Dickinson; and
 - [3] Nine and ninety-three hundredths to Minot.
- (b) A hub city shall use the funding allocated under this paragraph for debt repayments related to debt incurred between July 1, 2012, and December 31, 2025, to address impacts from oil and gas development.
- b. After the distributions in subdivision a, each county's remaining revenues must be distributed as follows:
- (1) Sixty percent must be distributed to the county treasurer and credited to the county general fund.
 - (2) Five percent must be distributed proportionally 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 distributions under this subdivision.

- (3) Twenty percent must be distributed to the incorporated cities of the county. A hub city must be omitted from distributions under this subdivision. Distributions among cities under this subsection must be proportional 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.
- (4) Four percent must be allocated among the organized and unorganized townships of the county. The state treasurer shall allocate the funds available under this subdivision among townships in proportion to each township's road miles relative to the total township road miles in the county. 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.
- (5) Nine percent must be distributed among hub cities. The state treasurer shall distribute the funds available under this subdivision in proportion to the amounts the hub cities receive under paragraph 2 of subdivision a.
- (6) Two percent must be distributed among hub city school districts. The state treasurer shall distribute the funds available under this subdivision in proportion to the amounts the hub city school districts receive under paragraph 3 of subdivision a.
- (7) For purposes of this subsection, "fiscal year" means the period beginning September first and ending August thirty-first of the following calendar year.

²⁶⁷ **SECTION 2. AMENDMENT.** Section 57-51.1-07.5 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07.5. State share of oil and gas taxes - Deposits.

From the revenues designated for deposit in the state general fund under chapters 57-51 and 57-51.1, the state treasurer shall deposit the revenues received each biennium in the following order:

1. The first ~~two hundred thirty million~~ two hundred fifty million dollars into the state general fund;
2. The next two hundred fifty million dollars into the social service fund;

²⁶⁷ Section 57-51.1-07.5 was also amended by section 15 of Senate Bill No. 2012, chapter 44.

3. The next seventy-five million dollars into the budget stabilization fund, but not in an amount that would bring the balance in the fund to more than the limit in section 54-27.2-01;
4. The next ~~two hundred thirty million~~ two hundred fifty million dollars into the state general fund;
5. The next ten million dollars into the lignite research fund;
6. The next twenty million dollars into the state disaster relief fund, but not in an amount that would bring the unobligated balance in the fund to more than twenty million dollars;
7. The next ~~four hundred million~~ three hundred sixty million dollars into the strategic investment and improvements fund;
8. The next sixty-five million dollars to the public employees retirement fund for the main system plan;
9. The next fifty-nine million seven hundred fifty thousand dollars, or the amount necessary to provide for twice the amount of the distributions under subsection 2 of section 57-51.1-07.7, into the funds designated for infrastructure development in non-oil-producing counties under sections 57-51.1-07.7 and 57-51.1-07.8 with fifty percent deposited into the municipal infrastructure fund and fifty percent deposited into the county and township infrastructure fund;
10. The next one hundred seventy million two hundred fifty thousand dollars or the amount necessary to provide a total of two hundred thirty million dollars into the funds designated for infrastructure development in non-oil-producing counties under sections 57-51.1-07.7 and 57-51.1-07.8 with fifty percent deposited into the municipal infrastructure fund and fifty percent deposited into the county and township infrastructure fund;
11. The next twenty million dollars into the airport infrastructure fund; and
12. Any additional revenues into the strategic investment and improvements fund.

SECTION 3. EXEMPTION - OIL AND GAS TAX REVENUE ALLOCATIONS - NORTH DAKOTA OUTDOOR HERITAGE FUND - OIL AND GAS RESEARCH FUND.

1. Notwithstanding the provisions of section 57-51-15 relating to the allocations to the North Dakota outdoor heritage fund, for the period beginning September 1, 2025, and ending August 31, 2027, the state treasurer shall allocate eight percent of the oil and gas gross production tax revenue available under subsection 1 of section 57-51-15 to the North Dakota outdoor heritage fund, but not in an amount exceeding \$7,500,000 per fiscal year.
2. Notwithstanding the provisions of section 57-51.1-07.3 relating to the allocations to the oil and gas research fund, for the period beginning August 1, 2025, and ending July 31, 2027, the state treasurer shall allocate two percent of the oil and gas gross production tax and oil extraction tax revenues, up to \$17,500,000, into the oil and gas research fund before allocating oil and gas tax revenues under sections 57-51.1-07.5, 57-51.1-07.9, and 57-51.1-07.10.

SECTION 4. EFFECTIVE DATE. Section 1 of this Act is effective for oil and gas gross production tax allocations by the state treasurer occurring after August 31, 2025.

Approved May 19, 2025

Filed May 19, 2025

CHAPTER 570

HOUSE BILL NO. 1483

(Representatives Headland, D. Anderson, Koppelman, Vollmer, J. Olson, Hagert)
(Senators Kessel, Meyer, Rummel, Thomas)

AN ACT to amend and reenact subsection 4 of section 57-51.1-03 of the North Dakota Century Code, relating to the oil extraction tax rate reduction for oil produced from a new well drilled and completed outside the Bakken and Three Forks formations; to provide for a legislative management study; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶⁸ **SECTION 1. AMENDMENT.** Subsection 4 of section 57-51.1-03 of the North Dakota Century Code is amended and reenacted as follows:

4. The first ~~seventy-five thousand three hundred thousand~~ barrels of oil produced during the first ~~eighteen~~^{thirty-six} months after completion, from a well drilled and completed outside the Bakken and Three Forks formations, ~~and ten miles [16.10 kilometers] or more outside an established field in which the industrial commission has defined the pool to include the Bakken or Three Forks formation,~~ is subject to a reduced tax rate of two percent of the gross value at the well of the oil extracted under this chapter. The tax rate reduction under this subsection does not apply to a well located within the exterior boundaries of a reservation, a well located on trust properties outside reservation boundaries as defined in section 57-51.2-02, or a straddle well as defined in section 57-51.1-07.10 located on reservation trust land, unless a tribe makes an irrevocable election to opt-in to the tax rate reduction by providing written notice to the tax commissioner. If a tribe provides notice of its election to opt-in to the tax rate reduction, the tax commissioner shall apply the tax rate reduction beginning in the month of production after the notice is received by the tax commissioner.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - OIL EXTRACTION TAX EXEMPTION FOR PRODUCTION FROM STRIPPER WELLS. During the 2025-26 interim, the legislative management shall consider studying the oil extraction tax exemption for production from a stripper well property or an individual stripper well. The study must include consideration of the number of oil wells and amount of oil production qualifying for the exemption, the estimated fiscal impact of the exemption, and alternative tax policies for stripper well properties or stripper wells. The study may include input from the tax commissioner, the director of the department of mineral resources, and representatives of the oil and gas industry. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

²⁶⁸ Section 57-51.1-03 was also amended by section 4 of Senate Bill No. 2397, chapter 568.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act is effective for taxable production beginning after June 30, 2025.

Approved April 15, 2025

Filed April 17, 2025

CHAPTER 571

SENATE BILL NO. 2074

(Finance and Taxation Committee)
(At the request of the State Treasurer)

AN ACT to amend and reenact subsection 1 of section 57-51.1-07.7 of the North Dakota Century Code, relating to municipal infrastructure fund reporting requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁶⁹ **SECTION 1. AMENDMENT.** Subsection 1 of section 57-51.1-07.7 of the North Dakota Century Code is amended and reenacted as follows:

1. By November thirtieth of each even-numbered year, starting in 2022, a city that receives a grant from the fund and has the population of at least one thousand shall provide a report to the state treasurer on the use of the funding. The state treasurer shall notify cities of the reporting requirement by November first of each even-numbered year, starting in 2022. Upon request, the state treasurer may provide an extension of up to fifteen days for a city to submit the report. The state treasurer shall determine the format of the report. The report must include the amount of grant funding received and spent by the city and a description of the infrastructure projects completed in part or in whole with the grant funding. The state treasurer shall make the reports available to the public on the state treasurer's website. A city that does not provide the report in a timely manner or in the correct format is not eligible to receive a grant from the fund for a period of two years starting from the date the report was due. If a city uses the funding in a manner inconsistent with the requirements of this section as identified in any financial audits conducted by the state auditor or an independent accounting firm, the state treasurer shall reduce any future grants to that city by the amount spent that was inconsistent with the requirements.

Approved March 17, 2025

Filed March 18, 2025

²⁶⁹ Section 57-51.1-07.7 was also amended by section 16 of Senate Bill No. 2012, chapter 44.

CHAPTER 572

HOUSE BILL NO. 1065

(Political Subdivisions Committee)
(At the request of the State Treasurer)

AN ACT to amend and reenact subsection 3 of section 57-51.1-07.8 of the North Dakota Century Code, relating to the county and township infrastructure fund.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁷⁰ **SECTION 1. AMENDMENT.** Subsection 3 of section 57-51.1-07.8 of the North Dakota Century Code is amended and reenacted as follows:

3. The state treasurer shall distribute the lesser of thirteen percent of the balance of the fund or sixteen million one hundred thousand dollars to non-oil-producing counties for the benefit of the organized and unorganized townships within each non-oil-producing county. The distribution to ~~each non-oil-producing county~~ must provide for an equal allocation to each organized and unorganized township which is proportional to the number of township road miles in each organized and unorganized township relative to the combined total township road miles in all organized and unorganized townships in all non-oil-producing counties. For purposes of this subsection, township road miles must be based on certifications provided to the state treasurer under section 54-27-19.1. The amount allocated to organized townships under this section must be paid by the county treasurer to each organized township. The amount allocated to unorganized townships under this section must be credited by the county treasurer to a special fund for unorganized township roads. ~~A township is not eligible for an allocation of funds under this section if the township does not maintain any township roads.~~

Approved March 14, 2025

Filed March 14, 2025

²⁷⁰ Section 57-51.1-07.8 was also amended by section 17 of Senate Bill No. 2012, chapter 44.

CHAPTER 573

SENATE BILL NO. 2143

(Senators Patten, Bekkedahl, Sickler)
(Representatives Mitskog, Novak, Porter)

AN ACT to amend and reenact section 57-51.1-07.9 of the North Dakota Century Code, relating to revenue deposited in the state energy research center fund; to provide for a continuing appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-51.1-07.9 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07.9. State energy research center fund - Continuing appropriation. (Effective through June 30, ~~2029~~2033)

The state energy research center fund is a special fund in the state treasury. Before depositing oil and gas gross production tax and oil extraction tax revenues under section 57-51.1-07.5, one percent of the revenues must be deposited monthly into the state energy research center fund, up to seven million five hundred thousand dollars per biennium. All moneys deposited in the state energy research center fund and interest on all such moneys are appropriated on a continuing basis to the industrial commission for distribution to the state energy research center. The state energy research center shall use the funds in accordance with section 15-11-40.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 574

HOUSE BILL NO. 1279

(Representatives Novak, Berg, Hagert, Headland, J. Olson, S. Olson, Porter, Tveit)
(Senators Boehm, Patten, Thomas)

AN ACT to amend and reenact sections 57-60-02, 57-60-02.1, 57-60-02.2, 57-60-14, and 57-61-01 of the North Dakota Century Code, relating to a partial exemption from the coal conversion facilities tax and the imposition of a lignite research tax, allocation of the coal conversion facilities privilege tax and the lignite research tax, and an exemption from the coal severance tax; to repeal section 57-60-02.2 of the North Dakota Century Code, relating to the exemption from the coal conversion facilities tax and the imposition of a lignite research tax; to provide an effective date; to provide a contingent effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁷¹ **SECTION 1. AMENDMENT.** Section 57-60-02 of the North Dakota Century Code is amended and reenacted as follows:

57-60-02. Imposition of taxes. (Effective ~~through~~after June 30, 2026, and through June 30, 2031)

There is hereby imposed upon the operator of each coal conversion facility a tax paid monthly for the privilege of producing products of such coal conversion facility. The rate of the tax must be computed as follows:

1. For all coal conversion facilities, except as otherwise provided in this section, the tax is measured by the gross receipts derived from the facility for the preceding month and is in the amount of two percent of its gross receipts. Gross receipts derived from the sale of a capital asset are not subject to the tax imposed by this subsection.
2. For electrical generating plants, the tax is at a rate of sixty-five one-hundredths of one mill times sixty percent of the installed capacity of each unit times the number of hours in the taxable period. All electrical energy generating units that begin construction or complete repowering are exempt from eighty-five percent of the tax imposed by this subsection for five years from the date of the first taxable production or from the date of the first taxable production after repowering from the unit. If a unit is incapable of generating electricity for eighteen consecutive months, the tax on that unit for taxable periods beginning after the eighteenth month must be reduced by the ratio that the cost of repair of the unit bears to the original cost of the unit. This reduced rate remains in effect until the unit is capable of generating electricity.
3. For electrical generating plants, in addition to the tax imposed by subsection 2, there is a tax at the rate of twenty-five one-hundredths of one mill on each kilowatt hour of electricity produced for the purpose of sale. For all electrical generating plants that begin construction or complete

²⁷¹ Section 57-60-02 was also amended by section 2 of House Bill No. 1279, chapter 574.

repowering, the production from the plants is exempt from the tax imposed by this subsection for five years from the date of the first taxable production or from the date of the first taxable production after repowering from the plant.

4. For coal gasification plants, the tax is the greater of either the amount provided in subsection 1 or thirteen and one-half cents on each one thousand cubic feet [28316.85 liters] of synthetic natural gas produced for the purpose of sale but not including any amount of synthetic natural gas in excess of one hundred ten million cubic feet per day.
5. For all coal conversion facilities, other than electrical generating plants, the production from the facilities is exempt from eighty-five percent of the tax imposed by this section for a period of five years from the date of first taxable production from the facility. The operator of each facility applying for exemption under this subsection shall certify to the tax commissioner the date of first taxable production of the facility.
6. For coal beneficiation plants, the tax is twenty cents on each ton of two thousand pounds [907.18 kilograms] of beneficiated coal produced for the purpose of sale, or one and one-quarter percent of the gross receipts derived from such facility for the preceding month, whichever amount is greater. Any amount of beneficiated coal produced in excess of eighty percent of the design capacity of the coal beneficiation plant or produced for use within a coal conversion facility is exempt from such tax.
7. With the exception of the tax imposed under subsection 3, the board of county commissioners, by resolution, may grant the operator of a plant or facility located within the county a partial or complete exemption from up to fifteen percent of the tax imposed under this section for a period not to extend past June 30, ~~2026~~**2031**. If a board of county commissioners grants a partial or complete exemption for a specific plant or facility under this subsection, subsection 2 of section 57-60-14 does not apply. Notwithstanding section 57-60-14, any tax collected from a plant or facility subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15.

Imposition of taxes. (Effective after June 30, ~~2026~~2031**)** There is hereby imposed upon the operator of each coal conversion facility a tax paid monthly for the privilege of producing products of such coal conversion facility. The rate of the tax must be computed as follows:

1. For all coal conversion facilities, except as otherwise provided in this section, the tax is measured by the gross receipts derived from the facility for the preceding month and is in the amount of two percent of its gross receipts. Gross receipts derived from the sale of a capital asset are not subject to the tax imposed by this subsection.
2. For electrical generating plants, the tax is at a rate of sixty-five one-hundredths of one mill times sixty percent of the installed capacity of each unit times the number of hours in the taxable period. All electrical energy generating units that begin construction or complete repowering are exempt from eighty-five percent of the tax imposed by this subsection for five years from the date of the first taxable production or from the date of the first taxable production after repowering from the unit. The board of county commissioners may, by resolution, grant to the operator of an electrical generating plant located within the county partial or complete exemption from the remaining

fifteen percent of the tax imposed by this subsection for a period not exceeding five years from the date of the first taxable production or from the date of the first taxable production after repowering from the unit. If a board of county commissioners grants a partial or complete exemption for a specific coal conversion facility under this subsection, the provisions of subsection 2 of section 57-60-14 do not apply as that subsection relates to revenue from the specific unit of the coal conversion facility for which the partial or complete exemption has been granted. Notwithstanding section 57-60-14, any tax collected from a unit subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15. If a unit is incapable of generating electricity for eighteen consecutive months, the tax on that unit for taxable periods beginning after the eighteenth month must be reduced by the ratio that the cost of repair of the unit bears to the original cost of the unit. This reduced rate remains in effect until the unit is capable of generating electricity.

3. For electrical generating plants, in addition to the tax imposed by subsection 2, there is a tax at the rate of twenty-five one-hundredths of one mill on each kilowatt hour of electricity produced for the purpose of sale. For all electrical generating plants that begin construction or complete repowering, the production from the plants is exempt from the tax imposed by this subsection for five years from the date of the first taxable production or from the date of the first taxable production after repowering from the plant.
4. For coal gasification plants, the tax is the greater of either the amount provided in subsection 1 or thirteen and one-half cents on each one thousand cubic feet [28316.85 liters] of synthetic natural gas produced for the purpose of sale but not including any amount of synthetic natural gas in excess of one hundred ten million cubic feet per day.
5.
 - a. For all coal conversion facilities, other than electrical generating plants, the production from the facilities is exempt from eighty-five percent of the tax imposed by this section for a period of five years from the date of first taxable production from the facility. The operator of each facility applying for exemption under this subsection shall certify to the tax commissioner the date of first taxable production of the facility.
 - b. The board of county commissioners may, by resolution, grant to the operator of a coal conversion facility, other than an electrical generating plant, located within the county a partial or complete exemption from the remaining fifteen percent of tax imposed by this section for a period not exceeding five years from the date of the first taxable production from the facility. Notwithstanding the provisions of section 57-60-14, any tax collected which is based upon the production of a facility subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15.
6. For coal beneficiation plants, the tax is twenty cents on each ton of two thousand pounds [907.18 kilograms] of beneficiated coal produced for the purpose of sale, or one and one-quarter percent of the gross receipts derived from such facility for the preceding month, whichever amount is greater. Any amount of beneficiated coal produced in excess of eighty percent of the design capacity of the coal beneficiation plant or produced for use within a coal conversion facility is exempt from such tax.

²⁷² **SECTION 2. AMENDMENT.** Section 57-60-02 of the North Dakota Century Code is amended and reenacted as follows:

~~57-60-02. Imposition of taxes. (Effective after June 30, 2026, and through June 30, 2034)~~

There is hereby imposed upon the operator of each coal conversion facility a tax paid monthly for the privilege of producing products of such coal conversion facility. The rate of the tax must be computed as follows:

- ~~1. For all coal conversion facilities, except as otherwise provided in this section, the tax is measured by the gross receipts derived from the facility for the preceding month and is in the amount of two percent of its gross receipts. Gross receipts derived from the sale of a capital asset are not subject to the tax imposed by this subsection.~~
- ~~2. For electrical generating plants, the tax is at a rate of sixty-five one hundredths of one mill times sixty percent of the installed capacity of each unit times the number of hours in the taxable period. All electrical energy generating units that begin construction or complete repowering are exempt from eighty-five percent of the tax imposed by this subsection for five years from the date of the first taxable production or from the date of the first taxable production after repowering from the unit. If a unit is incapable of generating electricity for eighteen consecutive months, the tax on that unit for taxable periods beginning after the eighteenth month must be reduced by the ratio that the cost of repair of the unit bears to the original cost of the unit. This reduced rate remains in effect until the unit is capable of generating electricity.~~
- ~~3. For electrical generating plants, in addition to the tax imposed by subsection 2, there is a tax at the rate of twenty-five one hundredths of one mill on each kilowatt hour of electricity produced for the purpose of sale. For all electrical generating plants that begin construction or complete repowering, the production from the plants is exempt from the tax imposed by this subsection for five years from the date of the first taxable production or from the date of the first taxable production after repowering from the plant.~~
- ~~4. For coal gasification plants, the tax is the greater of either the amount provided in subsection 1 or thirteen and one-half cents on each one thousand cubic feet [28316.85 liters] of synthetic natural gas produced for the purpose of sale but not including any amount of synthetic natural gas in excess of one hundred ten million cubic feet per day.~~
- ~~5. For all coal conversion facilities, other than electrical generating plants, the production from the facilities is exempt from eighty-five percent of the tax imposed by this section for a period of five years from the date of first taxable production from the facility. The operator of each facility applying for exemption under this subsection shall certify to the tax commissioner the date of first taxable production of the facility.~~
- ~~6. For coal beneficiation plants, the tax is twenty cents on each ton of two thousand pounds [907.18 kilograms] of beneficiated coal produced for the purpose of sale, or one and one-quarter percent of the gross receipts derived from such facility for the preceding month, whichever amount is greater. Any~~

²⁷² Section 57-60-02 was also amended by section 1 of House Bill No. 1279, chapter 574.

~~amount of beneficiated coal produced in excess of eighty percent of the design capacity of the coal beneficiation plant or produced for use within a coal conversion facility is exempt from such tax.~~

- ~~7. With the exception of the tax imposed under subsection 3, the board of county commissioners, by resolution, may grant the operator of a plant or facility located within the county a partial or complete exemption from up to fifteen percent of the tax imposed under this section for a period not to extend past June 30, 2031. If a board of county commissioners grants a partial or complete exemption for a specific plant or facility under this subsection, subsection 2 of section 57-60-14 does not apply. Notwithstanding section 57-60-14, any tax collected from a plant or facility subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15.~~

Imposition of taxes. (Effective after June 30, 2031) There is hereby imposed upon the operator of each coal conversion facility a tax paid monthly for the privilege of producing products of such coal conversion facility. The rate of the tax must be computed as follows:

1. For all coal conversion facilities, except as otherwise provided in this section, the tax is measured by the gross receipts derived from the facility for the preceding month and is in the amount of two percent of its gross receipts. Gross receipts derived from the sale of a capital asset are not subject to the tax imposed by this subsection.
2. For electrical generating plants, the tax is at a rate of sixty-five one-hundredths of one mill times sixty percent of the installed capacity of each unit times the number of hours in the taxable period. All electrical energy generating units that begin construction or complete repowering are exempt from eighty-five percent of the tax imposed by this subsection for five years from the date of the first taxable production or from the date of the first taxable production after repowering from the unit. The board of county commissioners may, by resolution, grant to the operator of an electrical generating plant located within the county partial or complete exemption from the remaining fifteen percent of the tax imposed by this subsection for a period not exceeding five years from the date of the first taxable production or from the date of the first taxable production after repowering from the unit. If a board of county commissioners grants a partial or complete exemption for a specific coal conversion facility under this subsection, the provisions of subsection 2 of section 57-60-14 do not apply as that subsection relates to revenue from the specific unit of the coal conversion facility for which the partial or complete exemption has been granted. Notwithstanding section 57-60-14, any tax collected from a unit subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15. If a unit is incapable of generating electricity for eighteen consecutive months, the tax on that unit for taxable periods beginning after the eighteenth month must be reduced by the ratio that the cost of repair of the unit bears to the original cost of the unit. This reduced rate remains in effect until the unit is capable of generating electricity.
3. For electrical generating plants, in addition to the tax imposed by subsection 2, there is a tax at the rate of twenty-five one-hundredths of one mill on each kilowatt hour of electricity produced for the purpose of sale. For all electrical generating plants that begin construction or complete

repowering, the production from the plants is exempt from the tax imposed by this subsection for five years from the date of the first taxable production or from the date of the first taxable production after repowering from the plant.

4. For coal gasification plants, the tax is the greater of either the amount provided in subsection 1 or thirteen and one-half cents on each one thousand cubic feet [28316.85 liters] of synthetic natural gas produced for the purpose of sale but not including any amount of synthetic natural gas in excess of one hundred ten million cubic feet per day.
5.
 - a. For all coal conversion facilities, other than electrical generating plants, the production from the facilities is exempt from eighty-five percent of the tax imposed by this section for a period of five years from the date of first taxable production from the facility. The operator of each facility applying for exemption under this subsection shall certify to the tax commissioner the date of first taxable production of the facility.
 - b. The board of county commissioners may, by resolution, grant to the operator of a coal conversion facility, other than an electrical generating plant, located within the county a partial or complete exemption from the remaining fifteen percent of tax imposed by this section for a period not exceeding five years from the date of the first taxable production from the facility. Notwithstanding the provisions of section 57-60-14, any tax collected which is based upon the production of a facility subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15.
6. For coal beneficiation plants, the tax is twenty cents on each ton of two thousand pounds [907.18 kilograms] of beneficiated coal produced for the purpose of sale, or one and one-quarter percent of the gross receipts derived from such facility for the preceding month, whichever amount is greater. Any amount of beneficiated coal produced in excess of eighty percent of the design capacity of the coal beneficiation plant or produced for use within a coal conversion facility is exempt from such tax.

SECTION 3. AMENDMENT. Section 57-60-02.1 of the North Dakota Century Code is amended and reenacted as follows:

57-60-02.1. Carbon dioxide capture credit - Reporting requirement.

A coal conversion facility that achieves a twenty percent capture of carbon dioxide emissions during a taxable period is entitled to a twenty percent reduction in the state ~~general~~legacy fund share of the tax imposed under section 57-60-02 during that taxable period. The facility is entitled to an additional reduction of one percent of the state ~~general~~legacy fund share of the tax imposed under section 57-60-02 for every additional two percentage points of its capture of carbon dioxide emissions. A maximum fifty percent reduction of the state ~~general~~legacy fund share of the tax imposed under section 57-60-02 is allowed for eighty percent or more capture of carbon dioxide emissions. A coal conversion facility may receive the reduction in coal conversion tax under this section for ten years from the date of first capture of carbon dioxide emission or for ten years from the date the coal conversion facility is eligible to receive the credit. A coal conversion facility that met the carbon dioxide capture requirements before January 1, 2017, may not claim the reduction under this section.

The operator of a coal conversion facility that receives a credit under this section shall report annually to the legislative council. The report must include:

1. An overview of the carbon dioxide capture project.
2. A status report on the current state of the carbon dioxide capture project, including data on the amount of carbon dioxide produced from the facility before the carbon dioxide capture project and the current carbon dioxide produced and captured from the facility.
3. Any recent changes to enhance the carbon dioxide capture system.
4. Information on the status of federal law and regulations related to the carbon dioxide capture project, including any benefits from the project realized by the operator under federal law and regulations.

²⁷³ **SECTION 4. AMENDMENT.** Section 57-60-02.2 of the North Dakota Century Code is amended and reenacted as follows:

57-60-02.2. Coal conversion facility tax - Exemption - Lignite research tax - Imposition. (Effective ~~through~~after June 30, 2026, and through June 30, 2031)

1. a. Excluding the generation tax imposed under subsection 3 of section 57-60-02, a coal conversion facility is ~~exempt from eighty-five percent~~entitled to a partial exemption from the coal conversion state share of the tax imposed under section 57-60-02 and ~~instead~~equal to:
 - (1) ~~Ninety percent of the coal conversion state share for taxable production after June 30, 2026, and through June 30, 2027.~~
 - (2) ~~Eighty percent of the coal conversion state share for taxable production after June 30, 2027, and through June 30, 2028.~~
 - (3) ~~Seventy percent of the coal conversion state share for taxable production after June 30, 2028, and through June 30, 2029.~~
 - (4) ~~Sixty percent of the coal conversion state share for taxable production after June 30, 2029, and through June 30, 2030.~~
 - (5) ~~Thirty-five percent of the coal conversion state share for taxable production after June 30, 2030, and through June 30, 2031.~~
 - b. The coal conversion facility shall pay a lignite research tax equal to eighty-five percent of the tax imposed under section 57-60-02 ~~before the application of the exemption under subdivision a,~~ multiplied by five percent.
 - c. For purposes of this subsection, "coal conversion state share" means ~~eighty-five percent of the tax imposed under section 57-60-02, excluding the generation tax imposed under subsection 3 of section 57-60-02.~~
2. a. An electrical generating plant is ~~exempt from~~entitled to a partial exemption ~~from~~ the generation tax imposed under subsection 3 of section 57-60-02 and ~~instead~~equal to:

²⁷³ Section 57-60-02.2 was repealed by section 9 of House Bill No. 1279, chapter 574.

- (1) Ninety percent of the generating plant state share for taxable production after June 30, 2026, and through June 30, 2027.
 - (2) Eighty percent of the generating plant state share for taxable production after June 30, 2027, and through June 30, 2028.
 - (3) Seventy percent of the generating plant state share for taxable production after June 30, 2028, and through June 30, 2029.
 - (4) Sixty percent of the generating plant state share for taxable production after June 30, 2029, and through June 30, 2030.
 - (5) Thirty-five percent of the generating plant state share for taxable production after June 30, 2030, and through June 30, 2031.
- b. The electrical generating plant shall pay a lignite research tax equal to the tax imposed under subsection 3 of section 57-60-02 before the application of the exemption under subdivision a, multiplied by five percent.
- c. For purposes of this subsection, the "generating plant state share" means one hundred percent of the generation tax imposed under subsection 3 of section 57-60-02.

²⁷⁴ **SECTION 5. AMENDMENT.** Section 57-60-14 of the North Dakota Century Code is amended and reenacted as follows:

57-60-14. Allocation of revenue - Continuing appropriation. (Effective throughafter June 30, 2026, and through June 30, 2031)

1. At least quarterly, the state treasurer shall allocate:
 - a. The lignite research tax collections under section 57-60-02.2 to the lignite research fund for the purposes under section 57-61-01.5.
 - b. The remaining portion of the coal conversion state share after the exemption under section 57-60-02.2 to the legacy fund to become part of the principal of the legacy fund. For purposes of this subdivision, "coal conversion state share" has the same meaning as subsection 1 of section 57-60-02.2.
 - c. The remaining portion of the generating plant state share after the exemption under section 57-60-02.2 to the legacy fund to become part of the principal of the legacy fund. For purposes of this subdivision, "generating plant state share" has the same meaning as subsection 2 of section 57-60-02.2.
 - d. The remaining coal conversion tax collections under section 57-60-02 to the county.
2. Notwithstanding any other provision of law, the allocation under this section to each county may not be less in each calendar year than the amount certified to the state treasurer for each county under this section in the immediately preceding calendar year. For a county that has received less in a calendar

²⁷⁴ Section 57-60-14 was also amended by section 6 of House Bill No. 1279, chapter 574.

year than the amount certified to the state treasurer for that county in the immediately preceding calendar year, not later than January tenth of the following year, the county auditor shall calculate the amount that is due under this subsection and submit a statement of the amount to the state treasurer. The state treasurer shall verify the stated amount and make the required payment under this subsection to the county, from collections received under section 57-60-02, not later than March first of the following year. The funds needed to make the distribution to counties under this subsection are appropriated on a continuing basis for making these payments. Money received by a county under this subsection must be distributed pursuant to section 57-60-15.

3. Notwithstanding any other provision of law, for a county in which is located a coal conversion facility that was not a coal conversion facility under this chapter before January 1, 2002, for years after 2002, subsection 2 applies to allocations to that county under this section, except that for a county described in this subsection, amounts received for any calendar year must be allocated by the county in the same manner property taxes for the facility were allocated for taxable year 2001.

Allocation of revenue - Continuing appropriation. (Effective after June 30, 20262031)

1. The state treasurer shall no less than quarterly allocate all moneys received from all coal conversion facilities in each county pursuant to the provisions of this chapter, fifteen percent to the county and eighty-five percent to the state ~~general fund~~, except moneys received from the tax imposed by subsection 3 of section 57-60-02, which must be ~~deposited in~~ allocated to the state general fund. ~~Five percent of all funds allocated to the state general fund pursuant to this chapter~~ From the amount allocated to the state under this subsection:
 - a. Five percent must be allocated to the lignite research fund, for the purposes defined in section 57-61-01.5; and
 - b. The remaining amount must be deposited in the legacy fund to become part of the principal of the legacy fund.
2. Notwithstanding any other provision of law, the allocation under this section to each county may not be less in each calendar year than the amount certified to the state treasurer for each county under this section in the immediately preceding calendar year. For a county that has received less in a calendar year than the amount certified to the state treasurer for that county in the immediately preceding calendar year, not later than January tenth of the following year, the county auditor shall calculate the amount that is due under this subsection and submit a statement of the amount to the state treasurer. The state treasurer shall verify the stated amount and make the required payment under this subsection to the county, from collections received under section 57-60-02, not later than March first of the following year. The funds needed to make the distribution to counties under this subsection are appropriated on a continuing basis for making these payments. Money received by a county under this subsection must be distributed pursuant to section 57-60-15.
3. Notwithstanding any other provision of law, for a county in which is located a coal conversion facility that was not a coal conversion facility under this chapter before January 1, 2002, for years after 2002, subsection 2 applies to

allocations to that county under this section, except that for a county described in this subsection, amounts received for any calendar year must be allocated by the county in the same manner property taxes for the facility were allocated for taxable year 2001.

²⁷⁵ **SECTION 6. AMENDMENT.** Section 57-60-14 of the North Dakota Century Code is amended and reenacted as follows:

~~57-60-14. Allocation of revenue—Continuing appropriation. (Effective after June 30, 2026, and through June 30, 2031)~~

1. ~~At least quarterly, the state treasurer shall allocate:~~
 - a. ~~The lignite research tax collections under section 57-60-02.2 to the lignite research fund for the purposes under section 57-61-01.5.~~
 - b. ~~The remaining portion of the coal conversion state share after the exemption under section 57-60-02.2 to the legacy fund to become part of the principal of the legacy fund. For purposes of this subdivision, "coal conversion state share" has the same meaning as subsection 1 of section 57-60-02.2.~~
 - c. ~~The remaining portion of the generating plant state share after the exemption under section 57-60-02.2 to the legacy fund to become part of the principal of the legacy fund. For purposes of this subdivision, "generating plant state share" has the same meaning as subsection 2 of section 57-60-02.2.~~
 - d. ~~The remaining coal conversion tax collections under section 57-60-02 to the county.~~
2. ~~Notwithstanding any other provision of law, the allocation under this section to each county may not be less in each calendar year than the amount certified to the state treasurer for each county under this section in the immediately preceding calendar year. For a county that has received less in a calendar year than the amount certified to the state treasurer for that county in the immediately preceding calendar year, not later than January tenth of the following year, the county auditor shall calculate the amount that is due under this subsection and submit a statement of the amount to the state treasurer. The state treasurer shall verify the stated amount and make the required payment under this subsection to the county, from collections received under section 57-60-02, not later than March first of the following year. The funds needed to make the distribution to counties under this subsection are appropriated on a continuing basis for making these payments. Money received by a county under this subsection must be distributed pursuant to section 57-60-15.~~
3. ~~Notwithstanding any other provision of law, for a county in which is located a coal conversion facility that was not a coal conversion facility under this chapter before January 1, 2002, for years after 2002, subsection 2 applies to allocations to that county under this section, except that for a county described in this subsection, amounts received for any calendar year must be allocated by the county in the same manner property taxes for the facility were allocated for taxable year 2001.~~

²⁷⁵ Section 57-60-14 was also amended by section 5 of House Bill No. 1279, chapter 574.

Allocation of revenue - Continuing appropriation. (~~Effective after June 30, 2031~~)

1. The state treasurer shall no less than quarterly allocate all moneys received from all coal conversion facilities in each county pursuant to the provisions of this chapter, fifteen percent to the county and eighty-five percent to the state, except moneys received from the tax imposed by subsection 3 of section 57-60-02, which must be allocated to the state. From the amount allocated to the state under this subsection:
 - a. Five percent must be allocated to the lignite research fund, for the purposes defined in section 57-61-01.5; and
 - b. The remaining amount must be deposited in the legacy fund to become part of the principal of the legacy fund.
2. Notwithstanding any other provision of law, the allocation under this section to each county may not be less in each calendar year than the amount certified to the state treasurer for each county under this section in the immediately preceding calendar year. For a county that has received less in a calendar year than the amount certified to the state treasurer for that county in the immediately preceding calendar year, not later than January tenth of the following year, the county auditor shall calculate the amount that is due under this subsection and submit a statement of the amount to the state treasurer. The state treasurer shall verify the stated amount and make the required payment under this subsection to the county, from collections received under section 57-60-02, not later than March first of the following year. The funds needed to make the distribution to counties under this subsection are appropriated on a continuing basis for making these payments. Money received by a county under this subsection must be distributed pursuant to section 57-60-15.
3. Notwithstanding any other provision of law, for a county in which is located a coal conversion facility that was not a coal conversion facility under this chapter before January 1, 2002, for years after 2002, subsection 2 applies to allocations to that county under this section, except that for a county described in this subsection, amounts received for any calendar year must be allocated by the county in the same manner property taxes for the facility were allocated for taxable year 2001.

²⁷⁶ **SECTION 7. AMENDMENT.** Section 57-61-01 of the North Dakota Century Code is amended and reenacted as follows:

57-61-01. Severance tax upon coal - Imposition - In lieu of sales and use taxes - Payment to the tax commissioner. (Effective through June 30, ~~2026~~2031)

1. There is hereby imposed upon all coal severed for sale or for industrial purposes by coal mines within the state a tax of thirty-seven and one-half cents per ton of two thousand pounds [907.18 kilograms]. The severance tax is in lieu of any sales or use taxes imposed by law. Each coal mine owner or operator shall remit the tax for each month, within twenty-five days after the end of each month, to the tax commissioner on reports and forms as the tax commissioner deems necessary. For the purposes of this chapter, commercial leonardite is taxed in the same manner as coal.

²⁷⁶ Section 57-61-01 was also amended by section 8 of House Bill No. 1279, chapter 574.

2. The board of county commissioners, by resolution, may grant to the operator of a mine from which the coal or commercial leonardite is mined a partial or complete exemption from up to seventy percent of the tax imposed under this section for a period not to extend past June 30, ~~2026~~**2031**. Any tax revenue exceeding thirty percent of the tax imposed under this subsection must be allocated to the county under subsection 3 of section 57-62-02.

Severance tax upon coal - Imposition - In lieu of sales and use taxes - Payment to the tax commissioner. (Effective after June 30, ~~2026~~2031**)** There is hereby imposed upon all coal severed for sale or for industrial purposes by coal mines within the state a tax of thirty-seven and one-half cents per ton of two thousand pounds [907.18 kilograms]. The severance tax is in lieu of any sales or use taxes imposed by law. Each coal mine owner or operator shall remit the tax for each month, within twenty-five days after the end of each month, to the tax commissioner on reports and forms as the tax commissioner deems necessary. For the purposes of this chapter, commercial leonardite is taxed in the same manner as coal.

²⁷⁷ **SECTION 8. AMENDMENT.** Section 57-61-01 of the North Dakota Century Code is amended and reenacted as follows:

~~57-61-01. Severance tax upon coal - Imposition - In lieu of sales and use taxes - Payment to the tax commissioner. (Effective through June 30, 2031)~~

- ~~1. There is hereby imposed upon all coal severed for sale or for industrial purposes by coal mines within the state a tax of thirty seven and one half cents per ton of two thousand pounds [907.18 kilograms]. The severance tax is in lieu of any sales or use taxes imposed by law. Each coal mine owner or operator shall remit the tax for each month, within twenty five days after the end of each month, to the tax commissioner on reports and forms as the tax commissioner deems necessary. For the purposes of this chapter, commercial leonardite is taxed in the same manner as coal.~~
- ~~2. The board of county commissioners, by resolution, may grant to the operator of a mine from which the coal or commercial leonardite is mined a partial or complete exemption from up to seventy percent of the tax imposed under this section for a period not to extend past June 30, 2031. Any tax revenue exceeding thirty percent of the tax imposed under this subsection must be allocated to the county under subsection 3 of section 57-62-02.~~

Severance tax upon coal - Imposition - In lieu of sales and use taxes - Payment to the tax commissioner. (Effective after June 30, **2031)** There is hereby imposed upon all coal severed for sale or for industrial purposes by coal mines within the state a tax of thirty-seven and one-half cents per ton of two thousand pounds [907.18 kilograms]. The severance tax is in lieu of any sales or use taxes imposed by law. Each coal mine owner or operator shall remit the tax for each month, within twenty-five days after the end of each month, to the tax commissioner on reports and forms as the tax commissioner deems necessary. For the purposes of this chapter, commercial leonardite is taxed in the same manner as coal.

²⁷⁸ **SECTION 9. REPEAL.** Section 57-60-02.2 of the North Dakota Century Code is repealed.

²⁷⁷ Section 57-61-01 was also amended by section 7 of House Bill No. 1279, chapter 574.

²⁷⁸ Section 57-60-02.2 was amended by section 4 of House Bill No. 1279, chapter 574.

SECTION 10. EFFECTIVE DATE. Section 7 of this Act is effective for taxable production beginning after June 30, 2025. Sections 1, 3, 4, and 5 of this Act are effective for taxable production beginning after June 30, 2026.

SECTION 11. CONTINGENT EFFECTIVE DATE. Sections 2, 6, 8, and 9 of this Act become effective on the date the tax commissioner certifies to the legislative council that the production tax credit for electricity from renewables under section 45 of the Internal Revenue Code [26 U.S.C. 45] and the clean electricity production tax credit under section 45Y of the Internal Revenue Code [26 U.S.C. 45Y] have been repealed, if the certification is received before June 30, 2031.

Approved May 5, 2025

Filed May 6, 2025

TOWNSHIPS

CHAPTER 575

HOUSE BILL NO. 1374

(Representatives Klemin, Fegley, Warrey)
(Senator Barta)

AN ACT to create and enact a new section to chapter 44-04 and a new section to chapter 58-03 of the North Dakota Century Code, relating to an open meeting exemption for a board of township supervisors when conducting an onsite inspection.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Township onsite inspections - Exemption.

An onsite inspection conducted under section 2 of this Act is an exempt meeting.

SECTION 2. A new section to chapter 58-03 of the North Dakota Century Code is created and enacted as follows:

Onsite inspections - Exempt meeting.

1. A gathering of the members of a board of township supervisors to conduct an onsite inspection under this title is an exempt meeting as defined under section 44-04-17.1 if:
 - a. The township does not have staff available that is capable of making the inspection; or
 - b. The board of township supervisors is serving as the township officers and the staff of the township.
2. The board of township supervisors shall make good-faith efforts to provide notice of the inspections to each news medium that has filed a written request for notice if the request includes the news medium's telephone number. The notice must be given by telephone or by any other method used to notify the members of the public body.

Approved April 16, 2025

Filed April 16, 2025

TRUSTS

CHAPTER 576

SENATE BILL NO. 2127

(Judiciary Committee)

(At the request of the Commission on Uniform State Laws)

AN ACT to create and enact chapter 59-22 of the North Dakota Century Code, relating to the Uniform Electronic Estate Planning Documents Act; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 59-22 of the North Dakota Century Code is created and enacted as follows:

59-22-01. (102) Definitions.

As used in this chapter:

1. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
2. "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.
3. "Electronic signature" means an electronic symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
4. "Information" includes data, text, images, codes, computer programs, software, and databases.
5. "Nontestamentary estate planning document" means a record relating to estate planning which is readable as text at the time of signing and is not a will or contained in a will. The term:
 - a. Includes a record readable as text at the time of signing which creates, exercises, modifies, releases, or revokes:
 - (1) A trust instrument;
 - (2) A trust power that under the terms of the trust requires a signed record;
 - (3) A certification of a trust under section 59-18-13;
 - (4) A durable power of attorney under chapter 30.1-30;

- (5) An agent's certification of the validity of a power of attorney and the agent's authority;
 - (6) A power of appointment;
 - (7) An advance directive, including a health care power of attorney, directive to physicians, natural death statement, living will, and medical or physician order for life-sustaining treatment;
 - (8) A record directing disposition of an individual's body after death;
 - (9) A nomination of a guardian for the signing individual;
 - (10) A nomination of a guardian for a minor child or disabled adult child;
 - (11) A mental health treatment declaration;
 - (12) A disclaimer as defined under section 30.1-10-01; and
 - (13) Any other record intended to carry out an individual's intent regarding property or health care while incapacitated or on death.
- b. Does not include a deed of real property, or certificate of title for a motor vehicle, watercraft, or aircraft.
- 6. "Person" means an individual, estate, business or nonprofit entity, government or governmental subdivision, agency or instrumentality, or other legal entity.
- 7. "Power of attorney" means a record that grants authority to an agent to act in place of the principal, even if the term is not used in the record.
- 8. "Record" means information:
 - a. Inscribed on a tangible medium; or
 - b. Stored in an electronic or other medium and retrievable in perceivable form.
- 9. "Security procedure" means a procedure to verify an electronic signature, record, or performance is of a specific person or to detect a change or error in an electronic record. The term includes a procedure that uses an algorithm, code, identifying word or number, encryption, or callback or other acknowledgment procedure.
- 10. "Settlor" means a person, including a testator, that creates or contributes property to a trust.
- 11. "Sign" means with present intent to authenticate or adopt a record to:
 - a. Execute or adopt a tangible symbol; or
 - b. Attach to or logically associate with the record an electronic signature.
- 12. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or other territory or possession subject to the jurisdiction of the United States. The term includes a federally recognized Indian tribe.
- 13. "Terms of the trust" means:

- a. Except as provided under subdivision b, the manifestation of the settlor's intent regarding a trust's provisions as:
 - (1) Expressed in the trust instrument; or
 - (2) Established by other evidence that would be admissible in a judicial proceeding.
 - b. The trust's provisions as established, determined, or amended by:
 - (1) A trustee or other person in accordance with applicable law;
 - (2) A court order; or
 - (3) A nonjudicial settlement agreement under section 59-09-11.
14. "Trust instrument" means an instrument executed by the settlor which contains terms of the trust, including any amendments.
15. "Will" includes a codicil and a testamentary instrument that appoints an executor, revokes or revises another will, nominates a guardian, or expressly excludes or limits the right of an individual or class to succeed to property of the decedent passing by intestate succession.

59-22-02. (103) Construction.

This chapter must be construed and applied to:

- 1. Facilitate electronic estate planning documents and signatures consistent with other law; and
- 2. Be consistent with reasonable practices concerning electronic documents and signatures and continued expansion of those practices.

59-22-03. (201) Scope.

- 1. Except as provided in subsection 2, this chapter applies to an electronic nontestamentary estate planning document and an electronic signature on a nontestamentary estate planning document.
- 2. This chapter does not apply to a nontestamentary estate planning document if the document precludes use of an electronic record or electronic signature.
- 3. This chapter does not affect the validity of an electronic record or electronic signature that is valid under chapter 30.1-37 or 9-16.

59-22-04. (202) Principles of law and equity.

The law of this state and principles of equity applicable to a nontestamentary estate planning document apply to an electronic nontestamentary estate planning document except as modified by this chapter.

59-22-05. (203) Use of electronic record or signature not required.

- 1. This chapter does not require a nontestamentary estate planning document or signature on a nontestamentary estate planning document to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form.

2. A person is not required to have a nontestamentary estate planning document in electronic form or signed electronically even if the person previously created or signed a nontestamentary estate planning document by electronic means.
3. A person may not waive the provisions of this section.

59-22-06. (204) Recognition of electronic nontestamentary estate planning document and electronic signature.

1. A nontestamentary estate planning document or a signature on a nontestamentary estate planning document may not be denied legal effect or enforceability because the document or signature is in electronic form.
2. If any other provision of law requires a nontestamentary estate planning document to be in writing, an electronic record of the document satisfies the requirement.
3. If any other provision of law requires a signature on a nontestamentary estate planning document, an electronic signature satisfies the requirement.

59-22-07. (205) Attribution and effect of electronic record and electronic signature.

1. An electronic nontestamentary estate planning document or electronic signature on an electronic nontestamentary estate planning document is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including by showing the efficacy of a security procedure applied to determine the person to which the electronic record or electronic signature was attributable.
2. The effect of attribution to a person under subsection 1 is determined from the context and surrounding circumstances at the time the document or signature was created, executed, or adopted, and as provided by law.

59-22-08. (206) Notarization and acknowledgment.

If any other provision of law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied with respect to an electronic nontestamentary estate planning document if an individual authorized to perform the notarization, acknowledgment, verification, or oath attaches or logically associates the individual's electronic signature on the document together with all other information required to be included under law.

59-22-09. (207) Witnessing and attestation.

1. If any other provision of law bases the validity of a nontestamentary estate planning document on whether the document is signed, witnessed, or attested by another individual, the signature, witnessing, or attestation of that individual may be electronic.
2. As used in this subsection, "electronic presence" means two or more individuals in different locations are able to communicate in real time to the same extent as if the individuals were physically present in the same location. If any other provision of law bases the validity of a nontestamentary estate planning document on whether the document is signed, witnessed, or attested by another individual in the presence of the individual signing the document, the presence requirement is satisfied if the individuals are in each other's electronic presence.

59-22-10. (208) Retention of electronic record - Original.

1. Except as provided in subsection 2, if any other provision of law requires an electronic nontestamentary estate planning document to be retained, transmitted, copied, or filed, the requirement is satisfied by retaining, transmitting, copying, or filing an electronic record that:
 - a. Accurately reflects the information in the document after the document was first generated in final form as an electronic record or under section 59-22-11; and
 - b. Remains accessible to the extent required by the other law.
2. A requirement under subsection 1 to retain a record does not apply to information the purpose of which is to enable the record to be sent, communicated, or received.
3. A person may satisfy subsection 1 by using the services of another person.
4. If any other provision of law requires a nontestamentary estate planning document to be presented or retained in its original form, or provides consequences if a nontestamentary estate planning document is not presented or retained in its original form, an electronic record retained in accordance with subsection 1 satisfies the other law.
5. This section does not preclude a governmental agency from specifying requirements for the retention of a record subject to the agency's jurisdiction in addition to those in this section.
6. As used in this section, "governmental agency" means an executive, legislative, or judicial agency, department, board, commission, authority, institution, or instrumentality of the federal government or of the state or of a county, municipality, or other political subdivision of the state.

59-22-11. (209) Certification of paper copy.

An individual may create a certified paper copy of an electronic nontestamentary estate planning document by affirming under penalty of perjury before a notary public that the paper copy is a complete and accurate copy of the document.

59-22-12. (210) Admissibility in evidence.

Evidence relating to an electronic nontestamentary estate planning document or an electronic signature on the document may not be excluded in a proceeding solely because it is in electronic form.

59-22-13. (401) Uniformity of application and construction.

In applying and construing this chapter, a court shall consider the promotion of uniformity of the law among the states that enact it.

59-22-14. (402) Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, [15 U.S.C. Section 7001 et seq.] but does not modify, limit, or supersede 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in 15 U.S.C. Section 7003(b).

SECTION 2. APPLICATION. This Act applies to an electronic nontestamentary estate planning document created, signed, generated, sent, communicated, received, or stored before, on, or after July 31, 2025.

Approved March 25, 2025

Filed March 26, 2025

WATERS

CHAPTER 577

SENATE BILL NO. 2044

(Energy and Natural Resources Committee)
(At the request of the Department of Water Resources)

AN ACT to amend and reenact section 61-01-06 of the North Dakota Century Code, relating to watercourse determinations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-01-06 of the North Dakota Century Code is amended and reenacted as follows:

61-01-06. Watercourse and waterway - Definitions.

1. A watercourse entitled to the protection of the law is constituted if there is a sufficient natural and accustomed flow of water to form and maintain a distinct and a defined channel. The supply of water is not required to be continuous or from a perennial living source. The criteria for constituting a watercourse are satisfied if the flow arises periodically from natural causes and reaches a plainly defined channel of a permanent character. ~~If requested by a water resource board, the department of water resources shall determine whether a watercourse is constituted.~~
2. A person aggrieved by a watercourse determination made by a state agency or a political subdivision of the state may request the department of water resources review the determination. Upon request, the department of water resources shall review the state agency or political subdivision determination and determine whether a watercourse is constituted. A person aggrieved by a department of water resources determination may file an appeal under section 61-03-22.
3. For purposes of this title, unless the context otherwise requires, "waterway" means a natural, geologic feature that conveys surface water over land.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 578

HOUSE BILL NO. 1218

(Representatives Schreiber-Beck, D. Anderson, Beltz, Brandenburg, Headland,
Nelson, Weisz)

(Senators Meyer, Thomas, Wanzek, Weber)

AN ACT to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to a temporary moratorium on conducting an economic analysis for assessment drain projects; to amend and reenact section 61-02-01.3 of the North Dakota Century Code, relating to comprehensive water development plans; to provide for a legislative management study; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-02-01.3 of the North Dakota Century Code is amended and reenacted as follows:

61-02-01.3. Comprehensive water development plan.

1. Biennially, the commission shall develop and maintain a comprehensive water development plan organized on a river basin perspective, including an inventory of future water projects for budgeting and planning purposes.
2. As part of the commission's planning process, to facilitate local project sponsor participation and project prioritization and to assist in education regarding life cycle analyses for municipal water supply projects, and economic analyses for flood control and water conveyance projects expected to cost more than one million dollars, the commission shall develop a policy that outlines procedures for commissioner-hosted meetings within the upper Missouri River, lower Missouri River, James River, upper Red River, lower Red River, Mouse River, Devils Lake, Little Missouri River, upper Heart River, and upper Cannonball River drainage basins.
3. The commission may not require an economic analysis for an assessment drain project if the project is expected to cost one million dollars or less.

SECTION 2. A new section to chapter 61-02 of the North Dakota Century Code is created and enacted as follows:

Economic analysis for assessment drain projects - Moratorium.

Notwithstanding section 61-02-01.3, between August 1, 2025, and July 31, 2027, the state water commission or the department of water resources may not conduct an economic analysis for an assessment drain project within the state.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - FORMULA FOR ECONOMIC ANALYSIS FOR ASSESSMENT DRAIN PROJECTS. During the 2025-26 interim, the legislative management shall study the formula for conducting an economic analysis for assessment drain projects and the projected cost threshold for conducting economic analyses. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 4. EXPIRATION DATE. Section 2 of this Act is effective through July 31, 2027, and after that date is ineffective.

Approved May 1, 2025

Filed May 2, 2025

CHAPTER 579

SENATE BILL NO. 2153

(Senators Dwyer, Sorvaag, Weber)
(Representatives Brandenburg, Mitskog, Hagert)

AN ACT to amend and reenact subsection 9 of section 61-02-02 of the North Dakota Century Code, relating to water conveyance projects and works.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 9 of section 61-02-02 of the North Dakota Century Code is amended and reenacted as follows:

9. "Project" means a water conveyance project or any one of the works defined in subsection ~~4011~~, or any combination of such works, which are physically connected or jointly managed and operated as a single unit.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 580

HOUSE BILL NO. 1043

(Energy and Natural Resources Committee)
(At the request of the Department of Water Resources)

AN ACT to amend and reenact section 61-02-08 of the North Dakota Century Code, relating to the vice chairman of the state water commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-02-08 of the North Dakota Century Code is amended and reenacted as follows:

61-02-08. Meetings of commission.

The commission shall hold at least one meeting every two months at places as it, by resolution, may provide. ~~The governor shall serve as chairman, and the commission shall select a member of the commission to serve as vice chairman.~~ The chairman, or in the chairman's absence or disability, the vice chairman of the commission, may issue a call for any meeting at any time. The governor or governor's appointed representative shall preside at all meetings of the commission, and in case of the absence or disability of the governor and governor's appointed representative, the vice chairman shall preside.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 581

HOUSE BILL NO. 1201

(Representatives Brandenburg, Grueneich, Hagert, Headland, Mitskog, Warrey,
Schreiber-Beck)
(Senators Erbele, Luick, Weber, Wanzek)

AN ACT to amend and reenact section 61-04-03.1 of the North Dakota Century Code, relating to a limitation on the amount of water not applied to beneficial use.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-04-03.1 of the North Dakota Century Code is amended and reenacted as follows:

61-04-03.1. Limitation on amount of water.

An applicant may not apply for a permit or permits for irrigation which, if approved, would enable a person, at any one time, to hold a conditional water permit or permits for more than seven hundred twenty acre-feet [888106.75 cubic meters] of water from a single surface or ground water source that has not been applied to beneficial use. Applications submitted in violation of this section may not be assigned a priority date and must be returned to the applicant by the department of water resources. This section may not apply to water permit applications from the Missouri River or to applications submitted by irrigation districts organized pursuant to this title. For the purposes of this section, "person", when applied to an individual, means the individual and the individual's spouse and dependents within the meaning of the Internal Revenue Code [26 U.S.C. 152].

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 582

SENATE BILL NO. 2059

(Energy and Natural Resources Committee)
(At the request of the Department of Water Resources)

AN ACT to amend and reenact sections 61-04-05.1, 61-16.1-53.1, and 61-32-08 of North Dakota Century Code, relating to hearing and appeals processes of the department of water resources.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-04-05.1 of the North Dakota Century Code is amended and reenacted as follows:

61-04-05.1. Comments - Hearing.

1. Comments regarding a proposed appropriation must be in writing and filed by the date specified by the department of water resources under subsection 5 of section 61-04-05. The comments must state the name and mailing address of the person filing the comments. Comment letters submitted electronically must state the name and mailing address of the person filing the comments, and must be signed by the submitter to be considered valid and part of the official record.
2. A person filing written comments also may request a public hearing for the department to obtain additional information to evaluate the application or to receive public input by the date specified by the department of water resources under subsection 5 of section 61-04-05. If a request for a public hearing is made and the department determines a public hearing is necessary, the department shall designate a time and place for the public hearing and ~~serve a notice of hearing upon~~ notify the applicant and any person who filed written comments. ~~Service must be made in the manner allowed for service under the North Dakota Rules of Civil Procedure~~ by certified mail at least twenty days before the hearing.
3. If two or more municipal or public use permitholders request the public hearing to be held locally, the department of water resources shall hold the hearing in the county seat of the county in which the proposed water appropriation site is located.
4. The department of water resources shall consider all written comments received and testimony presented at a public hearing, if held, and shall make a recommended decision in writing. The recommended decision must be mailed to the applicant and any party of record and may constitute:
 - a. Approval of all or a portion of the application, with the remainder held in abeyance or denied;
 - b. Denial of the application; or
 - c. Deferral of the application.

5. Within thirty days of service of the recommended decision, the applicant and any party of record who would be aggrieved by the decision may file additional written comments with the department of water resources or request an adjudicative proceeding on the application, or both. A request for an adjudicative proceeding must be made in writing and must state with particularity how the person would be aggrieved by the decision and the issues and facts to be presented at the proceeding. If a request for an adjudicative proceeding is not made, the department shall consider the additional comments, if any are submitted, and issue a final decision. If a request for an adjudicative proceeding is made and the department determines an adjudicative proceeding is necessary, the department shall designate a time and place for the adjudicative proceeding and ~~serve the notice of adjudicative proceeding upon~~ notify the applicant and any person who filed written comments. ~~Service must be made in the manner allowed for service under the North Dakota Rules of Civil Procedure~~ by certified mail at least twenty days before the hearing.

SECTION 2. AMENDMENT. Section 61-16.1-53.1 of the North Dakota Century Code is amended and reenacted as follows:

61-16.1-53.1. Appeal of board decisions - Department of water resources review - Closing of noncomplying dams, dikes, or other devices for water conservation, flood control, regulation, and watershed improvement.

1. The board shall make the decision required by section 61-16.1-53 within a reasonable time, not exceeding one hundred twenty days, after receiving the complaint. The board shall notify all parties of its decision by certified mail. Any aggrieved party may appeal the board's decision to the department of water resources. The appeal to the department must be made within thirty days from the date notice of the board's decision has been received. The appeal must be made by submitting a written notice to the department which must state specifically the reason why the board's decision is erroneous. The appealing party also shall submit copies of the written appeal notice to the board and to all nonappealing parties. Upon receipt of this notice the board, if it has ordered removal of a dam, dike, or other device, is relieved of its obligation to procure the removal of the dam, dike, or other device. The department shall handle the appeal by conducting an independent investigation and making an independent determination of the matter. The department may enter property affected by the complaint to investigate the complaint.
2. If the board fails to investigate and make a determination concerning the complaint within a reasonable time, not exceeding one hundred twenty days, the person filing the complaint may file the complaint with the department of water resources within one hundred fifty days of the submittal date of the original complaint. Without reference to chapter 28-32, the department shall cause the investigation and determination to be made, either by action against the board or by conducting the investigation and making the determination.
3. If the department of water resources determines a dam, dike, or other device has been constructed or established by a landowner or tenant contrary to title 61 or any rules adopted by the board, the department shall take one of these three actions:
 - a. Notify the landowner by certified mail at the landowner's post-office address of record;

- b. Return the matter to the jurisdiction of the board along with the investigation report; or
 - c. Forward the dam, dike, or other device complaint and investigation report to the state's attorney.
4. If the department of water resources decides to notify the landowner, the notice must specify the nature and extent of the noncompliance and state that if the dam, dike, or other device is not removed within a reasonable time as determined by the department, but not less than thirty days, the department shall procure the removal of the dam, dike, or other device and assess the cost of removal against the responsible landowner's property. ~~The notice from the department also must state that, within fifteen days of the date the notice is mailed, the affected landowner may demand, in writing, a hearing on the matter. Upon receipt of the demand, the department shall set a hearing date within fifteen days from the date the demand is received.~~ If, in the opinion of the department, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in proportion to the responsibility of the landowners. Upon assessment of costs, the department shall certify the assessment to the county auditor of the county where the noncomplying dam, dike, or other device is located. The county auditor shall extend the assessment against the property assessed. Each assessment must be collected and paid as other property taxes are collected and paid. Assessments collected must be deposited with the state treasurer and credited to the contract fund established by section 61-02-64.1. ~~Any person aggrieved by action of the department under this section may appeal the decision of the department to the district court under chapter 28-32. A hearing by the department as provided for in this section is a prerequisite to an appeal.~~
5. If the department of water resources, after completing the investigation required under this section, decides to return the matter to the board, a complete copy of the investigation report must be forwarded to the board and must include the nature and extent of the noncompliance. Upon having the matter returned to its jurisdiction, the board shall carry out the department's decision under the terms of this section.
6. If the department of water resources, after completing the investigation required under this section, decides to forward the dam, dike, or other device complaint to the state's attorney, a complete copy of the investigation report must also be forwarded and must include the nature and extent of the noncompliance. The state's attorney shall prosecute the complaint under the statutory responsibilities prescribed in chapter 11-16.
7. If the department of water resources dismisses the dam, dike, or other device complaint, the department of water resources shall notify all parties of record to the appeal and include in its notification the department of water resource's investigation report, if applicable.
8. In addition to the penalty imposed by the court on conviction under this statute, the court shall order the dam, dike, or other device removed within a reasonable time period as the court determines, but not less than thirty days. If the dam, dike, or other device is not removed within the time prescribed by the court, the court shall procure the removal of the dam, dike, or other device, and assess the cost against the property of the landowner responsible, in the same manner as other assessments under chapter 61-16.1 are levied. If, in

the opinion of the court, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in proportion to the responsibility of the landowners.

9. Any party aggrieved by a decision of the department of water resources under this section may request a hearing under section 61-03-22 and appeal the decision to district court under chapter 28-32. A hearing by the department of water resources under this section is a prerequisite to an appeal.

SECTION 3. AMENDMENT. Section 61-32-08 of the North Dakota Century Code is amended and reenacted as follows:

61-32-08. Appeal of board decisions - Department of water resources review - Closing of noncomplying drains.

1. The board shall make the decision required by section 61-32-07 within a reasonable time, but not to exceed one hundred twenty days, after receiving the complaint. The board shall notify all parties of its decision by certified mail. Any aggrieved party may appeal the board's decision to the department of water resources. The appeal to the department must be made within thirty days from the date notice of the board's decision has been received. The appeal must be made by submitting a written notice to the department, and the notice must specify the reason why the board's decision is erroneous. The appealing party also shall submit copies of the written appeal notice to the board and to all nonappealing parties. Upon receipt of this notice the board, if it has ordered closure of a drain, lateral drain, or ditch, is relieved of its obligation to procure the closing or filling of the drain, lateral drain, or ditch. The department shall handle the appeal by conducting an independent investigation and making an independent determination of the matter. The department may enter property affected by the complaint to investigate the complaint.
2. If the board fails to investigate and make a determination concerning the complaint within a reasonable time, but not to exceed one hundred twenty days, the person filing the complaint may file the complaint with the department of water resources within one hundred fifty days of the submittal date of the original complaint. The department, without reference to chapter 28-32, shall cause the investigation and determination to be made, either by action against the board or by conducting the investigation and making the determination.
3. If the department of water resources determines a drain, lateral drain, or ditch has been opened or established by a landowner or tenant contrary to title 61 or any rules adopted by the board, the department shall take one of three actions:
 - a. Notify the landowner by certified mail at the landowner's post-office address of record;
 - b. Return the matter to the jurisdiction of the board along with the investigation report; or
 - c. Forward the drainage complaint and investigation report to the state's attorney.

4. If the department of water resources decides to notify the landowner, the notice must specify the nature and extent of the noncompliance and state if the drain, lateral drain, or ditch is not closed or filled within a reasonable time as determined by the department, but not less than thirty days, the department shall procure the closing or filling of the drain, lateral drain, or ditch and assess the cost, against the responsible landowner's property. ~~The notice from the department must state the affected landowner may demand in writing, within fifteen days of the date the notice is mailed, a hearing on the matter. Upon receipt of the demand, the department shall set a hearing date within fifteen days from the date the demand is received.~~ If, in the opinion of the department, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in proportion to the responsibility of the landowners. Upon assessment of costs, the department shall certify the assessment to the county auditor of the county where the noncomplying drain, lateral drain, or ditch is located. The county auditor shall extend the assessment against the property assessed. Each assessment must be collected and paid as other property taxes are collected and paid. Assessments collected must be deposited with the state treasurer and credited to the contract fund established by section 61-02-64.1. ~~Any person aggrieved by action of the department under this section may appeal the decision of the department to the district court under chapter 28-32. A hearing by the department under this section is a prerequisite to an appeal.~~
5. If the department of water resources, after completing the investigation required under this section, decides to return the matter to the board, a complete copy of the investigation report must be forwarded to the board and it must include the nature and extent of the noncompliance. Upon having the matter returned to its jurisdiction, the board shall carry out the department's decision under this section.
6. If the department of water resources, after completing the investigation required under this section, decides to forward the drainage complaint to the state's attorney, a complete copy of the investigation report must be forwarded and must include the nature and extent of the noncompliance. The state's attorney shall prosecute the complaint under the statutory responsibilities prescribed in chapter 11-16.
7. If the department of water resources dismisses the drainage complaint, the department of water resources shall notify all parties of record to the appeal and include in its notification the department of water resource's investigation report, if applicable.
8. In addition to the penalty imposed by the court on conviction under this statute, the court shall order the drain, lateral drain, or ditch closed or filled within a reasonable time period as the court determines, but not less than thirty days. If the drain, lateral drain, or ditch is not closed or filled within the time prescribed by the court, the court shall procure the closing or filling of the drain, lateral drain, or ditch, and assess the cost against the property of the landowner responsible, in the same manner as other assessments under chapter 61-16.1 are levied. If, in the opinion of the court, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in proportion to the responsibility of the landowners.
9. Any party aggrieved by a decision of the department of water resources under this section may request a hearing under section 61-03-22 and appeal the

decision to district court under chapter 28-32. A hearing by the department of water resources under this section is a prerequisite to an appeal.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 583

HOUSE BILL NO. 1042

(Energy and Natural Resources Committee)
(At the request of the Department of Water Resources)

AN ACT to amend and reenact section 61-04-14 of the North Dakota Century Code, relating to extending time for the application of water to a beneficial use.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-04-14 of the North Dakota Century Code is amended and reenacted as follows:

61-04-14. Extending time for application to beneficial use.

The department of water resources may extend the time for the application of water to the beneficial use cited in the conditional water permit for good cause shown. When the time has expired, the department may renew and extend the time upon application. However, a conditional water permit, or any portion of the application permit must be considered forfeited if no request for renewal is received by the department within sixty days after the date the permitholder is informed the period for applying water to the beneficial use cited in the conditional water permit has expired. If a request to extend the time for application to beneficial use for any conditional water permit, or portion of the permit, is denied, the conditional water permit, or portion of the permit, must be considered forfeited. Sections 61-04-23 through 61-04-25 do not apply to this section.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 584

SENATE BILL NO. 2141

(Senators Patten, Erbele, Kessel)
(Representatives Dressler, Hagert, Novak)

AN ACT to amend and reenact section 61-04-15.4 of the North Dakota Century Code, relating to a change in the purpose of use of a conditional or perfected water permit.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-04-15.4 of the North Dakota Century Code is amended and reenacted as follows:

61-04-15.4. Change in purpose of use.

1. A permitholder may change the purpose of use of a conditional or perfected water permit without affecting the priority date, if approved by the department of water resources. ~~Applications for a~~
2. An application to change in the purpose of use must be processed and evaluated in the same manner as a conditional water permit application. A
3. The department of water resources may approve the proposed change if the proposed change will not adversely affect the rights of other appropriators and if a change in the purpose of use may be authorized only for:
 - a. ~~To a superior use as determined by~~ under the order of priority in section 61-04-06.1. The department may approve the proposed change if the proposed change will not adversely affect the rights of other appropriators; ~~or~~
 - b. To livestock use or fish, wildlife, and recreation use for a reservoir authorizing no withdrawal of water.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 585

SENATE BILL NO. 2065

(Energy and Natural Resources Committee)
(At the request of the Department of Water Resources)

AN ACT to amend and reenact section 61-05-10 of the North Dakota Century Code, relating to the formation of irrigation districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-05-10 of the North Dakota Century Code is amended and reenacted as follows:

61-05-10. Hearing on petition - Notice - ~~Report~~Determination on feasibility - Copy of ~~report~~determination filed - Submitted to electors.

The department of water resources shall examine the petition, maps, papers, probable cost, and data pertaining to the proposed irrigation district and shall fix a time and place for hearing the petition. A notice stating the petition will be heard, and stating the time and place of hearing, must be filed with the county auditor of each county in which the proposed district is located. The notice must be published once each week for two consecutive weeks in the newspapers of general circulation where the district is located and in the official newspaper of each county in which the district is located. The date set for the hearing on the petition may not be less than twenty days after the first publication of the notice. Before the hearing the department shall review the maps, preliminary designs, probable cost, and feasibility study and shall prepare, or shall cause to be prepared a ~~summary report showing the probable cost of the proposed irrigation works and determination~~ determination outlining the practicability and feasibility of the plan of irrigation suggested or proposed by petitioners for the irrigation of the lands within the district. A copy of the ~~report~~determination must be filed with the county auditor of each county in which the proposed irrigation district is situated, and the ~~report~~determination must be open to public inspection. The department of water resources also shall submit the ~~report~~determination to the electors of the proposed district at the meeting set for hearing the petition for the organization of the proposed district.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 586

SENATE BILL NO. 2276

(Senator Luick)

AN ACT to amend and reenact sections 61-16.1-11, 61-16.1-15.1, and 61-16.1-59 of the North Dakota Century Code, relating to the joint exercise of powers of joint water resource boards, mandating the formation of joint water resource boards for projects affecting two or more counties, and proceedings to confirm special actions.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-16.1-11 of the North Dakota Century Code is amended and reenacted as follows:

61-16.1-11. Joint exercise of powers. (Retroactive application - See note)

1. Two or more districts may, by agreement, jointly or cooperatively exercise any power which is authorized a board by this title. The agreement shall state its purpose and the powers to be exercised, and shall provide for the method by which the power or powers shall be exercised. When the agreement provides for the use of a joint water resource board, the joint board shall be representative of the boards which are parties to the agreement. Notwithstanding other provisions of law, the agreement may specify the number, composition, terms, or qualifications of the members of the joint board. However, the joint board must consist of an equal number of members from each district comprising the joint board. A joint board created under this section is a political subdivision of the state.
2. The districts which are parties to such an agreement may provide for disbursements from their individual budgets to carry out the purpose of the agreement. In addition, a joint board established pursuant to this section may adopt, by resolution, on or before July first of each year, a budget showing estimated expenses for the ensuing fiscal year and the proposed contributions of each member district as determined by the agreement. The boards of the member districts then shall levy by resolution a tax not to exceed two mills upon the taxable valuation of the real property within each district within the river basin or region subject to the joint agreement. The levy may be in excess of any other levy authorized for a district.
3. The proceeds of one-half of this levy shall be credited to the joint board's administrative fund and shall be used for regulatory activities and for the construction and maintenance of projects of common benefit to the member districts. The remainder shall be credited to the construction funds of the joint board and shall be used for the construction and maintenance of projects of common benefit to more than one district.
4. Funds may be paid to and disbursed by the joint board as agreed upon, but the method of disbursement shall agree as far as practicable with the method provided by law for the disbursement of funds by individual districts. Contracts let and purchases made under the agreements shall conform to the

requirements applicable to contracts and purchases by individual districts. The joint board shall be accountable for all funds and reports of all receipts and disbursements to the state water commission in a manner prescribed by the commission.

5. The agreement may be continued for a definite term or until rescinded or terminated in accordance with its terms. The agreement shall provide for the disposition of any property required as the result of a joint or cooperative exercise of powers, and the return of any surplus moneys in proportion to contributions of the several contracting districts after the purpose of the agreement has been completed.
6. Residence requirements for holding office in a district shall not apply to any officer appointed to carry out any agreement.
7. This section does not dispense with procedural requirements of any other statute providing for the joint or cooperative exercise of any governmental power.
8. ~~All districts within the Red River, James River, Mouse River, Missouri River, and Devils Lake drainage basins shall, by agreement, form and remain a member of a joint water resource board relative to the district's respective drainage basin. All agreements and subsequent amendments must be filed with the department of water resources. Notwithstanding other provisions of law, the board of county commissioners of the member districts in the Red River, James River, Mouse River, Missouri River, and Devils Lake drainage basins may approve a levy of tax not to exceed two mills upon the taxable valuation of the real property within each joint board's respective drainage basin.~~

SECTION 2. AMENDMENT. Section 61-16.1-15.1 of the North Dakota Century Code is amended and reenacted as follows:

61-16.1-15.1. Projects or benefits in more than one county.

1. ~~The~~Before constructing a project and before assessing the lands or premises for a project located in or benefiting more than one county, the districts from two or more counties ~~may agree to jointly construct or assign benefits and assessments for a project. Two or more districts shall create a joint board under section 61-16.1-11 before constructing a project and before assessing the lands or premises for a project that benefits or is located in more than one county. If the districts do not agree to undertake a joint project, a district may undertake the project by providing notice to the joint board where the project is located, in either the Red River, James River, Mouse River, Missouri River, or Devils Lake drainage basin, together with the engineer's report required under section 61-16.1-17.~~
2. If the joint board or district finds the project is necessary, and the benefits of the project will exceed the costs, the joint board or district shall proceed with the procedures in sections 61-16.1-15 through 61-16.1-36 regarding:
 - a. The creation, construction, alteration, repair, operation, and maintenance of a project and an assessment district;
 - b. The determination and levy of assessments against property benefited by the project; and

- c. The special warrants issued pursuant to this chapter.
3. If the assessment vote is successful, the joint board or district shall construct, own, operate, and maintain the project. The joint board or district shall administer the corresponding assessment district for the project in accordance with this chapter and shall direct the county auditor of each county within the assessment district to levy assessments. Each county auditor shall levy assessments as determined by the joint board.
 4. If a district conducts a reassessment of benefits under this chapter for an existing project and concludes property in another county benefits from the project, the district shall notify the other district of the requirement to form a joint board. If the district refuses to form a joint board, the district shall proceed with the reassessment and include the property in the project assessment district. Affected landowners subject to assessments may appeal the reassessment determination in accordance with this chapter. After the expiration of applicable appeal periods under this chapter, the district shall direct the county auditor of each county within the assessment district to levy assessments. Each county auditor shall levy assessments as determined by the joint board.
 5. If a county auditor refuses to levy assessments as directed by a joint board or a district, the joint board or district may seek a writ of mandamus under chapter 32-34 from the district court of the county in which the benefited property is located. If the joint board or district prevails, the district court shall award costs and reasonable attorneys' fees to the joint board or district seeking the writ of mandamus.
 6. If the members of the joint board cannot agree about the necessity of a project, the process to undertake an approved project, or the procedure to assess benefits, the joint board shall request assistance from the North Dakota mediation service to resolve grievances arising from the conflict. After receiving the request, the North Dakota mediation service shall assist the members of the joint board to mediate the conflict. The North Dakota mediation service shall issue a proposed mediation agreement within thirty days of completing the mediation. Each member of the joint board shall participate in good faith in the mediation.
 7. If the proposed mediation agreement is not agreed to by a majority of the members of a joint board, a member of the joint board may file an appeal with the department of water resources to issue a determination to resolve the conflict. The appealing party must file the appeal within thirty days of the issuance of the proposed mediation agreement under subsection 6. Within sixty days of receipt of the appeal, the department of water resources shall review and investigate the complaint and issue its determination. A hearing held by the department of water resources under this section is a prerequisite to issuing a determination under this subsection.
 8. If the determination issued by the department of water resources is not agreed to by a majority of the members of a joint board, a member of the joint board may appeal the decision of the department of water resources to the appropriate district court under chapter 28-32. A hearing held by the department of water resources under this section is a prerequisite to filing an appeal with the district court.

SECTION 3. AMENDMENT. Section 61-16.1-59 of the North Dakota Century Code is amended and reenacted as follows:

61-16.1-59. Proceedings to confirm contracts, special assessments, and other acts.

~~Any water resource board, before making any~~Before a water resource board enters a contract, or before levying special assessments, or issuing special assessment warrants, or before taking any special action, or if a water resource board in a common river basin does not agree to meet or cooperate in good faith as required under section 61-16.1-15.1, a water resource board may commence a special proceeding in district court by which the proceeding leading up to the making of ~~such a~~ contract, levying special assessments, issuing special assessment warrants, or leading up to any other special action, including a request to cooperate under section 61-16.1-15.1, shall be judicially examined, approved, and confirmed. ~~Such~~The court may award reasonable attorneys' fees and costs if a water resource board fails to cooperate or act in good faith under section 61-16.1-15.1. Any judicial ~~proceedings~~proceeding commenced under this section shall comply substantially with the procedure required in the case of judicial confirmation of proceedings, acts, and contracts of an irrigation district.

Approved April 24, 2025

Filed April 25, 2025

CHAPTER 587

HOUSE BILL NO. 1280

(Representatives Brandenburg, Beltz, Grueneich, Headland, Pyle, Schreiber-Beck)
(Senators Conley, Erbele, Luick, Myrdal, Wanzek, Weber)

AN ACT to amend and reenact section 61-16.1-45 of the North Dakota Century Code, relating to maintenance of drainage projects.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-16.1-45 of the North Dakota Century Code is amended and reenacted as follows:

61-16.1-45. Maintenance of drainage projects.

1. If it is desired to provide for maintenance of an assessment drain in whole or in part by means of special assessments, the levy in any year for the maintenance may not exceed four dollars per acre [.40 hectare] on any agricultural lands benefited by the drain. The district, at its own discretion, may utilize either of the following methods for levying special assessments for the maintenance:
 - a. Agricultural lands that carried the highest assessment when the drain was originally established, or received the most benefits under a reassessment of benefits, may be assessed the maximum amount of four dollars per acre [.40 hectare]. The assessment of other agricultural lands in the district must be based upon the proportion that the assessment of benefits at the time of construction or at the time of any reassessment of benefits bears to the assessment of the benefits of the agricultural land assessed the full four dollars per acre [.40 hectare]. Nonagricultural property must be assessed the sum in any one year as the ratio of the benefits under the original assessments or any reassessment bears to the assessment of agricultural lands bearing the highest assessment.
 - b. Agricultural lands must be assessed uniformly throughout the entire assessed area. Nonagricultural property must be assessed an amount not to exceed two dollars for each five hundred dollars of taxable valuation of the nonagricultural property.
2. In case the maximum levy or assessment on agricultural and nonagricultural property for any year will not produce an amount sufficient to cover the cost of cleaning out and repairing the drain, a water resource board may accumulate a fund in an amount not exceeding the sum produced by the maximum permissible levy for six years.
3. If the cost of, or obligation for, the cleaning and repairing of any drain exceeds the total amount that may be levied by the board in any six-year period, the board shall obtain the approval of the majority of the landowners as determined by chapter 61-16.1 before obligating the district for the costs.

4. If a board holds an election to approve a project under subsection 3, an affected landowner receiving a benefit from a project may not vote on the question of obligating the district for the costs if the landowner has failed to pay the required assessment.

Approved April 16, 2025

Filed April 16, 2025

CHAPTER 588

HOUSE BILL NO. 1041

(Energy and Natural Resources Committee)
(At the request of the Department of Water Resources)

AN ACT to amend and reenact section 61-16.1-53 of the North Dakota Century Code, relating to removal of a noncomplying dike, dam, or other device.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-16.1-53 of the North Dakota Century Code is amended and reenacted as follows:

61-16.1-53. Removal of a noncomplying dike, dam, or other device - Notice and hearing - Appeal - Injunction.

1. Upon receipt of a complaint of unauthorized construction of a dike, dam, or other device for water conservation, flood control, regulation, watershed improvement, or storage of water, the water resource board shall promptly investigate and make a determination thereon. If the board determines that a dike, dam, or other device, ~~capable of retaining, obstructing, or diverting more than fifty acre feet [61674.08 cubic meters] of water or twenty five acre feet [30837.04 cubic meters] of water for a medium hazard or high hazard dam,~~ has been established or constructed by a landowner or tenant contrary to this title or any rules adopted by the board, the board shall notify the landowner by certified mail at the landowner's post-office address of record. A copy of the notice must also be sent to the tenant, if any. The notice must specify the nature and extent of the noncompliance and must state that if the dike, dam, or other device is not removed within the period the board determines, but not less than fifteen days, the board shall cause the removal of the dike, dam, or other device and assess the cost of the removal, or the portion the board determines, against the property of the landowner responsible. The notice must also state that the affected landowner, within fifteen days of the date the notice is mailed, may demand, in writing, a hearing upon the matter. Upon receipt of the demand, the board shall set a hearing date within fifteen days from the date the demand is received. In the event of an emergency, the board may immediately apply to the appropriate district court for an injunction prohibiting the landowner or tenant from constructing or maintaining the dike, dam, or other device, or ordering the landowner to remove the dike, dam, or other device. Assessments levied under this section must be collected in the same manner as other assessments authorized by this chapter. If, in the opinion of the board, more than one landowner or tenant has been responsible, the costs may be assessed on a pro rata basis in proportion to the responsibility of the landowners. If a complaint is frivolous in the discretion of the board, the board may assess the costs of the frivolous complaint against the complainant.
2. Following removal of an unauthorized dike, dam, or other device, either by a water resource board or by a party complying with an order of a water resource board, the board may assess its costs against the property of the responsible landowner.

Approved March 17, 2025

Filed March 18, 2025

CHAPTER 589

SENATE BILL NO. 2060

(State and Local Government Committee)
(At the request of the Department of Water Resources)

AN ACT to amend and reenact section 61-16.2-12 of the North Dakota Century Code, relating to state property constructed in a floodplain.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-16.2-12 of the North Dakota Century Code is amended and reenacted as follows:

61-16.2-12. State property.

Notwithstanding any other ~~statutes, statute or regulations, regulation,~~ all state property and structures ~~thereon shall be on state property~~ are subject to the provisions of this chapter and any ordinances adopted ~~pursuant to~~ under this chapter or the national flood insurance program [42 U.S.C. 4001 et seq.]. The appropriate state agency or entity having an interest in state property and state structures shall notify the department when state property or structures are constructed within a special flood hazard area designated by the federal emergency management agency.

Approved March 25, 2025

Filed March 26, 2025

CHAPTER 590

HOUSE BILL NO. 1040

(Agriculture Committee)

(At the request of the Department of Water Resources)

AN ACT to amend and reenact section 61-34-04 of North Dakota Century Code, relating to eligibility for the drought disaster livestock water assistance program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 61-34-04 of the North Dakota Century Code is amended and reenacted as follows:

61-34-04. Eligibility - Application for assistance.

Applicants with livestock water supply problems caused by drought may apply for assistance from the program. ~~An applicant must first apply for water cost share assistance from the United States department of agriculture farm service agency. If cost share assistance is denied by the agency, the applicant may forward the application to the commission for consideration. An application forwarded to the commission must include a document from the United States department of agriculture farm service agency stating the reason for denial of cost share assistance.~~ The department of water resources shall review all applications received by the commission. Notwithstanding any other provision of law, a water supply project commenced after application for funding is made but without prior approval of the department is eligible for funding consideration from the program. The department shall provide funds for approved applications in accordance with rules and criteria for eligibility and only to the extent that funding is available. A drought disaster livestock water assistance program project located on Indian land is eligible for the program.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 591

SENATE BILL NO. 2299

(Senators Paulson, Castaneda, Luick)
(Representatives D. Ruby, VanWinkle, Wolff)

AN ACT to amend and reenact subsection 1 of section 54-10-14, subsection 1 of section 54-10-15, and sections 61-35-09 and 61-35-10 of the North Dakota Century Code, relating to oversight of water districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁷⁹ **SECTION 1. AMENDMENT.** Subsection 1 of section 54-10-14 of the North Dakota Century Code is amended and reenacted as follows:

1. The state auditor shall audit the following political subdivisions once every two years, except as provided in this section or otherwise by law:
 - a. Counties.
 - b. Cities, and when a city is audited, to include any political subdivision that was created by the city and has bonding authority.
 - c. Park districts.
 - d. School districts.
 - e. Firefighters relief associations.
 - f. Airport authorities.
 - g. Public libraries.
 - h. Water resource districts, created under chapter 61-16 and operating under chapter 61-16.1.
 - i. Garrison Diversion Conservancy District.
 - j. Rural fire protection districts.
 - k. Special education districts.
 - l. Area career and technology centers.
 - m. Correction centers.
 - n. Recreation service districts.
 - o. Weed boards.

²⁷⁹ Section 54-10-14 was also amended by section 2 of Senate Bill No. 2251, chapter 481.

- p. Irrigation districts.
- q. Rural ambulance service districts.
- r. Southwest water authority.
- s. Regional planning councils.
- t. Soil conservation districts.
- u. Western area water supply authority industrial water sales on an annual basis.
- v. Water districts subject to chapter 61-35.

SECTION 2. AMENDMENT. Subsection 1 of section 54-10-15 of the North Dakota Century Code is amended and reenacted as follows:

1. The state auditor, by duly appointed deputy auditors or other authorized agents, shall audit or review the books, records, and financial accounts of any political subdivision when ordered by the legislative audit and fiscal review committee. The state auditor, by duly appointed auditors or other authorized agents, may audit or review the books, records, and financial accounts of any political subdivisions when requested by the governor, requested by the governing board, or upon petition of at least thirty-five percent of the qualified electors of any political subdivision enumerated in section 54-10-14 voting for the office of governor at the preceding general election ~~or, in the case of~~ regarding school districts, upon petition of at least thirty-five percent of the qualified electors voting at the preceding school board election; regarding water districts subject to chapter 61-35, upon a petition of at least ten percent or three hundred participating members, whichever is fewer, or upon the request of the state court administrator with respect to clerk of district court services provided by a county in accordance with chapter 27-05.2. Fees for the audits must be paid in accordance with the provisions of section 54-10-14.

SECTION 3. AMENDMENT. Section 61-35-09 of the North Dakota Century Code is amended and reenacted as follows:

61-35-09. Bylaws submitted at special meeting.

Within thirty days after election of the original board, proposed bylaws must be submitted for adoption at a special meeting of members of the district, written notice of which must be mailed to each member. Members present at the special meeting may adopt or amend any of the proposed bylaws, and may propose and adopt alternative or additional bylaws by a majority vote. The bylaws may subsequently be amended at any annual or special meeting of the participating members of the district. However, the bylaws of each district must provide:

1. For an annual meeting of participating members each year after the year of organization of the district and for mailing of written notice of the time and place of each annual meeting to each participating member and publication of the notice in the official newspaper of the county or counties served by the district not less than ten nor more than thirty days before each meeting.

2. That each participating member of the district is entitled to one vote at all annual and special meetings of the district for each benefit unit to which the member has subscribed.
3. That each participating member seeking election to the board shall present a petition containing signatures of ten participating members. All petitions must be submitted to the secretary of the board or nominating committee at least forty-five days before the election or by the mail election deadline established under the district's bylaws. Any participating member who submits a petition must be added to the ballot, provided they reside in the appropriate district and qualify to serve as a director under the district's bylaws.

SECTION 4. AMENDMENT. Section 61-35-10 of the North Dakota Century Code is amended and reenacted as follows:

61-35-10. Directors divided into classes - Terms - Vacancies.

1. The initial board of each district shall divide its members by lot into three classes of as nearly equal size as possible. The terms of the directors in the first, second, and third classes expire on dates of the annual meetings in the first, second, and third years, respectively, following the year in which the district is organized, or as soon thereafter as their successors are elected and have qualified.
2. At the annual meeting in each year after the year in which the district is organized, a director must be elected to succeed each director whose term of office expires on that date, and each director so elected holds office for a term of three years and until a successor is elected and has qualified.
3. Vacancies must be filled for the unexpired term by appointment by the remaining directors until the next annual meeting of participating members, at which the participating members shall elect a director for the unexpired term.
4. All elections held under this chapter must be conducted to allow participating members to access all stages of the election process, including voting and vote tabulation in a uniform and nondiscriminatory manner. Each meeting must be arranged in a manner that permits each participating member to plainly observe the election process.

Approved April 2, 2025

Filed April 3, 2025

CHAPTER 592

HOUSE BILL NO. 1162

(Representatives Schauer, Jonas, Koppelman, McLeod, Pyle, Stemen, Swiontek,
Warrey)
(Senators Lee, Sorvaag, Clemens)

AN ACT to amend and reenact subsection 1 of section 61-39-03 of the North Dakota Century Code, relating to the board of directors of the Lake Agassiz water authority.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 61-39-03 of the North Dakota Century Code is amended and reenacted as follows:

1. The authority must be governed by a board of directors selected as follows:
 - a. One member from a city with a population greater than forty thousand located east of state highway 1 and north of state highway 200.
 - b. ~~One member~~ Two members from ~~a city~~ differing cities with a population greater than forty thousand located east of state highway 1 and south of state highway 200.
 - c. One member from a city with a population of five thousand but not more than forty thousand located east of state highway 1.
 - d. One member from a city with a population of less than five thousand located east of state highway 1.
 - e. Two members from water districts located east of state highway 1 and north of state highway 200.
 - f. Two members from water districts located east of state highway 1 and south of state highway 200.
 - g. One member from water districts located east of state highway 1.
 - h. One member from a Minnesota city with a population of more than thirty thousand and which is located within five miles [8.05 kilometers] of this state.
 - i. One member from water districts located west of state highway 1.
 - j. One member from a city west of state highway 1.

Approved April 16, 2025

Filed April 16, 2025

WEAPONS

CHAPTER 593

HOUSE BILL NO. 1589

(Representatives Heinert, Dockter, Hagert, Hauck, Headland, Novak, M. Ruby)
(Senators Cory, Gerhardt)

AN ACT to create and enact a new section to chapter 62.1-01 of the North Dakota Century Code, relating to law enforcement agency and concealed weapon test administrator certifications and firearm proficiency qualification course records; and to amend and reenact subsection 7 of section 62.1-01-01 of the North Dakota Century Code, relating to standards for qualification in firearms training for retired officers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁸⁰ **SECTION 1. AMENDMENT.** Subsection 7 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

7. "Law enforcement officer" means:

a. A public servant authorized by law or by a government agency or branch to enforce the law and to conduct or engage in investigations or prosecutions for violations of law; or

b. A retired public servant in good standing who:

(1) Was authorized by law or by a government agency or branch for at least ten years to enforce the law and to conduct or engage in investigations or prosecutions for violations of law or who was separated from service due to a service-related physical disability;

(2) Maintains the ~~same~~;

a. Same level of firearms proficiency as is required by the peace officers standards and training board for law enforcement officers, maintains the standards for qualifications in firearms training for active law enforcement officers as determined by the former agency of the individual in the state in which the individual resides; ~~or maintains the standards;~~

b. Standards used by a certified firearms instructor qualified to conduct a firearms qualification test for active duty officers in the state in which the individual resides; or

²⁸⁰ Section 62.1-01-01 was also amended by section 1 of House Bill No. 1588, chapter 594.

c. Standards for qualification in firearms training as determined by the attorney general used by a certified concealed weapon test administrator qualified to conduct a firearms qualification test by the attorney general for retired officers in the state or out-of-state.

- (3) Has a photo identification card issued by a local law enforcement agency which identifies the individual as having been employed by a government agency or branch as a law enforcement officer and indicates the individual has passed the firearms proficiency test within twelve months from the date of issue; and
- (4) Has not been found by a qualified medical professional to be unqualified for reasons relating to mental health or entered an agreement with a government agency or branch in which the public servant acknowledges a lack of qualifications for reasons relating to the mental health of the public servant.

SECTION 2. A new section to chapter 62.1-01 of the North Dakota Century Code is created and enacted as follows:

Law enforcement agency and concealed weapons test administrator certification - Records.

1. A law enforcement agency or a concealed weapon test administrator may certify an individual has maintained the qualifications under section 62.1-01-01, but may not qualify an individual to carry a concealed firearm under the Law Enforcement Officer's Safety Act Improvement Act of 2010 [Pub. L. 111-272].
2. A law enforcement agency and a concealed weapon test administrator shall forward to the peace officer standards and training board a record of all individuals who have successfully completed a proficiency qualification course.

Approved March 26, 2025

Filed March 27, 2025

CHAPTER 594

HOUSE BILL NO. 1588

(Representatives Heinert, Dockter, Hauck, M. Ruby, Hagert)
(Senators Cory, Gerhardt)

AN ACT to amend and reenact subsection 1 of section 62.1-01-01, section 62.1-02-05, subdivision d of subsection 1 of section 62.1-04-03, and section 62.1-04-04 of the North Dakota Century Code, relating to dangerous weapons, the possession of a firearm or dangerous weapon at a public gathering, testing for a license to carry a firearm or dangerous weapon concealed, and producing a concealed carry license upon request; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

²⁸¹ **SECTION 1. AMENDMENT.** Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of ~~five inches [12.7 centimeters]~~ six inches [15.24 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual, nor does the term include a device that uses voltage for the defense of an individual, unless the device uses a projectile and voltage or the device uses a projectile and may be used to apply multiple applications of voltage during a single incident, then the term includes the device for an individual who is prohibited from possessing a firearm under this title.

SECTION 2. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.

1. An individual may not possess a firearm or dangerous weapon at:
 - a. A school or school-sponsored event on school property;
 - b. A church or other place of worship; or

²⁸¹ Section 62.1-01-01 was also amended by section 1 of House Bill No. 1589, chapter 593.

- c. A publicly owned or operated building.
2. This section does not apply to:
- a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
 - b. An individual who is on an ambulance or firefighter crew while the individual is on duty if:
 - (1) The individual has written permission from the governing body or owner of the fire department or ambulance service;
 - (2) The individual possesses a valid class 1 concealed weapons license;
 - (3) The individual has successfully completed a weapons training course developed by the North Dakota private investigative and security board; and
 - (4) The governing body or owner of the fire department or ambulance crew provides written notice to the bureau of criminal investigation of the individuals authorized or no longer authorized to carry a firearm or dangerous weapon under this section, including that all training and certification requirements have been satisfied;
 - c. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
 - d. A competitor participating in an organized sport shooting event;
 - e. A gun or antique show;
 - f. A participant using a blank cartridge firearm at a sporting or theatrical event;
 - g. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
 - h. A student and an instructor at a hunter safety class;
 - i. Private and public security personnel while on duty;
 - j. A state or federal park;
 - k. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;

- l. An individual in a publicly owned or operated rest area or restroom;
 - m. An individual who is authorized under section 62.1-04-02 to carry a firearm or dangerous weapon concealed or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a firearm or dangerous weapon concealed if the individual is in a church building or other place of worship and the primary religious leader or the governing body of the church or other place of worship approves the individual or group of individuals to carry a firearm or dangerous weapon through a policy or any other means;
 - n. AThe governor, a state, federal, or municipal court judge, a retired state or federal judge, a district court magistrate judge or judicial referee, and a staff member of the office of attorney general if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient;
 - o. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
 - (1) The individual resides in the building;
 - (2) The storage is inside the individual's assigned residential unit; and
 - (3) The storage has been consented to by the state, the governing board, or a designee; and
 - p. An individual authorized to carry a concealed weapon on school property under section 62.1-02-14.
- 3. This section does not prevent any political subdivision or the state board of higher education from enacting an ordinance or policy that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance or policy supersedes this section within the jurisdiction of the political subdivision or state board of higher education.
 - 4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.
 - 5. This section does not prevent the governing body of a school or the entity exercising control over a publicly owned or operated building or property from authorizing the use of a less than lethal weapon as part of the security plan for the school, building, or property.
 - 6. An individual who knowingly violates this section is guilty of an infraction noncriminal offense punishable by a fee of one hundred dollars.

SECTION 3. AMENDMENT. Subdivision d of subsection 1 of section 62.1-04-03 of the North Dakota Century Code is amended and reenacted as follows:

- d. The applicant has successfully completed the testing procedure conducted by a certified test administrator. The person conducting the testing may assess a charge of up to ~~five~~ one hundred dollars for conducting this testing. The attorney general may certify a test administrator based upon criteria and guidelines prescribed by the director of the bureau of criminal investigation;

SECTION 4. AMENDMENT. Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-04. Producing license upon request - Penalty.

1. ~~Every~~An individual ~~while~~ carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is required, shall have on ~~one's~~the individual's person the license issued by this or another state or a digital image of ~~one's~~the individual's concealed firearm or dangerous weapon license issued by this state on an electronic device and shall give ~~it~~the license or digital image of the license to ~~any active~~ law enforcement officer for an inspection upon request by the officer. The failure of ~~any~~an individual to give the license or digital image of the license to the officer is prima facie evidence the individual is illegally carrying a firearm or dangerous weapon concealed.
2. ~~Every~~An individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall inform a law enforcement officer of the ~~individual's possession of a concealed weapon upon the initiation of a traffic stop or any other in-person contact initiated by a law enforcement~~firearm if the officer inquires about the individual possession of a concealed firearm.
3. ~~Every~~An individual carrying a concealed firearm under the authority granted in subsection 2 of section 62.1-04-02 shall have on ~~one's~~the individual's person a valid driver's license or nondriver identification card issued by the department of transportation or by the individual's state or territory of residence, or a digital image of ~~one's~~the individual's valid driver's license or nondriver identification card on a mobile device and shall provide the license or card to ~~any~~a law enforcement officer for inspection upon request by the officer.
4. An individual who violates this section is guilty of a noncriminal offense punishable by a fee of twenty dollars.

Approved April 21, 2025

Filed April 22, 2025

WORKFORCE SAFETY AND INSURANCE

CHAPTER 595

SENATE BILL NO. 2109

(Industry and Business Committee)
(At the request of Workforce Safety and Insurance)

AN ACT to amend and reenact sections 65-01-02, 65-01-16, and 65-02-27, subsection 1 of section 65-05-17, and subsection 4 of section 65-05-20.1 of the North Dakota Century Code, relating to the definition of disability, the definition of electronic means, forms and decisions issued by electronic means, requests for rehearing of an administrative order, maximum death benefits, and the scholarship fund; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-01-02 of the North Dakota Century Code is amended and reenacted as follows:

65-01-02. Definitions. (Effective through August 31, 2028)

In this title:

1. "Acute care" means a short course of intensive diagnostic and therapeutic services provided immediately following a work injury with a rapid onset of pronounced symptoms.
2. "Adopted" or "adoption" refers only to a legal adoption effected prior to the time of the injury.
3. "Allied health care professional" includes a health care provider, pharmacist, audiologist, speech language pathologist, or naturopath or any recognized practitioner who provides skilled services pursuant to the prescription of, or under the supervision or direction of any of these individuals.
4. "Artificial members" includes a device that is a substitute for a natural part, organ, limb, or other part of the body. The term includes a prescriptive device that is an aid for a natural part, organ, limb, or other part of the body if the damage to the prescriptive device is accompanied by an injury to the body. A prescriptive device includes prescription eyeglasses, contact lenses, dental braces, and orthopedic braces.
5. "Artificial replacements" means mechanical aids, including braces, belts, casts, or crutches as may be reasonable and necessary due to compensable injury.

6. "Average weekly wage" means the weekly wages the injured employee was receiving from all employments for which coverage is required or otherwise secured at the date of first disability. The average weekly wage determined under this subsection must be rounded to the nearest dollar. If the injured employee's wages are not fixed by the week, they must be determined by using the first applicable formula from the schedule below:
 - a. For seasonal employment, during the first consecutive days of disability up to twenty-eight days the average weekly wage is calculated pursuant to the first applicable formula in subdivisions b through g, and after that are calculated as one-fiftieth of the total wages from all occupations during the twelve months preceding the date of first disability or during the tax year preceding the date of first disability, or an average of the three tax years preceding the date of first disability, whichever is highest and for which accurate, reliable, and complete records are readily available.
 - b. The "average weekly wage" of a self-employed employer is determined by the following formula: one fifty-second of the average annual net self-employed earnings reported the three preceding tax years or preceding fifty-two weeks whichever is higher if accurate, reliable, and complete records for those fifty-two weeks are readily available.
 - c. Hourly or daily rate multiplied by number of hours or days worked per seven-day week.
 - d. Monthly rate multiplied by twelve months and divided by fifty-two weeks.
 - e. Biweekly rate divided by two.
 - f. The usual wage paid other employees engaged in similar occupations.
 - g. A wage reasonably and fairly approximating the weekly wage lost by the injured employee during the period of disability.
7. "Average weekly wage in the state" means the determination made of the average weekly wage in the state by job service North Dakota on or before July first of each year, computed to the next highest dollar.
8. "Board" means the workforce safety and insurance board of directors.
9. "Brother" and "sister" include a stepbrother and a stepsister, a half brother and a half sister, and a brother and sister by adoption. The terms do not include a married brother or sister unless that person actually is dependent.
10. "Child", for determining eligibility for benefits under chapter 65-05, means a legitimate child, a stepchild, adopted child, posthumous child, foster child, and acknowledged illegitimate child who is under eighteen years of age and resides with the injured employee; or is under eighteen years of age and does not reside with the injured employee but a duty of support is substantiated by an appropriate court order; or is between eighteen and twenty-two years of age and enrolled as a full-time student in any accredited educational institution and dependent upon the injured employee for support; or is eighteen years of age or over and is physically or mentally incapable of self-support and is actually dependent upon the injured employee for support. A child does not include a married child unless actually dependent on the injured employee as shown on the preceding year's income tax returns.

11. "Compensable injury" means an injury by accident arising out of and in the course of hazardous employment which must be established by medical evidence supported by objective medical findings.

a. The term includes:

- (1) Disease caused by a hazard to which an employee is subjected in the course of employment. The disease must be incidental to the character of the business and not independent of the relation of employer and employee. Disease includes effects from radiation.
- (2) An injury to artificial members.
- (3) Injuries due to heart attack or other heart-related disease, stroke, and physical injury caused by mental stimulus, but only when caused by the employee's employment with reasonable medical certainty, and only when it is determined with reasonable medical certainty that unusual stress is at least fifty percent of the cause of the injury or disease as compared with all other contributing causes combined. Unusual stress means stress greater than the highest level of stress normally experienced or anticipated in that position or line of work.
- (4) Injuries arising out of employer-required or supplied travel to and from a remote jobsite or activities performed at the direction or under the control of the employer.
- (5) An injury caused by the willful act of a third person directed against an employee because of the employee's employment.
- (6) A mental or psychological condition that is physiologically caused by a physical injury, but only when the physical injury is determined with reasonable medical certainty to be at least fifty percent of the cause of the condition as compared with all other contributing causes combined, and only when the condition did not pre-exist the work injury. Other contributing causes include emotional circumstances that generally accompany work-related injuries, including the loss of function, loss of self-esteem, loss of financial independence, divorce, loss of career or employment position, disruption of lifestyle or family units, anxiousness, uncertainty, or compromised ability to participate in a lifestyle, hobby, or pastime.

b. The term does not include:

- (1) Ordinary diseases of life to which the general public outside of employment is exposed or preventive treatment for communicable diseases, except the organization may pay for preventive treatment for an exposure to a bloodborne pathogen as defined in section 23-07.5-01 occurring in the course of employment and for exposure to rabies occurring in the course of employment.
- (2) A willfully self-inflicted injury, including suicide or attempted suicide, or an injury caused by the employee's willful intention to injure or kill another.

- (3) Any injury caused by the use of intoxicants, including recreational marijuana use, or the illegal use of controlled substances.
 - (4) An injury that arises out of an altercation in which the injured employee is an aggressor. This paragraph does not apply to public safety employees, including law enforcement officers or private security personnel who are required to engage in altercations as part of their job duties if the altercation arises out of the performance of those job duties.
 - (5) An injury that arises out of an illegal act committed by the injured employee.
 - (6) An injury that arises out of an employee's voluntary nonpaid participation in any recreational activity, including athletic events, parties, and picnics, even though the employer pays some or all of the cost of the activity.
 - (7) Injuries attributable to a pre-existing injury, disease, or other condition, including when the employment acts as a trigger to produce symptoms in the pre-existing injury, disease, or other condition unless the employment substantially accelerates its progression or substantially worsens its severity. Pain is a symptom and may be considered in determining whether there is a substantial acceleration or substantial worsening of a pre-existing injury, disease, or other condition, but pain alone is not a substantial acceleration or a substantial worsening.
 - (8) A nonemployment injury that, although acting upon a prior compensable injury, is an independent intervening cause of injury.
 - (9) A latent or asymptomatic degenerative condition, caused in substantial part by employment duties, which is triggered or made active by a subsequent injury.
 - (10) A mental injury arising from mental stimulus.
- 12. "Date of first disability" means the first date the injured employee was unable to work because of a compensable injury.
 - 13. "Date of maximum medical improvement" or "date of maximum medical recovery" means the date after which further recovery from, or lasting improvement to, an injury or disease can no longer reasonably be anticipated based upon reasonable medical probability.
 - 14. "Director" means the director of the organization.
 - 15. "Disability" means loss of actual earnings ~~capacity~~ and may be permanent total, temporary total, or partial.
 - 16. "Electronic means" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
 - 17. "Employee" means an individual who performs hazardous employment for another for remuneration unless the individual is an independent contractor under the common-law test.

a. The term includes:

- (1) All elective and appointed officials of this state and its political subdivisions, including municipal corporations and including the members of the legislative assembly, all elective officials of any county, and all elective peace officers of any city.
- (2) Aliens.
- (3) Human service zone general assistance workers, except those who are engaged in repaying to human service zones or the department of health and human services moneys the human service zones or the department of health and human services have been compelled by statute to expend for general assistance.
- (4) Minors, whether lawfully or unlawfully employed. A minor is deemed sui juris for the purposes of this title, and no other person has any claim for relief or right to claim workforce safety and insurance benefits for any injury to a minor worker, but in the event of the award of a lump sum of benefits to a minor employee, the lump sum may be paid only to the legally appointed guardian of the minor.

b. The term does not include:

- (1) An individual whose employment is both casual and not in the course of the trade, business, profession, or occupation of that individual's employer.
- (2) An individual who is engaged in an illegal enterprise or occupation.
- (3) The spouse of an employer or the child under the age of twenty-two of an employer. For purposes of this paragraph and section 65-07-01, "child" means any legitimate child, stepchild, adopted child, foster child, or acknowledged illegitimate child.
- (4) A real estate broker or real estate salesperson, provided the individual meets the following three requirements:
 - (a) The salesperson or broker must be a licensed real estate agent under section 43-23-05.
 - (b) Substantially all of the salesperson's or broker's remuneration for the services performed as a real estate agent must be directly related to sales or other efforts rather than to the number of hours worked.
 - (c) A written agreement must exist between the salesperson or broker and the person for which the salesperson or broker works, which agreement must provide the salesperson or broker will not be treated as an employee but rather as an independent contractor.
- (5) The members of the board of directors of a business corporation who are not employed in any capacity by the corporation other than as members of the board of directors.

(6) An individual delivering newspapers or shopping news, if substantially all of the individual's remuneration is directly related to sales or other efforts rather than to the number of hours worked and a written agreement exists between the individual and the publisher of the newspaper or shopping news which states the individual is an independent contractor.

(7) An employer.

(8) An athlete participating in a contact sport. As used in this paragraph, "contact sport" means a team or individual competitive athletic activity that includes significant physical contact between the athletes involved. The term includes football and hockey.

47-18. "Employer" means a person that engages or received the services of another for remuneration unless the person performing the services is an independent contractor under the common-law test. The term includes:

- a. The state and all political subdivisions thereof.
- b. All public and quasi-public corporations in this state.
- c. Every person, partnership, limited liability company, association, and private corporation, including a public service corporation.
- d. The legal representative of any deceased employer.
- e. The receiver or trustee of any person, partnership, limited liability company, association, or corporation having one or more employees as herein defined.
- f. The president, vice presidents, secretary, or treasurer of a business corporation, but not members of the board of directors of a business corporation who are not also officers of the corporation.
- g. The managers of a limited liability company.
- h. The president, vice presidents, secretary, treasurer, or board of directors of an association or cooperative organized under chapter 6-06, 10-12, 10-13, 10-15, 36-08, or 49-21.
- i. The clerk, assessor, treasurer, or any member of the board of supervisors of an organized township, if the person is not employed by the township in any other capacity.
- j. A multidistrict special education unit.
- k. An area career and technology center.
- l. A regional education association.

48-19. "Fee schedule" means the payment formulas established in the organization publication entitled "Medical and Hospital Fees".

49-20. "Fund" means the workforce safety and insurance fund.

- 20-21. "Hazardous employment" means any employment in which one or more employees are employed regularly in the same business or in or about the establishment except:
- Agricultural or domestic service.
 - Any employment of a common carrier by railroad.
 - Any employment for the transportation of property or persons by nonresidents, where, in such transportation, the highways are not traveled more than seven miles [11.27 kilometers] and return over the same route within the state of North Dakota.
 - All members of the clergy and employees of religious organizations engaged in the operation, maintenance, and conduct of the place of worship.
- 24-22. "Health care provider" means a doctor of medicine or osteopathy, chiropractor, dentist, optometrist, podiatrist, or psychologist acting within the scope of the doctor's license, a physical therapist, an advanced practice registered nurse, or a certified physician assistant.
- 22-23. "Medical marijuana" means the use of all parts of the plant of the genus cannabis, the seeds of the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, the seeds of the plant, or the resin extracted from any part of the plant as a physician-recommended form of medicine or herbal therapy. The term does not include treatments or preparations specifically approved by the United States food and drug administration as a drug product.
- 23-24. "Noncompliance" means failure to follow the requirements of chapter 65-04. An employer may be in noncompliance regardless of the employer's insured or uninsured status with the organization.
- 24-25. "Organization" means workforce safety and insurance, or the director, or any department head, assistant, or employee of workforce safety and insurance designated by the director, to act within the course and scope of that person's employment in administering the policies, powers, and duties of this title.
- 25-26. "Parent" includes a stepparent and a parent by adoption.
- 26-27. "Payroll report" means the mechanism created by the organization and used by employers to report all employee payroll required by the organization.
- 27-28. "Permanent impairment" means the loss of or loss of use of a member of the body existing after the date of maximum medical improvement and includes disfigurement resulting from an injury.
- 28-29. "Permanent total disability" means disability that is the direct result of a compensable injury that prevents an injured employee from performing any work and results from any one of the following conditions:
- Total and permanent loss of sight of both eyes;
 - Loss of both legs or loss of both feet at or above the ankle;

- c. Loss of both arms or loss of both hands at or above the wrist;
- d. Loss of any two of the members or faculties in subdivision a, b, or c;
- e. Permanent and complete paralysis of both legs or both arms or of one leg and one arm;
- f. Third-degree burns that cover at least forty percent of the body and require grafting;
- g. A medically documented brain injury affecting cognitive and mental functioning which renders an injured employee unable to provide self-care and requires supervision or assistance with a majority of the activities of daily living; or
- h. A compensable injury that results in a permanent partial impairment rating of the whole body of at least twenty-five percent pursuant to section 65-05-12.2.

If the injured employee has not reached maximum medical improvement within one hundred four weeks, the injured employee may receive a permanent partial impairment rating if a rating will assist the organization in assessing the injured employee's capabilities. Entitlement to a rating is solely within the discretion of the organization.

- 29-30. "Rehabilitation services" means nonmedical services reasonably necessary to restore a disabled employee to substantial gainful employment as defined by section 65-05.1-01 as near as possible. The term may include vocational evaluation, counseling, education, workplace modification, vocational retraining including training for alternative employment with the same employer, and job placement assistance.
- 30-31. "Seasonal employment" includes occupations that are not permanent or that do not customarily operate throughout the entire year. Seasonal employment is determined by what is customary with respect to the employer at the time of injury.
- 31-32. "Spouse" includes only the decedent's husband or wife who was living with the decedent or was dependent upon the decedent for support at the time of injury.
- 32-33. "Subcontractor" means a person that agrees to perform all or part of the work for a contractor or another subcontractor.
- 33-34. "Temporary total disability" means disability that results in the inability of an injured employee to earn wages as a result of a compensable injury for which disability benefits may not exceed a cumulative total of one hundred four weeks or the date the injured employee reaches maximum medical improvement or maximum medical recovery, whichever occurs first.
- 34-35. "Uninsured" means failure of an employer to secure mandatory coverage with the organization or failure to pay premium, assessment, penalty, or interest, as calculated by the organization, which is more than forty-five days past due. An uninsured employer is subject to chapter 65-09.

~~35-36.~~ "Utilization review" means the initial and continuing evaluation of appropriateness in terms of both the level and the quality of health care and health services provided a patient, based on medically accepted standards. The evaluation must be accomplished by means of a system that identifies the utilization of medical services, based on medically accepted standards, and which refers instances of possible inappropriate utilization to the organization to obtain opinions and recommendations of expert medical consultants to review individual cases for which administrative action may be deemed necessary.

~~36-37.~~ "Valid functional capacities examination" means:

- a. The results of a physical examination consisting of a battery of standardized assessments that offer reliable results in performance-based measures and demonstrate the level and duration an injured employee may return to work.
- b. The conclusions of medical experts, following observations of other activities the medical expert determines similarly predictive, when the results of the physical examination in subdivision a are not obtained or reliable.

~~37-38.~~ a. "Wages" means:

- (1) An injured employee's remuneration from all employment reportable to the internal revenue service as earned income for federal income tax purposes.
 - (2) For members of the national guard who sustain a compensable injury while on state active duty, "wages" includes income from federal employment and may be included in determining the average weekly wage.
 - (3) For purposes of chapter 65-04 only, "wages" means all gross earnings of all employees. The term includes all pretax deductions for amounts allocated by the employee for deferred compensation, medical reimbursement, retirement, or any similar program, but may not include dismissal or severance pay.
- b. The organization may consider postinjury wages for which coverage was not required or otherwise secured in North Dakota for purposes of determining appropriate vocational rehabilitation options or entitlement to disability benefits under this title.

Definitions. (Effective after August 31, 2028)

In this title:

1. "Acute care" means a short course of intensive diagnostic and therapeutic services provided immediately following a work injury with a rapid onset of pronounced symptoms.
2. "Adopted" or "adoption" refers only to a legal adoption effected prior to the time of the injury.

3. "Allied health care professional" includes a health care provider, pharmacist, audiologist, speech language pathologist, or naturopath or any recognized practitioner who provides skilled services pursuant to the prescription of, or under the supervision or direction of any of these individuals.
4. "Artificial members" includes a device that is a substitute for a natural part, organ, limb, or other part of the body. The term includes a prescriptive device that is an aid for a natural part, organ, limb, or other part of the body if the damage to the prescriptive device is accompanied by an injury to the body. A prescriptive device includes prescription eyeglasses, contact lenses, dental braces, and orthopedic braces.
5. "Artificial replacements" means mechanical aids, including braces, belts, casts, or crutches as may be reasonable and necessary due to compensable injury.
6. "Average weekly wage" means the weekly wages the injured employee was receiving from all employments for which coverage is required or otherwise secured at the date of first disability. The average weekly wage determined under this subsection must be rounded to the nearest dollar. If the injured employee's wages are not fixed by the week, they must be determined by using the first applicable formula from the schedule below:
 - a. For seasonal employment, during the first consecutive days of disability up to twenty-eight days the average weekly wage is calculated pursuant to the first applicable formula in subdivisions b through g, and after that are calculated as one-fiftieth of the total wages from all occupations during the twelve months preceding the date of first disability or during the tax year preceding the date of first disability, or an average of the three tax years preceding the date of first disability, whichever is highest and for which accurate, reliable, and complete records are readily available.
 - b. The "average weekly wage" of a self-employed employer is determined by the following formula: one fifty-second of the average annual net self-employed earnings reported the three preceding tax years or preceding fifty-two weeks whichever is higher if accurate, reliable, and complete records for those fifty-two weeks are readily available.
 - c. Hourly or daily rate multiplied by number of hours or days worked per seven-day week.
 - d. Monthly rate multiplied by twelve months and divided by fifty-two weeks.
 - e. Biweekly rate divided by two.
 - f. The usual wage paid other employees engaged in similar occupations.
 - g. A wage reasonably and fairly approximating the weekly wage lost by the injured employee during the period of disability.
7. "Average weekly wage in the state" means the determination made of the average weekly wage in the state by job service North Dakota on or before July first of each year, computed to the next highest dollar.
8. "Board" means the workforce safety and insurance board of directors.

9. "Brother" and "sister" include a stepbrother and a stepsister, a half brother and a half sister, and a brother and sister by adoption. The terms do not include a married brother or sister unless that person actually is dependent.
10. "Child", for determining eligibility for benefits under chapter 65-05, means a legitimate child, a stepchild, adopted child, posthumous child, foster child, and acknowledged illegitimate child who is under eighteen years of age and resides with the injured employee; or is under eighteen years of age and does not reside with the injured employee but a duty of support is substantiated by an appropriate court order; or is between eighteen and twenty-two years of age and enrolled as a full-time student in any accredited educational institution and dependent upon the injured employee for support; or is eighteen years of age or over and is physically or mentally incapable of self-support and is actually dependent upon the injured employee for support. A child does not include a married child unless actually dependent on the injured employee as shown on the preceding year's income tax returns.
11. "Compensable injury" means an injury by accident arising out of and in the course of hazardous employment which must be established by medical evidence supported by objective medical findings.
 - a. The term includes:
 - (1) Disease caused by a hazard to which an employee is subjected in the course of employment. The disease must be incidental to the character of the business and not independent of the relation of employer and employee. Disease includes effects from radiation.
 - (2) An injury to artificial members.
 - (3) Injuries due to heart attack or other heart-related disease, stroke, and physical injury caused by mental stimulus, but only when caused by the employee's employment with reasonable medical certainty, and only when it is determined with reasonable medical certainty that unusual stress is at least fifty percent of the cause of the injury or disease as compared with all other contributing causes combined. Unusual stress means stress greater than the highest level of stress normally experienced or anticipated in that position or line of work.
 - (4) Injuries arising out of employer-required or supplied travel to and from a remote jobsite or activities performed at the direction or under the control of the employer.
 - (5) An injury caused by the willful act of a third person directed against an employee because of the employee's employment.
 - (6) A mental or psychological condition that is physiologically caused by a physical injury, but only when the physical injury is determined with reasonable medical certainty to be at least fifty percent of the cause of the condition as compared with all other contributing causes combined, and only when the condition did not pre-exist the work injury. Other contributing causes include emotional circumstances that generally accompany work-related injuries, including the loss of function, loss of self-esteem, loss of financial independence, divorce, loss of career or employment position, disruption of lifestyle or family units, anxiousness, uncertainty, or compromised ability to participate in a lifestyle, hobby, or pastime.

- b. The term does not include:
- (1) Ordinary diseases of life to which the general public outside of employment is exposed or preventive treatment for communicable diseases, except the organization may pay for preventive treatment for an exposure to a bloodborne pathogen as defined in section 23-07.5-01 occurring in the course of employment and for exposure to rabies occurring in the course of employment.
 - (2) A willfully self-inflicted injury, including suicide or attempted suicide, or an injury caused by the employee's willful intention to injure or kill another.
 - (3) Any injury caused by the use of intoxicants, including recreational marijuana use, or the illegal use of controlled substances.
 - (4) An injury that arises out of an altercation in which the injured employee is an aggressor. This paragraph does not apply to public safety employees, including law enforcement officers or private security personnel who are required to engage in altercations as part of their job duties if the altercation arises out of the performance of those job duties.
 - (5) An injury that arises out of an illegal act committed by the injured employee.
 - (6) An injury that arises out of an employee's voluntary nonpaid participation in any recreational activity, including athletic events, parties, and picnics, even though the employer pays some or all of the cost of the activity.
 - (7) Injuries attributable to a pre-existing injury, disease, or other condition, including when the employment acts as a trigger to produce symptoms in the pre-existing injury, disease, or other condition unless the employment substantially accelerates its progression or substantially worsens its severity. Pain is a symptom and may be considered in determining whether there is a substantial acceleration or substantial worsening of a pre-existing injury, disease, or other condition, but pain alone is not a substantial acceleration or a substantial worsening.
 - (8) A nonemployment injury that, although acting upon a prior compensable injury, is an independent intervening cause of injury.
 - (9) A latent or asymptomatic degenerative condition, caused in substantial part by employment duties, which is triggered or made active by a subsequent injury.
 - (10) A mental injury arising from mental stimulus.
12. "Date of first disability" means the first date the injured employee was unable to work because of a compensable injury.
 13. "Date of maximum medical improvement" or "date of maximum medical recovery" means the date after which further recovery from, or lasting improvement to, an injury or disease can no longer reasonably be anticipated based upon reasonable medical probability.
 14. "Director" means the director of the organization.

15. "Disability" means loss of actual earnings ~~capacity~~ and may be permanent total, temporary total, or partial.
16. "Electronic means" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
17. "Employee" means an individual who performs hazardous employment for another for remuneration unless the individual is an independent contractor under the common-law test.

a. The term includes:

- (1) All elective and appointed officials of this state and its political subdivisions, including municipal corporations and including the members of the legislative assembly, all elective officials of any county, and all elective peace officers of any city.
- (2) Aliens.
- (3) Human service zone general assistance workers, except those who are engaged in repaying to human service zones or the department of health and human services moneys the human service zones or the department of health and human services have been compelled by statute to expend for general assistance.
- (4) Minors, whether lawfully or unlawfully employed. A minor is deemed sui juris for the purposes of this title, and no other person has any claim for relief or right to claim workforce safety and insurance benefits for any injury to a minor worker, but in the event of the award of a lump sum of benefits to a minor employee, the lump sum may be paid only to the legally appointed guardian of the minor.

b. The term does not include:

- (1) An individual whose employment is both casual and not in the course of the trade, business, profession, or occupation of that individual's employer.
- (2) An individual who is engaged in an illegal enterprise or occupation.
- (3) The spouse of an employer or the child under the age of twenty-two of an employer. For purposes of this paragraph and section 65-07-01, "child" means any legitimate child, stepchild, adopted child, foster child, or acknowledged illegitimate child.
- (4) A real estate broker or real estate salesperson, provided the individual meets the following three requirements:
 - (a) The salesperson or broker must be a licensed real estate agent under section 43-23-05.
 - (b) Substantially all of the salesperson's or broker's remuneration for the services performed as a real estate agent must be directly related to sales or other efforts rather than to the number of hours worked.

- (c) A written agreement must exist between the salesperson or broker and the person for which the salesperson or broker works, which agreement must provide the salesperson or broker will not be treated as an employee but rather as an independent contractor.
- (5) The members of the board of directors of a business corporation who are not employed in any capacity by the corporation other than as members of the board of directors.
- (6) An individual delivering newspapers or shopping news, if substantially all of the individual's remuneration is directly related to sales or other efforts rather than to the number of hours worked and a written agreement exists between the individual and the publisher of the newspaper or shopping news which states the individual is an independent contractor.
- (7) An employer.

47-18. "Employer" means a person that engages or received the services of another for remuneration unless the person performing the services is an independent contractor under the common-law test. The term includes:

- a. The state and all political subdivisions thereof.
- b. All public and quasi-public corporations in this state.
- c. Every person, partnership, limited liability company, association, and private corporation, including a public service corporation.
- d. The legal representative of any deceased employer.
- e. The receiver or trustee of any person, partnership, limited liability company, association, or corporation having one or more employees as herein defined.
- f. The president, vice presidents, secretary, or treasurer of a business corporation, but not members of the board of directors of a business corporation who are not also officers of the corporation.
- g. The managers of a limited liability company.
- h. The president, vice presidents, secretary, treasurer, or board of directors of an association or cooperative organized under chapter 6-06, 10-12, 10-13, 10-15, 36-08, or 49-21.
- i. The clerk, assessor, treasurer, or any member of the board of supervisors of an organized township, if the person is not employed by the township in any other capacity.
- j. A multidistrict special education unit.
- k. An area career and technology center.
- l. A regional education association.

- ~~48-19.~~ "Fee schedule" means the payment formulas established in the organization publication entitled "Medical and Hospital Fees".
- ~~49-20.~~ "Fund" means the workforce safety and insurance fund.
- ~~20-21.~~ "Hazardous employment" means any employment in which one or more employees are employed regularly in the same business or in or about the establishment except:
- Agricultural or domestic service.
 - Any employment of a common carrier by railroad.
 - Any employment for the transportation of property or persons by nonresidents, where, in such transportation, the highways are not traveled more than seven miles [11.27 kilometers] and return over the same route within the state of North Dakota.
 - All members of the clergy and employees of religious organizations engaged in the operation, maintenance, and conduct of the place of worship.
- ~~24-22.~~ "Health care provider" means a doctor of medicine or osteopathy, chiropractor, dentist, optometrist, podiatrist, or psychologist acting within the scope of the doctor's license, a physical therapist, an advanced practice registered nurse, or a certified physician assistant.
- ~~22-23.~~ "Medical marijuana" means the use of all parts of the plant of the genus cannabis, the seeds of the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, the seeds of the plant, or the resin extracted from any part of the plant as a physician-recommended form of medicine or herbal therapy. The term does not include treatments or preparations specifically approved by the United States food and drug administration as a drug product.
- ~~23-24.~~ "Noncompliance" means failure to follow the requirements of chapter 65-04. An employer may be in noncompliance regardless of the employer's insured or uninsured status with the organization.
- ~~24-25.~~ "Organization" means workforce safety and insurance, or the director, or any department head, assistant, or employee of workforce safety and insurance designated by the director, to act within the course and scope of that person's employment in administering the policies, powers, and duties of this title.
- ~~25-26.~~ "Parent" includes a stepparent and a parent by adoption.
- ~~26-27.~~ "Payroll report" means the mechanism created by the organization and used by employers to report all employee payroll required by the organization.
- ~~27-28.~~ "Permanent impairment" means the loss of or loss of use of a member of the body existing after the date of maximum medical improvement and includes disfigurement resulting from an injury.

~~28-29.~~ "Permanent total disability" means disability that is the direct result of a compensable injury that prevents an injured employee from performing any work and results from any one of the following conditions:

- a. Total and permanent loss of sight of both eyes;
- b. Loss of both legs or loss of both feet at or above the ankle;
- c. Loss of both arms or loss of both hands at or above the wrist;
- d. Loss of any two of the members or faculties in subdivision a, b, or c;
- e. Permanent and complete paralysis of both legs or both arms or of one leg and one arm;
- f. Third-degree burns that cover at least forty percent of the body and require grafting;
- g. A medically documented brain injury affecting cognitive and mental functioning which renders an injured employee unable to provide self-care and requires supervision or assistance with a majority of the activities of daily living; or
- h. A compensable injury that results in a permanent partial impairment rating of the whole body of at least twenty-five percent pursuant to section 65-05-12.2.

If the injured employee has not reached maximum medical improvement within one hundred four weeks, the injured employee may receive a permanent partial impairment rating if a rating will assist the organization in assessing the injured employee's capabilities. Entitlement to a rating is solely within the discretion of the organization.

~~29-30.~~ "Rehabilitation services" means nonmedical services reasonably necessary to restore a disabled employee to substantial gainful employment as defined by section 65-05.1-01 as near as possible. The term may include vocational evaluation, counseling, education, workplace modification, vocational retraining including training for alternative employment with the same employer, and job placement assistance.

~~30-31.~~ "Seasonal employment" includes occupations that are not permanent or that do not customarily operate throughout the entire year. Seasonal employment is determined by what is customary with respect to the employer at the time of injury.

~~31-32.~~ "Spouse" includes only the decedent's husband or wife who was living with the decedent or was dependent upon the decedent for support at the time of injury.

~~32-33.~~ "Subcontractor" means a person that agrees to perform all or part of the work for a contractor or another subcontractor.

~~33-34.~~ "Temporary total disability" means disability that results in the inability of an injured employee to earn wages as a result of a compensable injury for which disability benefits may not exceed a cumulative total of one hundred four weeks or the date the injured employee reaches maximum medical improvement or maximum medical recovery, whichever occurs first.

~~34-35.~~ "Uninsured" means failure of an employer to secure mandatory coverage with the organization or failure to pay premium, assessment, penalty, or interest, as calculated by the organization, which is more than forty-five days past due. An uninsured employer is subject to chapter 65-09.

~~35-36.~~ "Utilization review" means the initial and continuing evaluation of appropriateness in terms of both the level and the quality of health care and health services provided a patient, based on medically accepted standards. The evaluation must be accomplished by means of a system that identifies the utilization of medical services, based on medically accepted standards, and which refers instances of possible inappropriate utilization to the organization to obtain opinions and recommendations of expert medical consultants to review individual cases for which administrative action may be deemed necessary.

~~36-37.~~ "Valid functional capacities examination" means:

- a. The results of a physical examination consisting of a battery of standardized assessments that offer reliable results in performance-based measures and demonstrate the level and duration an injured employee may return to work.
- b. The conclusions of medical experts, following observations of other activities the medical expert determines similarly predictive, when the results of the physical examination in subdivision a are not obtained or reliable.

~~37-38.~~ a. "Wages" means:

- (1) An injured employee's remuneration from all employment reportable to the internal revenue service as earned income for federal income tax purposes.
 - (2) For members of the national guard who sustain a compensable injury while on state active duty, "wages" includes income from federal employment and may be included in determining the average weekly wage.
 - (3) For purposes of chapter 65-04 only, "wages" means all gross earnings of all employees. The term includes all pretax deductions for amounts allocated by the employee for deferred compensation, medical reimbursement, retirement, or any similar program, but may not include dismissal or severance pay.
- b. The organization may consider postinjury wages for which coverage was not required or otherwise secured in North Dakota for purposes of determining appropriate vocational rehabilitation options or entitlement to disability benefits under this title.

SECTION 2. AMENDMENT. Section 65-01-16 of the North Dakota Century Code is amended and reenacted as follows:

65-01-16. Decisions by organization - Disputed decisions.

The following procedures must be followed in ~~claims~~ claim for benefits, notwithstanding any provisions to the contrary in chapter 28-32:

1. The organization shall send a copy of each initial claim form filed with the organization to the claimant's employer, by regular mail or electronic means, along with a form for the employer's response, if the employer's response has not been filed at the time the claim is filed.
2. The organization may conduct a hearing on any matter within its jurisdiction by informal internal review of the information of record.
3. The organization may issue a notice of decision for any decision made by informal internal review and shall ~~serve~~issue the notice of decision on the parties by regular mail or electronic means. A notice of decision must include a statement of the decision, a short summary of the reason for the decision, and notice of the right to reconsideration.
4. A party has forty-five days from the day the notice of decision was ~~mailed~~issued by the organization by regular mail or electronic means to file a written request for reconsideration. The request for reconsideration is considered filed only upon receipt by the organization. The employer is not required to file the request through an attorney. The request must state the reason for disagreement with the organization's decision and the desired outcome. The request may be accompanied by additional evidence not previously submitted to the organization. The organization shall reconsider the matter by informal internal review of the information of record. Absent a timely and sufficient request for reconsideration, the notice of decision is final and may not be reheard or appealed.
5. After receiving a request for reconsideration, the organization shall ~~serve~~issue to the parties by regular mail or electronic means, a notice of decision reversing the previous decision or, ~~in accordance with the North Dakota Rules of Civil Procedure~~, an administrative order that includes its findings, conclusions, and order. The organization may ~~serve~~issue an administrative order on any decision made by informal internal review without first issuing a notice of decision and receiving a request for reconsideration. If the organization does not issue an order within sixty days of receiving a request for reconsideration, any interested party may request, and the organization shall promptly issue, an appealable determination.
6. An employee has forty-five days from the day the administrative order was mailed in which to file a request for assistance from the decision review office under section 65-02-27.
7. A party has forty-five days, from the date of ~~service~~issuance of an administrative order or from the day the decision review office ~~mailed~~issues its notice by regular mail or electronic means that the office's assistance is complete, in which to file a written request for rehearing. The request must specifically state each alleged error of fact and law to be reheard and the relief sought. The request for rehearing is considered filed only upon receipt by the organization. Absent a timely and sufficient request for rehearing, the administrative order is final and may not be reheard or appealed.
8. Rehearings must be conducted as hearings under chapter 28-32 to the extent the provisions of that chapter do not conflict with this section.
9. A party may appeal a posthearing administrative order to district court in accordance with chapter 65-10. Chapter 65-10 does not preclude the organization from appealing to district court a final order issued by a hearing officer under this title.

10. Any notice of decision, administrative order, or posthearing administrative order is subject to review and reopening under section 65-05-04.

SECTION 3. AMENDMENT. Section 65-02-27 of the North Dakota Century Code is amended and reenacted as follows:

65-02-27. Decision review office.

The organization's decision review office is established. The decision review office is independent of the claims department of the organization and activities administered through the office must be administered in accordance with this title. The decision review office shall provide assistance to an injured employee who has filed a claim, which may include acting on behalf of an injured employee who is aggrieved by a decision of the organization, communicating with organization staff regarding claim dispute resolution, and informing an injured employee of the effect of decisions made by the organization, an injured employee, or an employer under this title. The organization shall employ a director of the decision review office and other personnel determined to be necessary for the administration of the office. An individual employed to administer the decision review office may not act as an attorney for an injured employee. The organization may not pay attorney's fees to an attorney who represents an injured employee in a disputed claim before the organization unless the injured employee has first attempted to resolve the dispute through the decision review office. A written request for assistance by an injured employee who contacts the decision review office within the period for requesting a hearing on an administrative order tolls the time period for requesting a hearing on that order. The period begins upon notice to the injured employee, ~~sent~~^{issued} by regular mail or electronic means, that the decision review office's assistance to the injured employee is completed. The information contained in a file established by the decision review office on an injured employee's disputed claim, including communications from an injured employee, is privileged and may not be released without the injured employee's permission. Information in the file containing the notes or mental impressions of decision review office staff is confidential and may not be released by the decision review office.

SECTION 4. AMENDMENT. Subsection 1 of section 65-05-17 of the North Dakota Century Code is amended and reenacted as follows:

1. To the decedent's spouse or to the guardian of the children of the decedent, an amount equal to the benefit rate for total disability under section 65-05-09. All recipients of benefits under this subsection are eligible for benefits at the rate provided in this section, regardless of the date of death of the deceased employee. These benefits continue until the death of the decedent's spouse; or, if the surviving children of the decedent are under the care of a guardian, until those children no longer meet the definition of child in this title. If there is more than one guardian for the children who survive the decedent, the organization shall divide the death benefits equally among the children and shall pay benefits to the children's guardians. Total death benefits, including supplementary benefits, paid on any one claim may not exceed ~~three hundred thousand~~ four hundred thousand dollars.

SECTION 5. AMENDMENT. Subsection 4 of section 65-05-20.1 of the North Dakota Century Code is amended and reenacted as follows:

4. The total amount awarded annually in scholarships may not exceed five hundred thousand dollars. The maximum amount payable on behalf of an applicant is ~~ten thousand~~ twelve thousand five hundred dollars per year for no

more than five years, except that the combined retraining and scholarship periods for applicants successfully completing a rehabilitation program under subdivision g of subsection 4 of section 65-05.1-01 may not exceed five years.

SECTION 6. APPLICATION. Section 1 of this Act, except for the amendment to paragraph 6 of subdivision a of subsection 11 of section 65-01-02, applies to claims for indemnity benefits filed on or after August 1, 2025. The amendment to paragraph 6 of subdivision a of subsection 11 of section 65-01-02 applies to all claims regardless of date of injury. The increase in the death benefit cap from \$300,000 to \$400,000 in section 4 of this Act applies to employee deaths resulting from injuries that occur on or after the effective date of this Act.

Approved April 7, 2025

Filed April 8, 2025

CHAPTER 596

SENATE BILL NO. 2046

(Industry and Business Committee)
(At the request of Workforce Safety and Insurance)

AN ACT to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to eligibility for a one-time premium credit for North Dakota national guard, armed forces, veterans, and a surviving spouse of a veteran; to amend and reenact section 65-04-32 of the North Dakota Century Code, relating to decisions issued by electronic means; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 65-04 of the North Dakota Century Code is created and enacted as follows:

Premium credit.

1. An active member of the North Dakota national guard or the armed forces as defined under section 37-01-01, a veteran as defined under section 37-01-40, or a surviving spouse of a veteran, is eligible for a one-time premium credit of up to two hundred fifty dollars. The premium credit is available to a new account with the organization having active member, veteran, or surviving spouse ownership of fifty percent or more.
2. The organization may implement rules for the administration of this section.

SECTION 2. AMENDMENT. Section 65-04-32 of the North Dakota Century Code is amended and reenacted as follows:

65-04-32. Decisions by organization - Disputed decisions.

Notwithstanding any provisions to the contrary in chapter 28-32, the following procedures apply when the organization issues a decision under this chapter or section 65-04-04.4:

1. The organization may issue a notice of decision based on an informal internal review of the record and shall ~~serve~~issue the notice of the decision on the parties by regular mail or electronic means. The organization shall include with the decision a notice of the employer's right to reconsideration.
2. An employer has forty-five days from the day the notice of decision was ~~mailed~~issued by the organization by regular mail or electronic means to file a written request for reconsideration. The request for reconsideration is considered filed only upon receipt by the organization. The employer is not required to file the request through an attorney. The request must state the reason for disagreement with the organization's decision and the desired outcome. The request may be accompanied by additional evidence not previously submitted to the organization. The organization shall reconsider the matter by informal internal review of the information of record. Absent a timely and sufficient request for reconsideration, the notice of decision is final and may not be reheard or appealed.

3. After receiving a petition for reconsideration, unless settlement negotiations are ongoing, the organization shall ~~serve on~~issue to the parties by regular mail or electronic means, an administrative order including its findings of fact, conclusions of law, and order, in response to the petition for reconsideration. The organization may serve an administrative order on any decision made by informal internal review without first issuing a notice of decision and receiving a request for reconsideration. If the organization does not issue an order within sixty days of receiving a request for reconsideration, a party may request, and the organization shall promptly issue, an appealable determination.
4. A party has forty-five days from the date of ~~service~~issuance of an administrative order to file a written request for rehearing. The request must state specifically each alleged error of fact and law to be reheard and the relief sought. Absent a timely and sufficient request for rehearing, the administrative order is final and may not be reheard or appealed.
5. Rehearings must be conducted as hearings under chapter 28-32 to the extent that chapter does not conflict with this section.
6. An employer may appeal a posthearing administrative order to district court in accordance with chapter 65-10. Chapter 65-10 does not preclude the organization from appealing to district court a final order issued by a hearing officer under this title.

SECTION 3. APPLICATION. Section 1 applies to new account applications received on or after July 1, 2025.

Approved March 14, 2025

Filed March 14, 2025

CHAPTER 597

HOUSE BILL NO. 1423

(Representatives Schreiber-Beck, Mitskog)
(Senator Luick)

AN ACT to amend and reenact subsection 5 of section 65-05-07 of the North Dakota Century Code, relating to benefits for adaptations to real estate and motor vehicles; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 65-05-07 of the North Dakota Century Code is amended and reenacted as follows:

5. Under this section, the organization may modify real estate and may provide for adaptations and modifications to motor vehicles as follows:
 - a. ~~In~~Except as provided in subdivision c, in the case of an injured employee who sustained a catastrophic injury, as defined in chapter 65-05.1, the organization may pay an amount not to exceed ~~seventy-five thousand dollars~~one hundred fifty thousand dollars to provide permanent additions, remodeling, or adaptations to real estate it determines necessary. The dollar limit is for the life of the injured employee, regardless of any subsequent claim. This subdivision does not allow the organization to purchase any real estate.
 - b. ~~In~~Except as provided in subdivision c, in the case of an injured employee who sustained a catastrophic injury, as defined in chapter 65-05.1, the organization may pay an amount not to exceed ~~one hundred fifty thousand dollars~~two hundred thousand dollars to provide the most cost-effective, specially equipped motor vehicle or vehicle adaptations the organization determines medically necessary. The organization may establish factors to be used in determining whether a specially equipped motor vehicle or adaptation is necessary. Under this subdivision, the organization may not pay for insurance of or maintenance of the motor vehicle. Within the dollar limit and under this subdivision, the organization may pay for vehicle or adaptation replacement purchases. The dollar limit is for the life of the injured employee, regardless of any subsequent claim.
 - c. In the case of an injured employee who has not sustained a catastrophic injury, as defined in chapter 65-05.1, the organization may provide the benefits under subdivisions a and b if the organization determines the benefits would be cost-effective and appropriate because of exceptional circumstances as determined by the organization.

SECTION 2. APPLICATION. This Act applies to qualifying expenditures made on or after the effective date of this Act.

Approved April 2, 2025

Filed April 3, 2025

VETOED MEASURES

CHAPTER 598

SENATE BILL NO. 2261

(Senators Klein, Barta, Kessel)
(Representatives Nelson, Schauer)

AN ACT to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to a prison industries workforce development income tax credit; to provide for a legislative management study; and to provide an effective date.

VETO

March 21, 2025

The Honorable Michelle Strinden
President of the Senate
North Dakota Senate Chambers
State Capitol
Bismarck, ND

Re: Senate Bill 2261

Dear President Strinden:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed Senate Bill 2261 and return it to the Senate.

Section 1 of Senate Bill 2261 establishes a new prison industries workforce development tax credit. Under the section, primary sector businesses are allowed a non-refundable tax credit equal to 10% of the cost of purchased components of final manufactured products or labor from prison industries. Rough Rider Industries is a self-sustaining state agency which would qualify as a prison industry providing final manufactured products.

Establishing a tax credit for the purchase of components made at Rough Rider Industries would discourage purchases from out-of-state manufacturers in a discriminatory manner. This potentially violates the Dormant Commerce Clause of the U.S. Constitution, which prohibits states from enacting laws that discriminate against or unduly burden interstate commerce.

This bill creates an uneven playing field by giving Rough Rider Industries an unfair competitive advantage over out-of-state manufacturers. By carving out a special market incentive in the form of a tax credit, the state is disrupting the longstanding principle of fair and equal market access for all participants.

The efforts of the prime sponsor to promote and advance the important work of Rough Rider Industries are laudable and deserve recognition. Rough Rider Industries provides necessary job skills training and opportunity for incarcerated individuals to assist in their successful reentry. However, the tax credit in Senate Bill 2261 will not help Rough Rider Industries in that mission in any meaningful way. In fact, it will only benefit businesses already doing business with Rough Rider Industries.

Tax credits, when given to micro-segments of the economy, decrease state revenue and further saddle those still paying taxes with a higher percentage of the tax burden. While this bill does not involve a lot of money in our state budget, any tax policy that creates this type of carve-out must be tied to a significant outcome that benefits the state's economic interests. This bill does not do that. Combined with the aforementioned legal concerns, the juice in this case is quite simply not worth the squeeze.

For the reasons stated above, Senate Bill 2261 is vetoed.

Sincerely,

Kelly Armstrong
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

Prison industries workforce development credit.

1. A taxpayer that is a primary sector business, as defined in section 1-01-49, is allowed a nonrefundable credit against the tax imposed under section 57-38-30 or 57-38-30.3 for the cost of purchased components of final manufactured products or labor from prison industries. The amount of the credit under this section is ten percent of the cost of components and labor from prison industries purchased by the taxpayer in the calendar year. The credit must be claimed for the taxable year in which the components or labor are purchased.
2. The credit under this section may not exceed the taxpayer's liability as determined under this chapter for any taxable year. If the amount of the credit determined under this section exceeds the liability for tax under this chapter, the excess may be carried forward to each of the next five succeeding taxable years.
3. The aggregate amount of credits allowed each calendar year under this section may not exceed forty-five thousand dollars. If the aggregate amount of credits claimed under this section:

- a. Is less than the limit under this subsection, any remaining unclaimed credits may be carried forward and made available in the succeeding calendar year.
 - b. Exceeds the limit under this subsection, the tax commissioner shall prorate the credits among the claimants.
4. If a taxpayer entitled to the credit provided by this section is a member of a group of corporations filing a North Dakota consolidated tax return using the combined reporting method, the credit may be claimed against the aggregate North Dakota tax liability of all of the corporations included in the North Dakota consolidated return.
5. A passthrough entity entitled to the credit under this section must be considered to be the taxpayer for purposes of this section and the amount of the credit allowed must be determined at the passthrough entity level. The amount of the total credit determined at the passthrough entity level must be allowed to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity. An individual taxpayer may claim the credit passed through under this section against the individual's state income tax liability under section 57-38-30.3.
6. A taxpayer applying for a tax credit under this section for purchases in the preceding calendar year shall provide the following information to the tax commissioner by January thirty-first of each calendar year:
 - a. The name, address, and federal identification number or social security number of the taxpayer that made the purchase.
 - b. Substantiation of primary sector designation from the department of commerce division of economic development and finance as of the date of the purchase or payment.
 - c. A copy of the paid invoice that identifies the components or labor purchased.
 - d. A description of the components or labor purchased.
7. After January thirty-first, the tax commissioner shall notify each applicant of the amount of tax credit earned or allocated to the tax payer under subdivision b of subsection 3. Purchases resulting in tax credits under this section may not be used in the calculation of any other income tax deduction or credit allowed under this chapter.
8. The tax commissioner shall proscribe forms for the administration of this section.

SECTION 2. A new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

Prison industries workforce development credit under section 1 of this Act.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - PRISON INDUSTRIES WORKFORCE DEVELOPMENT. During the 2025-26 interim, the legislative management shall consider studying prison industries and workforce development programs for incarcerated individuals in the state, including how prison industries can work in alignment with the manufacturing industry and other private sector industries

to further the mission of workforce development for incarcerated individuals and to encourage positive outcomes for individuals exiting the criminal justice system. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the seventieth legislative assembly.

SECTION 4. EFFECTIVE DATE. Sections 1 and 2 of this Act are effective for taxable years beginning after December 31, 2024.

Disapproved March 21, 2025

Filed April 8, 2025

CHAPTER 599

SENATE BILL NO. 2307

(Senators Boehm, Erbele, Hogue, Weston)
(Representatives Steiner, Tveit)

AN ACT to create and enact a new subsection to section 12.1-27.1-01 and two new sections to chapter 12.1-27.1 of the North Dakota Century Code, relating to the definition of a public library, required safety policies and technology protection measures, and the state's attorney's review of public libraries, school districts, and state agencies for compliance with statutes protecting minors from explicit sexual material; to amend and reenact subsection 5 of section 12.1-27.1-01, subsection 2 of section 12.1-27.1-03.1, and sections 12.1-27.1-03.5 and 12.1-27.1-11 of the North Dakota Century Code, relating to obscenity control; to provide for a report to the legislative management; and to provide a penalty.

VETO

April 22, 2025

The Honorable Michelle Strinden
President of the Senate
North Dakota Senate Chambers
State Capitol
Bismarck, ND

Re: Senate Bill 2307

Dear President Strinden:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed Senate Bill 2307 and return it to the Senate.

Senate Bill 2307 aims to regulate access to materials deemed "explicit sexual material" in public and school libraries. While I recognize the concerns that led to its introduction, Senate Bill 2307 represents a misguided attempt to legislate morality through overreach and censorship. The bill imposes vague and punitive burdens on professionals and opens the door to a host of unintended and damaging consequences for our communities.

In 2023, the Legislative Assembly passed House Bill 1205, which already imposed restrictions on certain materials in public libraries. Whether or not one agreed with House Bill 1205, the bill at least operated within a specific, defined scope. Now, less than two years later, Senate Bill 2307 attempts to expand that reach further - into local government decisions and the prosecutorial discretion of state's attorneys. It is redundant, overly burdensome, and places local librarians, school districts, and state's attorneys in an untenable situation.

Any individual can complain about any book. Under Senate Bill 2307, if that individual is not satisfied with the response, they can force the library to activate "a diverse decision-making committee" to reconsider the location of the book in question. If the individual is still unsatisfied, they may request the state's attorney to issue an opinion of the alleged violation. The state's attorney is required to issue that opinion within 60 days. If the state's attorney finds a violation, they now enter a hybrid civil and criminal action where they engage one of two state agencies (the North Dakota Department of Public Instruction or the State Treasurer's Office) to withhold funding and may prosecute the offending librarian criminally. This is more process power given to an aggrieved individual than anywhere else in Century Code - more than a criminal victim, a civil plaintiff or defendant, or a fired state employee.

Any individual can force these steps to occur with a complaint about **any** book. And nothing in the law requires that individual to be a North Dakota citizen. Do we want to give non-North Dakotans that much influence over which books North Dakotans can read? Process matters. This process is completely unworkable.

But the biggest problem is that many librarians and decision-makers will be resigned to simply accommodate the individual complaint. If something is even potentially controversial to some person, eliminating it will be easier than standing up a committee or getting the state's attorney involved.

And it won't just be the books cited as examples by the supporters of this bill that will be affected. In the last 10 years *The Diary of a Young Girl* by Anne Frank, *Of Mice and Men*, *Slaughterhouse-Five*, *The Kite Runner*, *1984*, and *To Kill a Mockingbird* have all been targeted by obscenity laws. I don't pretend to know what the next literary masterpiece is going to be. But I know that I want it available in a library. And if a parent doesn't think it is age appropriate for their child, then that is a parenting decision. It does not require a whole of government approach and \$1.1 million of taxpayer money.

In today's world of social media, streaming services, websites, cable TV and movies where profanity, drug use, violence and nudity are harder to avoid than to find, the amount of time, money and taxpayer resources spent on where a book is placed in a library would be better used elsewhere.

For the reasons stated above, Senate Bill 2307 is vetoed.

Sincerely,

Kelly Armstrong
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 12.1-27.1-01 of the North Dakota Century Code is amended and reenacted as follows:

5. As used in this chapter, the terms "obscene material" and "obscene performance" mean material or a performance which:

- a. Taken as a whole, the average person, applying contemporary North Dakota standards, would find predominantly appeals to a prurient interest;
- b. Depicts or describes in a patently offensive manner sexual conduct, whether normal or perverted; and
- c. Taken as a whole, the reasonable person would find lacking in serious literary, artistic, political, or scientific value.

Whether material or a performance is obscene must be judged with reference to ~~ordinary~~ ordinary reasonable adults, unless it appears from the character of the material or the circumstances of its dissemination that the material or performance is designed for minors or other specially susceptible audience, in which case the material or performance must be judged with reference to that type of audience.

SECTION 2. A new subsection to section 12.1-27.1-01 of the North Dakota Century Code is created and enacted as follows:

As used in this chapter, the term "public library" means a library containing collections of books or periodicals or both for the general population to read, borrow, or refer to which is supported with funds derived from taxation.

SECTION 3. AMENDMENT. Subsection 2 of section 12.1-27.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

2. As used in this section:

- a. "Nude or partially denuded human figures" means less than completely and opaquely covered human genitals, pubic regions, female breasts or a female breast, if the breast or breasts are exposed below a point immediately above the top of the areola, or human buttocks; and includes human male genitals in a discernibly turgid state even if completely and opaquely covered.
- b. "Where minors are or may be invited as a part of the general public" includes any public roadway ~~or~~ public walkway, public library, or public school library.
- c. The above ~~shall~~ may not be construed to include a ~~bona fide school, college, university, museum, public library, or art gallery.~~

SECTION 4. AMENDMENT. Section 12.1-27.1-03.5 of the North Dakota Century Code is amended and reenacted as follows:

12.1-27.1-03.5. Public libraries and school districts prohibited from maintaining explicit sexual material - Report.

1. As used in this section:

- a. "Explicit sexual material" means any material which:

(1) Taken as a whole, appeals to the prurient interest of minors;

- (2) Is patently offensive to prevailing standards in the adult community in North Dakota as a whole with respect to what is suitable material for minors; and
 - (3) Taken as a whole, lacks serious literary, artistic, political, or scientific value for minors.
- b. "Public library" means a library established under chapter 40-38.
 - c. "School district" includes a school library or classroom library under the control of the school district.
- 2. A public library or a school district may not maintain in ~~its children's collection inventory books an area easily accessible to minors that contain~~ explicit sexual material.
 - 3. By January 1, ~~2024~~2026, each public library and school district shall develop a policy and process for reviewing library collections to ensure conformance with the requirements of this section. The policy must include a procedure:
 - a. For the ~~removal or~~ relocation of explicit sexual material in ~~the public library to an area in the library not easily accessible to minors;~~
 - b. For the development of a book and media collection that is appropriate for the age and maturity levels of the individuals who may access the materials, and which is suitable for, and consistent with, the purpose of the library or school district;
 - c. For the ~~public library to receive, evaluate, and respond to~~ relocation of materials to an area not easily accessible to minors, upon a request from an individual ~~regarding the removal or relocation of~~ to relocate one or more of the books or other materials in the library collection containing explicit sexual material in the library collection; and
 - d. For the activation of a diverse decisionmaking committee to reconsider the relocation of explicit sexual material in the library collection, if the individual is unsatisfied with the result under subdivision c;
 - e. To refer an individual to section 7 of this Act, if the individual is unsatisfied with the result of the reconsideration under subdivision d; and
 - f. To periodically review the library collection to ensure the library collection does not contain explicit sexual material in the children's collection compliance with this section.
 - 4. Each public library and school district shall provide a compliance report to the legislative management before May 1, ~~2024~~2026, on the implementation of collection development and relocation of materials policies as required by this section and to ensure sufficient compliance with this section.

SECTION 5. AMENDMENT. Section 12.1-27.1-11 of the North Dakota Century Code is amended and reenacted as follows:

12.1-27.1-11. Exceptions to criminal liability.

Sections 12.1-27.1-01 and 12.1-27.1-03 ~~shall~~ may not apply to the possession or distribution of material in the course of law enforcement, judicial, or legislative activities; or to the possession of material by a ~~bona fide school~~, college, university,

museum, or public library for limited access for educational research purposes carried on at such an institution by adults only. Sections 12.1-27.1-01 and 12.1-27.1-03 ~~shall also~~ may not apply to a person who is returning material, found to be obscene, to the distributor or publisher initially delivering it to the person returning it.

SECTION 6. A new section to chapter 12.1-27.1 of the North Dakota Century Code is created and enacted as follows:

Safety policies and technology protection measures required - Report.

1. As used in this section:
 - a. "Explicit sexual material" means the term as defined under section 12.1-27.1-03.5.
 - b. "Public library" does not include the state library.
 - c. "State agency" does not include the state library or institutions of higher education.
2. A school district, state agency, or public library may offer digital or online library database resources to students in kindergarten through grade twelve if the person providing the resources verifies all the resources comply with subsection 3.
3. Digital or online library database resources offered by a school district, state agency, or public library to students in kindergarten through grade twelve must have safety policies and technology protection measures that:
 - a. Prohibit and prevent a user of the resource from sending, receiving, viewing, or downloading materials constituting an obscene performance or explicit sexual material; and
 - b. Filter or block access to explicit sexual material.
4. Notwithstanding any contract provision, if a provider of digital or online library resources fails to comply with subsection 3, the school district, state agency, or public library shall withhold any further payments to the provider pending verification of compliance.
5. If a provider of digital or online library database resources fails to timely verify the provider is in compliance with the safety policies and requirements of subsection 3, the school district, state agency, or public library shall consider the provider's act of noncompliance a breach of contract.
6. A public school library and a public library shall submit an aggregate written report to the legislative management no later than December first of each year regarding any:
 - a. Issues related to provider compliance with technology protection measures required by subsection 3; and
 - b. Incidents of complaints regarding accessible materials.
7. By January 1, 2026, each school district, state agency, or public library offering digital or online library database resources to students in kindergarten through grade twelve shall develop a policy and process for reviewing digital

or online library database resources to ensure conformance with this section. The policy must include a procedure:

- a. For an individual to report to the school district, state agency, or public library materials containing explicit sexual material or an obscene performance in the digital or online library database resources;
- b. Upon receipt of a report under subdivision a. for the school district, state agency, or public library, to provide the report to the provider of digital or online library database resources and apprise the individual of the actions taken to comply with this section; and
- c. To refer an individual to section 7 of this Act, if the individual believes this section is being violated after being apprised of the actions taken to comply with the section.

SECTION 7. A new section to chapter 12.1-27.1 of the North Dakota Century Code is created and enacted as follows:

State's attorney - Obscenity review procedure - School districts - State agencies - Public libraries - Penalty.

1. Any interested individual who has exhausted the procedures under section 12.1-27.1-03.5 or section 6 of this Act may request, in the manner prescribed by the local state's attorney, the local state's attorney's opinion to review an alleged violation under section 12.1-27.1-03.5 or section 6 of this Act. Within sixty days of receiving the request, the state's attorney shall issue an opinion on the alleged violation to the interested individual, the provider of digital or online library database resources, if any, and the school district, state agency, or public library under review.
2. If the state's attorney determines a public library or state agency has violated section 12.1-27.1-03.5 or section 6 of this Act, the state's attorney shall defer any prosecution and notify the public library or state agency. After receiving notice, the public library or state agency shall take corrective action to comply with the violated law within ten days. If the public library or state agency fails to comply with the law within ten days, the state's attorney:
 - a. Shall notify the state treasurer who shall withhold and return funds allocated to the state agency or public library, until the state's attorney has determined the state agency or public library is in compliance with the relevant statute and has notified the state treasurer accordingly; and
 - b. May prosecute for failure to comply with the law.
3. If the state's attorney determines a school district has violated section 12.1-27.1-03.5 or section 6 of this Act, the state's attorney shall defer any prosecution and notify the school district. After receiving notice, the school district shall take corrective action to comply with the violated law within ten days. If the school district fails to comply with the law within ten days, the state's attorney:
 - a. Shall notify the superintendent of public instruction who shall withhold funds allocated to the school district until the state's attorney has determined the school district is in compliance with the relevant statute and has notified the superintendent of public instruction accordingly; and

b. May prosecute for failure to comply with the law.

Disapproved April 22, 2025

Filed April 29, 2025

CHAPTER 600

HOUSE BILL NO. 1540

(Representatives Koppelman, Hauck, J. Johnson, Marschall, Morton, Rohr, Steiner)
(Senators Clemens, Cory, Gerhardt, Wobbema, Boehm)

AN ACT to create and enact a new chapter to title 15.1 of the North Dakota Century Code, relating to an education savings account program for students who are not enrolled in public school or a homeschool program; to provide an appropriation; and to provide an effective date.

VETO

April 23, 2025

The Honorable Robin Weisz
Speaker of the House
North Dakota House of Representatives
State Capitol
Bismarck, ND

Re: House Bill 1540

Dear Speaker Weisz:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed House Bill 1540 and return it to the House.

House Bill 1540 appropriates \$21.7 million from the general fund for a voucher program to defray tuition and other eligible costs for students attending nonpublic K-12 schools.

Our administration strongly supports expanding school choice to better meet students' individual education needs and foster competition within the K-12 system to drive innovation and improve student outcomes. House Bill 1540 falls far short of truly expanding choice as it only impacts one sector of our student population. Voucher debate aside, this legislation still needs work to address implementation issues. We get one chance to craft policy to benefit the most students and ensure implementation of the program is achievable and realistic.

During the 2023-25 interim, a group of legislators and education stakeholders engaged in a study regarding school choice. The bill drafted from that work proposed state funding for the families of all students - public, nonpublic and homeschool - to cover eligible expenses for their children's education.

Those families all pay taxes, regardless of whether their child attends a public or nonpublic school or is homeschooled, or whether the family lives in a rural or urban

school district. It is essential that an Education Savings Account (ESA) program using state tax dollars be made available to all families to enhance their child's education.

In its final form, House Bill 1540 fails to deliver the school choice North Dakota needs, especially in rural areas where nonpublic school options are few and far between. Of North Dakota's 168 school districts, only 19 have nonpublic schools, with the vast majority of those schools located in the larger communities. A meaningful and effective school choice policy should empower all North Dakota families. Senate Bill 2400 is still an available vehicle to combine the best parts of both bills. We encourage thoughtful collaboration and an all-in approach to ensure all students are being supported in an ESA program.

Passing a voucher bill that caters to only a small segment of North Dakota's student population all but guarantees a voter referendum and threatens to derail the prospect of good school choice policy for years to come. We only get one bite at this apple, and House Bill 1540 bites off more than North Dakota citizens can stomach.

For the reasons stated above, House Bill 1540 is vetoed.

Sincerely,

Kelly Armstrong
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 15.1 of the North Dakota Century Code is created and enacted as follows:

Definitions.

As used in this chapter:

1. "Administrator" means the Bank of North Dakota.
2. "Department" means the department of public instruction.
3. "Education service provider" means an individual or organization approved to provide qualified education services. The term does not include a participating school.
4. "Eligible postsecondary institution" means a community college, an accredited university, or an accredited private postsecondary institution.
5. "Eligible student" means:
 - a. An elementary or secondary student who is a resident of this state and is eligible to attend a public school; or
 - b. A student who has received a scholarship under the education savings account program until the student graduates high school or reaches twenty-one years of age, regardless of household income.

6. "Parent" means a resident of this state who is a parent, guardian, custodian, or other person with the authority to act on behalf of the eligible student.
7. "Participating school" means any nonpublic school providing education to elementary students, secondary students, or both, which charges tuition and has notified the administrator of the school's intention to participate in the education savings account program and comply with the education savings account program requirements under this chapter and related administrative rules.
8. "Private tutoring" means professional tutoring services approved by the program manager to receive payment under this chapter.
9. "Program manager" means an organization registered by the secretary of state to do business in North Dakota and designated by the Bank of North Dakota to assist in the implementation of this chapter.

Parent agreement - Qualified expenses.

1. A parent of an eligible student qualifies for an education savings account for the student if the parent signs an agreement with the department promising:
 - a. To provide an education for the eligible student in at least the subjects of English language arts, mathematics, social studies, and science;
 - b. Not to enroll the parent's eligible student in a public school or supervise home education under chapter 15.1-23 for the eligible student;
 - c. To use education savings account program funds solely for qualified expenses under this chapter;
 - d. To comply with the requirements outlined in this chapter and any related rules adopted by the Bank of North Dakota; and
 - e. If the participating student is a child with a disability, the parent has received information from the department and understands participation in the education savings account program qualifies as a parental placement of the parent's child under the Individuals with Disabilities Education Act [Pub. L. 108-446; 20 U.S.C. 1412(a)(10)(A)].
2. A parent participating in the education savings account program may use the funds deposited in the eligible student's account for any of the following qualifying expenses to educate the eligible student:
 - a. Tuition and fees at a participating school;
 - b. A textbook required by a participating school;
 - c. Payment for private tutoring or to another educational service provider;
 - d. Payment for purchase of curriculum;
 - e. Tuition or fees for a nonpublic online learning program;

- f. Fees for advanced placement examinations or similar courses, and any examinations related to college or university admission;
 - g. Computer hardware, software, or other technological device that is used solely for a student's educational needs and approved by the administrator, provided hardware purchased with education savings account funds may not be resold within three years of purchase;
 - h. Reasonable fees for transportation paid to a fee-for-service transportation provider for the student to travel to and from an education service provider;
 - i. Tuition and fees at an eligible postsecondary institution; and
 - j. A textbook required for college or university courses.
 3. A participating school, private tutor, eligible postsecondary institution, or other education service provider may not refund, rebate, or share a student's grant with a parent or student in any manner. Any refund must be provided to the administrator who shall deposit the funds into the appropriate student's education savings account.
 4. A parent may make a payment for the cost of educational programs and services not covered by the funds in the child's account.

Bank of North Dakota - State treasurer - Duties - Transfer.

1. The administrator shall:
 - a. Beginning with the 2026-27 school year, annually deposit into each education savings account:
 - (1) Thirty-five percent of the state per-pupil payment amount distributed per student under subsection 3 of section 15.1-27-04.1, if the eligible student's household has an annual income less than or equal to two hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.
 - (2) Twenty percent of the state per-pupil payment amount distributed per student under subsection 3 of section 15.1-27-04.1, if the eligible student's household has an annual income greater than two hundred percent but less than or equal to four hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.
 - (3) Ten percent of the state per-pupil payment amount distributed per student under subsection 3 of section 15.1-27-04.1, if the eligible student's household has an annual income greater than four hundred percent of the most recently revised poverty income guidelines published by the United States department of health and human services.
 - b. Qualify a program manager to manage and administer education savings accounts.
 - c. Establish the role and responsibilities of a program manager.

- d. Conduct or contract for the auditing of accounts and, at a minimum, conduct random audits of accounts on an annual basis. A program manager may conduct the audits. The administrator may determine a parent of an eligible student is ineligible for the education savings account program if the parent substantially misuses the funds in the account.
 - e. Refer cases of substantial misuse of funds to law enforcement for investigation, if evidence of fraudulent use of an account is obtained.
 - f. Make deposits into eligible students' education savings accounts on a quarterly basis.
 - g. Adopt rules and procedures under chapter 28-32 for the administration of the education savings account program, as necessary.
 - h. Upon a participating student's graduation from high school or termination of participation in the education savings account program, close the participating student's account and transfer any remaining money in the account to the general fund in the state treasury.
2. The administrator may bar a participating school or education service provider from the education savings account program if the administrator determines the participating school or education service provider has:
- a. Routinely failed to comply with the accountability standards established under this chapter; or
 - b. Failed to provide a participating student with the educational services funded by the education savings account.
3. If the administrator bars a participating school or education provider from the education savings account program, the program manager shall notify eligible students and parents of the decision as quickly as possible. A parent may appeal a decision of the administrator under chapter 28-32.
4. The state treasurer annually shall transfer the funds required for education savings accounts from the general fund to the Bank of North Dakota for quarterly deposit in each education savings account.
5. Funds, not to exceed twenty-five percent of the amount under subsection 1, not expended over the course of a school year may be carried forward for use in the following school year for a child who remains in the education savings account program. If a parent removes a child from the education savings account program before the end of the school year, any remaining funds from that school year must be returned to the state and be allocated to fund other accounts. A student may transfer to another nonpublic school and retain the funds in the education savings account.
6. Funds deposited in an education savings account do not constitute taxable income to the parent or the education savings account student.
7. The superintendent of public instruction may apply to a federal agency for additional funds to support this program. These funds must provide an additional benefit to each participating student's education savings account. If necessary to become eligible for the receipt of federal funds, the Bank of

North Dakota, with consideration of advice provided by the superintendent of public instruction, shall adopt rules that supersede any conflicting law under this chapter.

Participating schools - Department - Accountability standards.

1. A participating school shall:

- a. Comply with all health and safety laws or codes that apply to nonpublic schools.**
- b. Obtain certification of approval under section 15.1-06-06.1.**
- c. Hold a valid occupancy permit if required by the school's municipality.**
- d. Certify the school complies with the nondiscrimination policies under 42 U.S.C. 1981.**
- e. Provide a parent with a receipt for all qualifying expenses at the school.**
- f. Refund any payment for which a good or service was not provided to the student due to a participating student terminating participation in the education savings account program. A tuition payment must be refunded pro rata determined by the school days remaining in the term for which the tuition was paid. A refund must be paid to the administrator who shall deposit the funds into the appropriate student's education savings account.**
- g. Ensure the eligible student takes the state assessments, or other nationally norm-referenced tests, which measure learning gains in mathematics and English language arts, and provide for value-added assessment. If a parent selects the state assessment, the department shall pay associated costs and materials.**
- h. Ensure the results of the tests are provided to the department.**

2. The department, or an organization chosen by the department, shall:

- a. Ensure compliance with all student privacy laws.**
- b. Collect all test results.**
- c. Provide the test results, associated learning gains, and graduation rates to the public on the department's website after the third year of test and graduation-related data collection. The findings must be aggregated by the student's grade level, gender, family income level, number of years of participation in the education savings account program, and race. Data aggregation related to assessments may be limited to the state assessment, as determined necessary by the department.**
- d. Provide rates for high school graduation for participating students to the public on the department's website after the third year of test and test-related data collection.**

3. A participating nonpublic school or other education service provider is autonomous and not an agent of the state or federal government and, except as provided under this chapter and in related rules, the:
 - a. Department may not regulate the educational program of a participating nonpublic school or education service provider that accepts funds from an education savings account;
 - b. Creation of the education savings account program does not expand the regulatory authority of the state, its officers, or a school district to impose an additional regulation of nonpublic schools or education service providers beyond the regulations necessary to enforce the requirements of the education savings account program; and
 - c. Participating nonpublic schools and education service providers must have the freedom to provide for the educational needs of the school's students without governmental control.

Program manager - Duties.

The program manager shall:

1. Ensure eligible students and parents are informed annually of the schools that will be participating in the education savings account program.
2. Create a standard form a parent of an eligible student may submit to establish a student's eligibility for the education savings account program. The program manager shall ensure the application is readily available to interested families through various sources, including the department's website.
3. Accept applications on a year-round basis and shall approve applications in a reasonable time frame.
4. Execute a multimedia marketing program targeting eligible families, especially those below the state's median household income, informing the families about the education savings account program and how to apply.
5. Establish a web and phone-based support system providing parents with education savings account program application support and ongoing account maintenance support.
6. Provide to the parent of a participating student a written explanation of the allowable uses of education savings accounts, the responsibilities of the parent, and the duties of the program manager.
7. Ensure the department is informed of a participating student's graduation from high school or a participating student's termination of participation in the education savings account program.
8. Coordinate with the administrator to develop procedures to implement the program in accordance with this chapter and related rules.
9. Upon request, determine whether an expense is allowable.
10. Establish a procedure for a participating school to provide data to the department as required under this chapter.

11. Administer an annual parental satisfaction survey requesting each parent of a student receiving an education savings account program grant indicate the number of years the child has participated in the education savings account program and express the parent's:
 - a. Satisfaction with the education savings account program; and
 - b. Opinions on other topics, items, or issues that may indicate the effectiveness of the education savings account program.

School districts of residence - Duties.

The school district of residence:

1. Shall provide a participating school or education service provider that has admitted an eligible student under this chapter with a complete copy of the student's school records, while complying with the Family Educational Rights and Privacy Act of 1974 [20 U.S.C. Section 1232(g)].
2. May provide transportation for an eligible student to and from the participating school or education service provider under the same conditions as the school district of residence is required to provide transportation for other resident students to nonpublic schools. The school district of residence qualifies for state transportation aid for each student transported.

SECTION 2. APPROPRIATION - BANK OF NORTH DAKOTA - EDUCATION SAVINGS ACCOUNT PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$21,700,000, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of implementing the education savings account program and funding education savings accounts beginning in the 2026-27 school year, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on July 1, 2026.

Disapproved April 23, 2025

Filed April 29, 2025

CHAPTER 601

SENATE BILL NO. 2160

(Senators Davison, Bekkedahl, Sorvaag)
(Representatives Bosch, Stemen)

AN ACT to amend and reenact sections 54-52.1-01, 54-52.1-02, and 54-52.1-03.1 of the North Dakota Century Code, relating to health insurance benefits coverage provided by the uniform group insurance program; to provide an appropriation; to provide for a statement of legislative intent; and to provide an effective date.

VETO

April 28, 2025

The Honorable Michelle Strinden
President of the Senate
North Dakota Senate Chambers
State Capitol
Bismarck, ND

Re: Senate Bill 2160

Dear President Strinden:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed Senate Bill 2160 and return it to the Senate.

Senate Bill 2160 permanently closes the door on a grandfathered health insurance plan for state employees. If we repeal our current health plan, an Affordable Care Act compliant, nongrandfathered plan must take its place. This new plan contained in Senate Bill 2160 includes mandatory added benefits that will result in increased costs passed on to our public employees as an out-of-pocket expense. Public employees did not ask for this. In fact, surveys conducted by OMB's Human Resource Management Services (HRMS) in 2022 and 2024 showed the current state health plan is the most valued benefit by our state employees, and one of the state's strongest and most useful recruitment and retention tools. Senate Bill 2160 disposes of that tool and replaces it with a more expensive alternative.

Senate Bill 2160's effective date of January 1, 2027, also underscores the cost of the new plan. By having a January 1, 2027, effective date, the \$6.5 million fiscal note for the 2025-2027 biennium is only for the last six months of the biennium. The cost for the full 2027-2029 biennium and subsequent biennia is an estimated \$25.8 million or more every two years. This higher price tag would either be passed on to the state or its employees.

PERS solicits bids for the new health insurance contract every six years. The next bid process will begin in the summer of 2026 for use in the 2027-2029 biennium. The bid process includes estimates for continuation of the current grandfathered plan, as well as non-grandfathered plans. The better route would be to compare the 2026 estimates for continuation of the current plan versus a non-grandfathered plan, so the 70th Legislative Assembly may make a better-informed decision for the future of North Dakota's public employees.

The current health plan is better for state employees and employees of political subdivisions. Currently, they pool together in the same grandfathered plan. If Senate Bill 2160 passes as enrolled, state employees and employees of political subdivisions will be in separate pools, resulting in higher costs for both. This is unacceptable.

For the reasons said above, Senate Bill 2160 is vetoed.

Sincerely,

Kelly Armstrong
Governor

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-52.1-01 of the North Dakota Century Code is amended and reenacted as follows:

54-52.1-01. Definitions.

As used in this chapter, ~~unless the context otherwise requires:~~

1. "Board" means the public employees retirement board.
2. "Carrier" means:
 - a. ~~For the hospital health insurance benefits coverage, an insurance company authorized to do business in the state, or a nonprofit hospital service association, or a prepaid group practice hospital or medical care plan authorized to do business in the state, or the state if a self-insurance health plan is used for providing hospital or medical benefits coverage.~~
 - b. ~~For the medical benefits coverage, an insurance company authorized to do business in the state, or a nonprofit medical service association, or a prepaid group practice medical care plan authorized to do business in the state, or the state if a self-insurance health plan is used for providing medical benefits coverage.~~
 - c. For the life insurance benefits coverage, an insurance company authorized to do business in the state.
3. "Department, board, or agency" means ~~the departments, boards, boards, agencies, or associations~~ a department, board, agency, or association of this state. The term includes the state's charitable, penal, and higher educational institutions; the Bank of North Dakota; the state mill and elevator association; and counties, cities, district health units, and school districts.

4. "Eligible employee" means every permanent employee who is employed by a governmental unit, as that term is defined in section 54-52-01. "Eligible employee" includes members of the legislative assembly, judges of the supreme court, paid members of state or political subdivision boards, commissions, or associations, full-time employees of political subdivisions, elective state officers as defined by section 54-06-01, and disabled permanent employees who are receiving compensation from the North Dakota workforce safety and insurance fund. As used in this subsection, "permanent employee" means one whose services are not limited in duration, who is filling an approved and regularly funded position in a governmental unit, and who is employed at least seventeen and one-half hours per week and at least five months each year or for those first employed after August 1, 2003, is employed at least twenty hours per week and at least twenty weeks each year of employment. For purposes of sections 54-52.1-04.1, 54-52.1-04.7, 54-52.1-04.8, and 54-52.1-11, "eligible employee" includes retired and terminated employees who remain eligible to participate in the uniform group insurance program pursuant to applicable state or federal law.
5. "Health insurance benefits coverage" means ~~hospital~~:
 - a. A nongrandfathered health plan sponsored by a large employer which meets the applicable requirements of 42 U.S.C. chapter 6A, subchapter XXV, without regard to 42 U.S.C. 18011, including benefits provided under the uniform group insurance program's grandfathered preferred provider organization plan;
 - b. Hospital benefits coverage ~~or medical~~;
 - c. Medical benefits coverage; ~~or both~~
 - d. Both hospital and medical benefits coverage.
6. "Health maintenance organization" means an organization certified to establish and operate a health maintenance organization in compliance with chapter 26.1-18.1.
7. "Hospital benefits coverage" means a plan that either provides coverage for, or pays, or reimburses expenses for hospital services incurred in accordance with the uniform contract.
8. "Life insurance benefits coverage" means a plan that provides both term life insurance and accidental death and dismemberment insurance in amounts determined by the board, with a minimum of one thousand dollars provided for the term life insurance portion of the coverage.
9. "Medical benefits coverage" means a plan that either provides coverage for, or pays, or reimburses expenses for medical services in accordance with the uniform contract.
10. "Member contribution" means the payment by the member into the retiree health benefits fund pursuant to sections 54-52-02.9 and 54-52-17.4.
11. "Member's account balance" means the member's contributions plus interest at the rate set by the board.

12. "Nongrandfathered health plan" means a plan that does not qualify as a grandfathered plan under the Patient Protection and Affordable Care Act [Pub. L. 111-148], as amended by the Health Care and Education Reconciliation Act of 2010 [Pub. L. 111-152].
13. "Self-insurance health plan" means a plan of self-insurance providing health insurance benefits coverage under section 54-52.1-04.2.
- 43-14. "Temporary employee" means a governmental unit employee who is not filling an approved and regularly funded position in an eligible governmental unit and whose services may or may not be limited in duration.

SECTION 2. AMENDMENT. Section 54-52.1-02 of the North Dakota Century Code is amended and reenacted as follows:

54-52.1-02. Uniform group insurance program created - Formation into subgroups.

In order to promote the economy and efficiency of employment in the state's service, reduce personnel turnover, and offer an incentive to high-grade individuals to enter and remain in the service of state employment, there is created a uniform group insurance program.

1. The uniform group insurance program must ~~be~~:
 - a. Be composed of eligible and retired employees ~~and be formed to provide hospital benefits coverage, medical benefits coverage,;~~
 - b. Except as provided in subsection 2 of section 54-52.1-03.1, provide coverage as defined in subdivision a of subsection 5 of section 54-52.1-01; and
 - c. Provide life insurance benefits coverage ~~in the manner set forth in this chapter.~~
2. The board may divide the uniform group ~~may be divided~~ into the following subgroups ~~at the discretion of the board~~:
 4. ~~Medical and hospital~~
 - a. Health insurance benefits coverage group consisting of active eligible employees and retired employees not eligible for Medicare, except for employees who first retire after July 1, 2015, and are not eligible for Medicare on their retirement. In determining premiums for coverage under this ~~subsectionsubdivision~~ for retired employees not eligible for Medicare, the rate for a non-Medicare retiree single plan is one hundred fifty percent of the active member single plan rate, the rate for a non-Medicare retiree family plan of two people is twice the non-Medicare retiree single plan rate, and the rate for a non-Medicare retiree family plan of three or more persons is two and one-half times the non-Medicare retiree single plan rate.
 2. b. In addition to the coverage provided in ~~subsection 4subdivision a~~, another coverage option may be provided for retired employees not eligible for Medicare, except for employees who first retire after July 1, 2015, and are not eligible for Medicare on their retirement, provided the option does not

increase the implicit subsidy as determined by the governmental accounting standards board's other postemployment benefit reporting procedure. In offering this additional option, the board may have an open enrollment but thereafter enrollment for this option must be as specified in section 54-52.1-03.

- 3. c. Retired Medicare-eligible employee group ~~medical and hospital health insurance~~ benefits coverage.
- 4. d. Active eligible employee life insurance benefits coverage.
- 5. e. Retired employee life insurance benefits coverage.
- 6. f. Terminated employee continuation group ~~medical and hospital health insurance~~ benefits coverage.
- 7. g. Terminated employee conversion group ~~medical and hospital health insurance~~ benefits coverage.
- 8. h. Dental benefits coverage.
- 9. i. Vision benefits coverage.
- 10. j. Long-term care benefits coverage.
- 11. k. Employee assistance benefits coverage.
- 12. l. Prescription drug coverage.

SECTION 3. AMENDMENT. Section 54-52.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

54-52.1-03.1. Certain political subdivisions authorized to join uniform group insurance program - Employer contribution.

- 1. If eligible under federal law, a political subdivision may extend the benefits of the uniform group insurance program under this chapter to its permanent employees, subject to ~~minimum~~ requirements established by the board and ~~as follows:~~
 - a. A minimum period of participation of sixty months. If the political subdivision withdraws from participation in the uniform group insurance program, before completing sixty months of participation, unless federal or state laws or rules are modified or interpreted in a way that makes participation by the political subdivision in the uniform group insurance program no longer allowable or appropriate, the political subdivision shall make payment to the board in an amount equal to any expenses incurred in the uniform group insurance program that exceed income received on behalf of the political subdivision's employees as determined under rules adopted by the board.
 - b. The Garrison Diversion Conservancy District, and district health units required to participate in the public employees retirement system under section 54-52-02, shall participate in the uniform group insurance program under the same ~~terms and conditions~~ premium structures as state agencies.

- c. A retiree who has accepted a retirement allowance from a participating political subdivision's retirement plan may elect to participate in the uniform group under this chapter without meeting minimum requirements at age sixty-five, when the employee's spouse reaches age sixty-five, upon the receipt of a benefit, when the political subdivision joins the uniform group insurance plan if the retiree was a member of the former plan, or when the spouse terminates employment. If a retiree or surviving spouse does not elect to participate at the times specified in this ~~section~~subdivision, the retiree or surviving spouse must meet the minimum requirements established by the board.
 - d. Each retiree or surviving spouse shall pay directly to the board the premiums in effect for the coverage then being provided. The board may require documentation that the retiree has accepted a retirement allowance from an eligible retirement plan other than the public employees retirement system.
2. For purposes of this section, the uniform group insurance program must provide health insurance benefits coverage as defined in section 54-52.1-01.

SECTION 4. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - HEALTH INSURANCE PREMIUM POOL. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,442,991, or so much of the sum as may be necessary, and from other funds derived from federal funds and special funds, not otherwise appropriated, the sum of \$1,851,509, or so much of the sum as may be necessary, to the office of management and budget for the purpose of a health insurance premium pool, which the office of management and budget shall use to distribute appropriation authority to state agencies for paying a portion of health insurance premium cost increases related to this Act, for the biennium beginning July 1, 2025, and ending June 30, 2027.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the sixty-ninth legislative assembly that the public employees retirement system use an estimated amount of \$3,294,500, or so much of the sum as may be necessary, from the health insurance reserve fund established in section 54-52.1-06 for a portion of the state employer share of any increase in premiums for health benefits resulting from the provisions of this Act for the period beginning with the effective date of this Act and ending June 30, 2027.

SECTION 6. EFFECTIVE DATE. Sections 1 through 3 of this Act become effective on January 1, 2027.

Disapproved April 28, 2025

Filed May 1, 2025

CHAPTER 602

HOUSE BILL NO. 1003

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the attorney general; to amend and reenact sections 31-01-16, 54-12-11, 54-12-30, and 54-27-25 of the North Dakota Century Code, relating to compensation and mileage and travel expenses for witnesses, the salary of the attorney general, twenty-four seven sobriety program fees, and the tobacco settlement trust fund; to provide for a report; to provide for a transfer; and to provide an exemption.

VETO

May 19, 2025

The Honorable Robin Weisz
Speaker of the House
North Dakota House of Representatives
State Capitol
Bismarck, ND

Re: Section 12 of House Bill 1003

Dear Speaker Weisz:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have signed House Bill 1003 and filed it with the Secretary of State. I also have vetoed Section 12 of HB 1003.

The North Dakota Constitution authorizes the governor to veto items in an appropriation bill. House Bill 1003 is an appropriation bill for the expenses of the attorney general, and Section 12, relating to 24/7 sobriety program fees, is an item in the appropriation bill. Section 12 was not in HB 1003 when the bill was introduced. Section 12 was a standalone measure introduced as Senate Bill 2365, which went through the legislative process and ultimately failed in the House. It has been resurrected as Section 12 in House Bill 1003, but the failings of this policy remain: It invites a constitutional challenge and will only increase costs and jail overcrowding for counties.

Currently, a district court judge has the flexibility to waive the costs for an individual participating in the 24/7 sobriety program. Section 12 prohibits a judge from waiving these fees, even in cases of hardship or indigency. One reason for allowing a judge to waive the fees is to protect the program from constitutional challenge. If the fee is not waivable, the individual is found not guilty, and the fee is not refunded, the fee becomes a pretrial punishment. This gives an individual grounds for challenging the program because the Constitution protects individuals from being punished for a crime prior to conviction.

Today, the 24/7 program fees are only waivable if a judge issues a finding of hardship. This is a similar process used when a judge finds an individual indigent, which is not an arbitrary decision. By removing the flexibility to waive the 24/7 fees, an indigent individual will be held in pre-trial custody for the inability to pay, likely with an added unaffordable bond. This would require the indigent individual to be placed in custody until the resolution of their case. This will have an adverse effect on counties, becoming far more expensive than the 24/7 program itself and contributing to the overcrowding of county jails.

Section 12 is a previously rejected policy item logrolled into an appropriation bill. This legislative maneuver does not restrict the executive's line-item veto authority. To do so would force the executive to choose between accepting a standalone policy item or risking the entire appropriation for a state agency. Allowing the Assembly to shoehorn general substantive policy provisions into an appropriation bill, while not simultaneously allowing the executive to veto those provisions, would undermine our system of checks and balances, and violate the longstanding principle of separation of powers.

For the reasons said above, Section 12 of House Bill 1003 is vetoed.

Sincerely,

Kelly Armstrong
Governor

Disapproved May 19, 2025

Filed May 19, 2025

NOTE: For the full text of House Bill No. 1003, including section 12, see chapter 3.

CHAPTER 603

HOUSE BILL NO. 1019

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the parks and recreation department; to create and enact a new section to chapter 55-08 of the North Dakota Century Code, relating to the creation and naming of state parks; to provide for a transfer; to provide for a report; and to provide an exemption.

VETO

May 19, 2025

The Honorable Robin Weisz
Speaker of the House
North Dakota House of Representatives
State Capitol
Bismarck, ND

Re: Section 8 of House Bill 1019

Dear Speaker Weisz:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have signed House Bill 1019 and filed it with the Secretary of State. I also have vetoed Section 8 of House Bill 1019.

The North Dakota Constitution provides the governor may veto items in an appropriation bill. Section 8 of House Bill 1019 is an item in an appropriation bill, specifically a policy item aimed at curtailing the Parks and Recreation Department's authority to create and rename state parks. Section 8 requires Legislative Assembly approval for the creation or renaming of state parks. This policy not only encroaches on the executive branch's function to faithfully execute laws passed by the Assembly but also leads to absurd results. For instance, if federal dollars were contingent on the renaming of a state park, or if the Director of Parks and Recreation exercised his statutory duty to acquire land for a new state park, a special session would be required. The entire Legislative Assembly must then convene, agree on a new name, have the new name pass through both chambers, and be signed into law.

The christening and renaming of state parks is not a decision made lightly by the Parks and Recreation Department or this office. It requires input from multiple stakeholders, including historians and local members of the community. Asking permission from the Legislative Assembly to perform a statutory duty squarely within the executive branch's purview by inserting legislative directives into operational decisions that are already subject to appropriate checks and balances disregards the notion of three coequal branches. Good governance demands clarity, efficiency, and respect for the separation of powers, and this provision undermines all three.

Even though Section 8 itself does not contain an appropriation, not allowing the line-item veto power would force the executive branch to either accept a policy amendment or risk the overall appropriation for an executive branch agency. This would encourage the practice of logrolling, thereby disrupting an essential check and balance and violating the principle of separation of powers.

For the reasons said above, Section 8 of House Bill 1019 is vetoed.

Sincerely,

Kelly Armstrong
Governor

Disapproved May 19, 2025

Filed May 19, 2025

NOTE: For the full text of House Bill No. 1019, including section 8, see chapter 18.

CHAPTER 604

SENATE BILL NO. 2001

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the legislative branch of state government; to amend and reenact sections 48-08-04, 54-03-10, 54-03-20, and 54-35-10 of the North Dakota Century Code, relating to use of legislative rooms and halls and legislative compensation; to provide a statement of legislative intent; to provide for a report; to provide an exemption; and to provide for application, transfer, and cancellation of unexpended appropriations.

VETO

May 19, 2025

The Honorable Michelle Striden
President of the Senate
North Dakota Senate Chambers
State Capitol
Bismarck, ND

Re: Senate Bill 2001

Dear President Striden:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have signed Senate Bill 2001 and filed it with the Secretary of State. I also have vetoed Section 6 of Senate Bill 2001.

Section 6 of Senate Bill 2001 reserves the 15th floor of the Capitol building "for the exclusive use of the legislative council." Legislative Council consists of attorneys, accountants, researchers, and auxiliary personnel who serve the members of the Legislative Assembly. The Legislative Council currently occupies the entire second floor of the Capitol building except for one legislative committee room.

The 15th floor currently is occupied by the Department of Career and Technical Education (CTE), which recently remodeled the space. The acquisition of the newly remodeled space in Section 6 of Senate Bill 2001 was proposed without input or consultation with our administration, CTE, or anyone else from the executive branch and without public discussion during the 2023-2025 interim session. Legislative council testified that additional space is needed to accommodate the increase of its staff from 45 full-time equivalent (FTE) positions to 70 FTEs as approved by the Legislative Assembly in Senate Bill 2001.

For government to work, it must work cohesively. It is crucial to foster open communication, align goals and objectives, and encourage collaboration across

departments and levels. My administration is more than willing to help Legislative Council accommodate its growing staff by identifying available space in the Capitol building, including space on the 15th floor. However, requiring the acquisition of a specific floor of the Capitol building via state law is superfluous and undermines our ongoing efforts to find ways to better utilize the Capitol building's square footage to reduce costs and save taxpayers money.

The fact Section 6 of Senate Bill 2001 is a policy item logrolled into an appropriation bill does not restrict the executive's line-item veto authority. Doing so would force the executive to choose between accepting a standalone policy item or risking the entire appropriation for a state agency. Allowing the Legislative Assembly to shoehorn general substantive policy provisions into an appropriation bill, while not simultaneously allowing the executive to veto those provisions, would undermine our system of checks and balances, and violate the longstanding principle of separation of powers.

For the reasons said above, Section 6 of Senate Bill 2001 is vetoed.

Sincerely,

Kelly Armstrong
Governor

Disapproved May 19, 2025

Filed May 19, 2025

NOTE: For the full text of Senate Bill No. 2001, including section 6, see chapter 34.

CHAPTER 605

SENATE BILL NO. 2004

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the ethics commission; to create and enact a new section to chapter 54-03 and two new sections to chapter 54-66 of the North Dakota Century Code, relating to immunity and a defense for individuals voting on legislation, closure of a matter of the ethics commission, rules for complaint management time standards, and an ethics commission annual report; to amend and reenact sections 12.1-13-02, 54-66-01, 54-66-04, 54-66-05, 54-66-06, and 54-66-07, subsection 2 of section 54-66-08, and sections 54-66-09, 54-66-10, 54-66-12, and 54-66-18 of the North Dakota Century Code, relating to immunity from criminal prosecution, definitions, ethics commission meetings, complaints, an informal resolution process, law enforcement referrals, findings, appeals, confidential information related to a complaint, and conflicts of interest; and to declare an emergency.

VETO

May 19, 2025

The Honorable Michelle Strinden
President of the Senate
North Dakota Senate Chambers
State Capitol
Bismarck, ND

Re: Senate Bill 2004

Dear President Strinden:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have signed Senate Bill 2004 and filed it with the Secretary of State. I also have vetoed Section 5 of Senate Bill 2004.

Section 5 of Senate Bill 2004 establishes a new statutory immunity provision for members of the Legislative Assembly. While transparency and ethical conduct are essential in a representative democracy, this provision elevates internal legislative procedure above state law, effectively shielding lawmakers from accountability under our criminal code.

The state already has opaque campaign finance laws. Public confidence in government is built on the belief that no one, especially elected officials, is above the law. Codifying legislative immunity in this context undermines that principle. Moreover, this immunity provision sends the wrong message to North Dakotans: that legislative disclosure, however minimal or selective, is enough to avoid the legal consequences that any private citizen would face under similar circumstances.

Section 4 of Senate Bill 2004 is acceptable and reasonable because it appropriately clarifies that legislators must have the freedom to perform their official duties without fear of prosecution. However, Section 5 of the bill is flawed, as it attempts to grant blanket immunity from prosecution to legislators simply by virtue of their office. Disclosure is not absolution.

The fact Section 5 of Senate Bill 2004 is a policy item logrolled into an appropriation bill does not restrict the executive's line-item veto authority. Doing so would force the executive to choose between accepting a standalone policy item or risking the entire appropriation for a state agency. Allowing the Legislative Assembly to shoehorn general substantive policy provisions into an appropriation bill, while not simultaneously allowing the executive to veto those provisions, would undermine our system of checks and balances, and violate the longstanding principle of separation of powers.

I urge the Legislative Assembly to reconsider granting categorical immunity to its members and return next legislative session with mechanisms for enforcing accountability and earning back public trust.

For the reasons said above, Section 5 of Senate Bill 2004 is vetoed.

Sincerely,

Kelly Armstrong
Governor

Disapproved May 19, 2025

Filed May 19, 2025

NOTE: For the full text of Senate Bill No. 2004, including section 5, see chapter 37.

CHAPTER 606

SENATE BILL NO. 2014

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the industrial commission and the agencies under its control; to create and enact a new section to chapter 6-09 and a new subdivision to subsection 2 of section 38-08-04.5 of the North Dakota Century Code, relating to a rail revolving loan fund and uses of the abandoned oil and gas well plugging and site reclamation fund; to amend and reenact subsection 7 of section 6-08.1-02 and sections 6-09-35, 6-09-46.2, 6-09.7-05, 6-09.14-04, and 49-17.1-02.1, subsection 1 of section 54-17-40, and subdivision a of subsection 4 of section 54-17.7-04 of the North Dakota Century Code, and section 15 of chapter 14 of the 2023 Session Laws, relating to confidential and exempt records of the Bank of North Dakota, the rebuilders loan program, loan guarantees through the strategic investment and improvements fund, interest rate buydown limits for the partnership in assisting community expansion fund, department of transportation review and approval of rail projects, uses of the housing incentive fund, North Dakota pipeline borrowing authority, and a salt cavern underground energy storage research project; to repeal section 3 of Senate Bill No. 2188, as approved by the sixty-ninth legislative assembly, relating to a transfer from the strategic investment and improvements fund to the clean sustainable energy fund; to provide a deficiency appropriation; to provide for a transfer; to provide an exemption; to provide for a legislative management study; to provide for a legislative management report; to provide for a report; to provide an effective date; and to declare an emergency.

VETO

May 19, 2025

The Honorable Michelle Strinden
President of the Senate
North Dakota Senate Chambers
State Capitol
Bismarck, ND

Re: Senate Bill 2014

Dear President Strinden:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have signed Senate Bill 2014 and filed it with the Secretary of State. I also have vetoed items in Section 7 and Section 31 of Senate Bill 2014.

Section 7

Section 7 of Senate Bill 2014 directs a \$150,000 passthrough grant from the Housing Incentive Fund to a Native American-focused organization for the purpose of funding a homelessness liaison position. While it is important to make culturally informed

efforts to address homelessness, especially in our Native American communities, I cannot support this provision within Section 7.

Addressing homelessness and housing insecurity requires a comprehensive, sustainable, and statewide strategy, not isolated, one-time allocations to individual entities. A piecemeal approach risks fragmentation, inefficiency, and duplication of effort. Instead, we should invest in solutions that are coordinated across agencies, regions, and communities, ensuring all vulnerable populations are reached through a unified system.

In addition, using one-time funding to establish or support a permanent position sets up both the recipient and the state for long-term uncertainty. Staffing needs, particularly for roles as critical as homelessness liaisons, should be supported through stable, recurring funding with clear performance expectations and oversight, not one-time passthroughs. Without a sustainable funding mechanism, the impact of this grant will be short-lived, and the continuity of service will be jeopardized.

Section 31

Section 31 mandates the Bank of North Dakota to allocate up to \$250,000 from its appropriation to conduct a study focused on sustaining the economies of communities in western North Dakota as oil and gas development activities decrease.

While I support proactive economic planning and diversification, Section 31 is premature, duplicative, and misaligned with our most effective and current strategies. North Dakota remains a global leader in energy production. The Bakken formation continues to be a robust and vital engine of economic activity, and current projections indicate it will remain so for the foreseeable future. Prematurely investing resources into planning for a post-oil regional economy risks sending the wrong signal about the strength and longevity of our energy industry.

Moreover, the Department of Commerce already possesses the statutory authority and expertise to conduct studies of this nature. Should a regional economic transition become necessary, Commerce is well-positioned to initiate and lead such planning efforts using existing resources, without the need to divert \$250,000 from the Bank of North Dakota's mission-focused funds.

Finally, our most effective strategy for long-term economic diversification lies in strengthening our workforce, not in isolated studies. Investments in Career and Technical Education (CTE) centers across the state are actively expanding our capacity to prepare students and workers for high-skill, high-demand jobs across industries. These CTE programs offer an immediate and scalable impact in rural and urban communities alike and represent the best path forward for building a resilient and adaptive economy.

For the reasons said above, items within Section 7 and Section 31 of Senate Bill 2014 are vetoed.

Sincerely,

Kelly Armstrong
Governor

Disapproved May 19, 2025

Filed May 19, 2025

NOTE: For the full text of Senate Bill No. 2014, including sections 7 and 31, see chapter 46.

CHAPTER 607

SENATE BILL NO. 2018

(Appropriations Committee)

AN ACT to provide an appropriation for defraying the expenses of the department of commerce; to provide an appropriation to the attorney general; to provide an appropriation to the department of career and technical education; to provide an appropriation to the state fair association; to provide a contingent appropriation; to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to department of commerce grant reporting requirements; to amend and reenact subsection 1 of section 10-30.5-02, sections 54-60-09, 54-60-19, 54-60-28, 54-60-29, 54-60-29.1, and 54-60-31 of the North Dakota Century Code, relating to the purpose of the North Dakota development fund, duties and talent strategy of the division of workforce development, the uncrewed aircraft systems program, the uncrewed aircraft systems program fund, the beyond visual line of sight uncrewed aircraft system program, and changing the name of the office of legal immigration to the global talent office; to authorize a Bank of North Dakota line of credit; to provide for a transfer; to provide an application; to provide an exemption; and to provide for a legislative management report.

VETO

May 19, 2025

The Honorable Michelle Strinden
President of the Senate
North Dakota Senate Chambers
State Capitol
Bismarck, ND

Re: Senate Bill 2018

Dear President Strinden:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have signed Senate Bill 2018 and filed it with the Secretary of State. I also have vetoed Section 7 of Senate Bill 2018.

Section 7 of Senate Bill 2018 appropriates \$350,000 to the State Fair Association for sanitation restoration projects. While I acknowledge the importance of maintaining and improving facilities at the North Dakota State Fairgrounds, this appropriation was not included in the State Fair Association's primary budget, Senate Bill 2009, where it rightly belonged. Adding the appropriation to Senate Bill 2018, which is a bill unrelated to the State Fair Association, at the end of the legislative session is a clear example of logrolling, which undermines transparency, accountability, and the principle of deliberative budgeting.

The appropriate forum for evaluating the merits and necessity of this funding was during consideration of Senate Bill 2009. That bill was the proper vehicle for determining the State Fair's operating and capital needs in a comprehensive and transparent manner.

Furthermore, if later it is determined the State Fair Association's budget in Senate Bill 2009 is insufficient to address sanitation restoration projects, the Association has several avenues of recourse. These include applying for funding through the Emergency Commission, seeking grants, or requesting a deficiency appropriation during the 2027 legislative session. These existing mechanisms provide a more appropriate and orderly way to address emerging needs without circumventing the standard appropriations process.

For the reasons said above, Section 7 of Senate Bill 2018 is vetoed.

Sincerely,

Kelly Armstrong
Governor

Disapproved May 19, 2025

Filed May 19, 2025

NOTE: For the full text of Senate Bill No. 2018, including section 7, see chapter 50.

INITIATED MEASURES DISAPPROVED

CHAPTER 608

LEGALIZED CANNABIS

The initiated measure would create a new chapter of the North Dakota Century Code. It would allow for the production, processing, and sale of cannabis and the possession and use of various forms of cannabis by individuals who are 21 years of age and older; direct a state entity to regulate and register adult use cannabis production businesses, dispensaries, and their agents; provide protections for individuals who are 21 years of age or older who use cannabis; provide penalties for violations of the chapter; preserve certain employer rights regarding use of cannabis products by employees; supersede local ordinances that otherwise would prohibit the purchase, sale, use, delivery, or growing of cannabis by or to individuals 21 years of age or older; and provide that fees must be appropriated for administration of this chapter.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. Chapter 19-24.2 of the North Dakota Century Code is created and enacted as follows:

19-24.2-01. Definitions.

As used in this chapter, unless the context indicates otherwise:

1. "Adult-use cannabinoid capsule" means a small, soluble container, usually made of gelatin, which encloses a dose of an adult-use cannabinoid product or an adult-use cannabinoid concentrate intended for consumption. The maximum concentration or amount of tetrahydrocannabinol permitted in a serving of an adult-use cannabinoid capsule is ten milligrams.
2. "Adult-use cannabinoid concentrate" means an adult-use cannabinoid concentrate or extract obtained by separating cannabinoids from cannabis by a mechanical, chemical, or other process.
3. "Adult-use cannabinoid edible product" means a soft or hard lozenge in a geometric square shape into which an adult-use cannabinoid concentrate or the dried leaves or flowers of the plant of the genus cannabis is incorporated. The maximum concentration or amount of tetrahydrocannabinol permitted in a serving of an adult-use cannabinoid edible product is ten milligrams and in a package is one hundred milligrams.
4. "Adult-use cannabinoid product" means a product intended for human consumption or use which contains cannabinoids.
 - a. Adult-use cannabinoid products are limited to the following forms:
 - (1) Adult-use cannabinoid solution;
 - (2) Adult-use cannabinoid capsule;

- (3) Adult-use cannabinoid transdermal patch;
 - (4) Adult-use cannabinoid topical; and
 - (5) Adult-use cannabinoid edible product.
 - b. The term does not include:
 - (1) An adult-use cannabinoid concentrate by itself; or
 - (2) The dried leaves or flowers of the plant of the genus cannabis by itself.
- 5. "Adult-use cannabinoid solution" means a solution consisting of a mixture created from an adult-use cannabinoid concentrate and other ingredients. A container holding an adult-use cannabinoid solution for dispensing may not exceed thirty milliliters.
- 6. "Adult-use cannabinoid topical" means an adult-use cannabinoid product intended to be applied to the skin or hair. The maximum concentration or amount of tetrahydrocannabinol permitted in an adult-use cannabinoid topical is six percent.
- 7. "Adult-use cannabinoid transdermal patch" means an adhesive substance applied to the skin which contains an adult-use cannabinoid product or an adult use cannabinoid concentrate for absorption into the bloodstream. The maximum concentration or amount of tetrahydrocannabinol permitted in each adult use cannabinoid transdermal patch is fifty milligrams.
- 8. "Adult-use cannabis" means the dried leaves or flowers of the plant of the genus cannabis.
- 9. "Adult-use cannabis business" means a manufacturing facility or dispensary.
- 10. "Adult-use cannabis business agent" means a principal officer, board member, member, manager, governor, employee, volunteer, or agent of an adult-use cannabis business. The term does not include a lawyer representing an adult-use cannabis business in civil or criminal litigation or in an adversarial administrative proceeding.
- 11. "Adult-use cannabis consumer" means an individual, twenty-one years of age or older, who purchases approved adult-use cannabis products for personal use, but not for resale to others.
- 12. "Adult-use cannabis product" means adult-use cannabis, an adult-use cannabinoid concentrate, or adult-use cannabinoid product.
- 13. "Allowable amount of cannabis" means:
 - a. One ounce [28.35 grams] of adult-use cannabis; and
 - b. Four grams of an adult-use cannabinoid concentrate; and
 - c. One thousand Five hundred milligrams [1500 milligrams] of total tetrahydrocannabinol in the form of an adult-use cannabinoid product and no more than 300 milligrams of an adult-use cannabinoid edible product; and

- d. Three cannabis plants and the cannabis produced by the plants if the cannabis produced is kept at the same location as the plants.
- 14. "Cannabinoid" means a chemical compound that is one of the active constituents of cannabis.
 - 15. "Cannabis" is a genus of flowering plants within the Cannabaceae family and means all parts of the plant, whether growing or not; tetrahydrocannabinol contained within or extracted from any part of the plant; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacturer, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include:
 - a. Hemp regulated under chapter 4.1-18.1;
 - b. A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C.355]; or
 - c. The weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other products, including cannabinoid products and cannabis-infused products.
 - 16. "Cannabis accessory" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling cannabis, or otherwise introducing cannabis into the human body.
 - 17. "Cannabis waste" means unused, surplus, returned, or out-of-date adult-use cannabis products, recalled adult-use cannabis products, unused cannabis, or plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts and roots.
 - 18. "Cardholder" means an adult-use cannabis business agent who has been issued and possesses a valid registry identification card.
 - 19. "Department" means the department of health and human services or an agency, board, commission, or department designated by the Legislature.
 - 20. "Dispensary" means an entity registered by the department as an adult-use cannabis business authorized to sell adult-use cannabis products.
 - 21. "Enclosed and locked facility" means a closet, room, greenhouse, building, or other enclosed area equipped with locks or other security devices that permit access limited to individuals authorized under this chapter or rules adopted under this chapter.
 - 22. "Manufacturing facility" means an entity registered by the department as an adult-use cannabis business authorized to produce and process cannabis and to sell adult-use cannabis products to a dispensary.

23. "Maximum concentration or amount of tetrahydrocannabinol" means the total amount of tetrahydrocannabinol and tetrahydrocannabinolic acid in an adult use cannabinoid concentrate or an adult-use cannabinoid product.
24. "Owner" means an individual or an organization with an ownership interest in an adult-use cannabis business.
25. "Ownership interest" means an aggregate ownership interest of five percent or more in an adult-use cannabis business, unless such interest is solely a security, lien, or encumbrance, or an individual who will be participating in the direction, control, or management of the adult-use cannabis business.
26. "Processing" or "process" means the compounding or conversion of cannabis into an adult-use cannabinoid concentrate or adult-use cannabinoid product.
27. "Producing", "produce", or "production" mean the planting, cultivating, growing, trimming, or harvesting of cannabis or the drying of the leaves or flowers of cannabis.
28. "Registration certificate" means written authorization provided by the department under this chapter permitting an adult-use cannabis business to engage in a specified activity authorized under this chapter.
29. "Registry identification card" means a document issued by the department which identifies an individual as a registered adult-use cannabis business agent.
30. "School" means an early childhood service licensed under chapter 50-11.1, a preschool, an elementary school, or a high school.
31. "Substantial corporate change" means:
 - a. For a corporation, a change of ten percent or more of the officers or directors, or a transfer of ten percent or more of the stock of such corporation, or an existing stockholder obtaining ten percent or more of the stock of the corporation;
 - b. For a limited liability company, a change of ten percent or more of the managing members of the company, or a transfer of ten percent or more of the ownership interest in the company, or an existing member obtaining a cumulative of ten percent or more of the ownership interest in the company; or
 - c. For a partnership, a change of ten percent or more of the managing partners of the partnership, or a transfer of ten percent or more of the ownership interest in the partnership, or an existing member obtaining a cumulative of ten percent or more of the ownership interest in the partnership.
32. "Tetrahydrocannabinol" means tetrahydrocannabinols naturally contained in a plant of the genus cannabis, and synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of the plant, including synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, including:

- a. Delta-1 cis or trans tetrahydrocannabinol and their optical isomers. Other names: Delta-9-tetrahydrocannabinol.
 - b. Delta-6 or trans tetrahydrocannabinol, and their optical isomers. Other names: Delta-8 tetrahydrocannabinol.
 - c. Delta-3, 4 cis or trans tetrahydrocannabinol, and its optical isomers, since nomenclature of these substances is not intentionally standardized, compounds of these structures, regardless of numerical designation or atomic positions covered. Tetrahydrocannabinol does not include:
 - (1) The allowable amount of total tetrahydrocannabinol found in hemp as defined in chapter 4.1-18.1; or
 - (2) A prescription drug approved by the United States food and drug administration under section 505 of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 355].
33. "Total tetrahydrocannabinol" means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by eight hundred seventy-seven thousandths plus the percentage of weight of tetrahydrocannabinol.
34. "Verification system" means the system maintained by the department for verification of registry identification cards.
35. "Immature plant" means a non flowering Cannabis plant that is no taller than eight inches and no wider than eight inches produced from a cutting, clipping or seedling. Plants meeting these requirements are not attributable to a licensee's maximum allowable plant count, but must be fully accounted for in the Inventory Tracking System.

19-24.2-02. Adult-use cannabis program.

No later than October 1, 2025, the department shall establish and implement an adult-use cannabis program to allow for the production and processing of cannabis and the sale of adult-use cannabis products to an individual who is twenty-one years of age and older, subject to the provisions of this chapter. A person may not produce, process, sell, possess, consume, transport, or transfer cannabis or adult-use cannabis products unless the person is authorized to do so in accordance with this chapter or by rule adopted pursuant to this chapter or is otherwise permitted to do so by law.

19-24.2-03. Adult-use cannabis business.

- 1. A person may not process, produce, or transfer adult-use cannabis products or otherwise act as an adult-use cannabis business in this state unless the person is registered as an adult-use cannabis business or is otherwise allowed to do so by this chapter or by law.
- 2. The department may not register more than:
 - a. Seven adult-use cannabis businesses with the sole purpose of operating as a manufacturing facility; and
 - b. Eighteen adult-use cannabis businesses with the sole purpose of operating as a dispensary.

3. The department shall establish an open application period for the submission of adult-use cannabis business applications. At the completion of the open application period, the department shall review each complete application using a competitive process established in accordance with rules adopted under this chapter and shall determine which applicants to register as adult-use cannabis businesses.
4. If the department revokes or does not renew an adult-use cannabis business registration certificate, the department may establish an open application period for the submission of adult-use cannabis business applications.
5. The department of commerce may not certify an adult-use cannabis business as a primary sector business.

19-24.2-04. Adult-use cannabis business - Authority -Ownership.

1. The activities of a manufacturing facility are limited to producing, processing, and related activities, including acquiring, possessing, storing, transferring, and transporting cannabis and adult-use cannabis products, for the sole purpose of selling adult-use cannabis products to a dispensary.
2. The activities of a dispensary are limited to purchasing adult-use cannabis products from a manufacturing facility and related activities, including storing, delivering, transferring, and transporting adult-use cannabis products, for the sole purpose of dispensing adult-use cannabis products to adult-use cannabis consumers.
3. The activities of a dispensary include providing educational material and selling supplies related to the consumption and storage of adult-use cannabis products. A dispensary may sell only supplies related to the consumption and storage of adult-use cannabis products to an adult-use cannabis consumer. All educational materials and supplies related to the consumption and storage of adult-use cannabis products are subject to prior department approval.
4. An individual or an organization may not hold an ownership interest in:
 - a. More than one manufacturing facility.
 - b. More than four dispensaries.
 - c. More than one dispensary within a twenty-mile [32.19 kilometer] radius of another dispensary.
5. A manufacturing facility and dispensary may not enter an agreement under which a dispensary agrees to limit purchases or sales of adult-use cannabis products to one manufacturing facility.

19-24.2-05. Adult-use cannabis business - Application.

1. The department shall establish forms for a registered compassion center registered as is defined in section 19-24.1 to be registered as an adult use cannabis business. The department shall also establish forms for an applicant to be registered as an adult use cannabis business. For an adult-use cannabis business registration application to be complete and eligible for review, the applicant shall submit to the department:
 - a. A nonrefundable application fee, not to exceed five thousand dollars.

- b. The legal name, articles of incorporation or articles of organization, and bylaws or operating agreement of the proposed adult-use cannabis business applicant.
- c. Evidence of the proposed adult-use cannabis business applicant's registration with the secretary of state and certificate of good standing.
- d. The physical address of the proposed location of the proposed adult-use cannabis business and:
 - (1) Evidence of approval from local officials as to the proposed adult-use cannabis business applicant's compliance with local zoning laws for the physical address to be used by the proposed cannabis business; and
 - (2) Evidence the physical address of the proposed adult-use cannabis business is not located within one thousand feet [304.80 meters] of a property line of a pre-existing public or private school.
- e. For a manufacturing facility applicant, a description of the enclosed and locked facility that would be used in the production and processing of cannabis, including steps that will be taken to ensure the production and processing is not visible from the street or other public areas.
- f. The name, address, and date of birth of each principal officer and board member, or of each member-manager, manager, or governor, of the proposed adult-use cannabis business applicant and verification each officer and board member, or each member-manager, manager, or governor, has consented to a criminal history record check conducted under section 12-60-24.
- g. For each of the proposed adult-use cannabis business applicant's principal officers and board members, or for each of the proposed adult-use cannabis business applicant's member-managers, managers, or governors, a description of that individual's relevant experience, including training or professional licensing related to medicine, pharmaceuticals, natural treatments, botany, food science, food safety, production, processing, and the individual's experience running a business entity.
- h. A description of proposed security and safety measures.
- i. An example of the design and security features of adult-use cannabis product containers.
- j. A complete operations manual.
- k. A list of all individuals and business entities having direct or indirect authority over the management or policies of the proposed adult-use cannabis business applicant.
- l. A list of all individuals and business entities having an ownership interest in the proposed adult-use cannabis business applicant, whether direct or indirect, and whether the interest is in the profits, land, or building, including owners of any business entity that owns all or part of the land or building.

- m. The identity of any creditor holding a security interest in the proposed adult-use cannabis business premises.
- 2. The department is not required to review an application submitted under this section unless the department determines the application is complete. The criteria considered by the department in reviewing an application must include:
 - a. The suitability of the proposed adult-use cannabis business location, including compliance with any local zoning laws, and the geographic convenience to access adult-use cannabis businesses for adult-use consumers throughout the state;
 - b. The character and relevant experience of the principal officers and board members, or of the member-managers, managers, or governors, including training or professional licensing and business experience;
 - c. The applicant's plan for operations and services, including staffing and training plans, and whether the applicant has sufficient capital to operate;
 - d. The sufficiency of the applicant's plans for recordkeeping;
 - e. The sufficiency of the applicant's plans for safety, security, and the prevention of diversion, including the proposed location and security devices employed;
 - f. The applicant's plan for safe and accurate packaging and labeling of adult-use cannabis products; and
 - g. The applicant's plans for complying with applicable testing requirements for adult-use cannabis products and cannabis.
- 3. Following completion of the review under subsection 2, the department shall determine whether the compassion center is eligible for adult use registration.

19-24.2-06. Adult-use cannabis business - Registration.

- 1. Upon receiving notification by the department that an adult-use cannabis business application is eligible for registration, the applicant shall submit all of the following items to the department to qualify for registration:
 - a. A certification fee in an amount not to exceed ninety thousand dollars for a dispensary and one hundred ten thousand dollars for a manufacturing facility.
 - b. A financial assurance or security bond to ensure the protection of the public health and safety and the environment in the event of abandonment, default, or other inability or unwillingness to meet the requirements of this chapter.
 - c. The physical address of the proposed adult-use cannabis business; confirmation the information in the application regarding the physical location of the proposed adult-use cannabis business has not changed, and if the information has changed the department shall determine whether the new information meets the requirements of this chapter; and a current certificate of occupancy, or equivalent document, to demonstrate compliance with the provisions of state and local fire code for the physical

address of the proposed adult-use cannabis business. It is not necessary for an applicant to resubmit any information provided in the initial application unless there has been a change in that information.

- d. An update to previously submitted information, including information about adult-use cannabis business agents.
2. If an applicant complies with subsection 1 and holds a valid registration under chapter 19-24.1, the department shall issue the applicant a registration certificate, which must be included in the total number of cannabis businesses the department may register under section 19-24.2-03.

19-24.2-07. Adult-use cannabis business - Renewal.

1. An adult-use cannabis business registration certificate expires two years after issuance. An adult-use cannabis business may submit a renewal application at any time beginning ninety calendar days before the expiration of the registration certificate. An adult-use cannabis business shall submit a renewal application a minimum of sixty calendar days before the expiration of the registration certificate to avoid suspension of the certificate.
2. The department shall approve an adult-use cannabis business's renewal application within sixty calendar days of submission if:
 - a. The adult-use cannabis business submits a renewal fee, in an amount not to exceed ninety thousand dollars for a dispensary and one hundred ten thousand dollars for a manufacturing facility, which the department shall refund if the department rejects the renewal application;
 - b. The adult-use cannabis business submits a complete renewal application;
 - c. Inspections conducted under this chapter do not raise any serious concerns about the continued operation of the adult-use cannabis business; and
 - d. The adult-use cannabis business continues to meet all the requirements for the operation of an adult-use cannabis business as set forth in this chapter and rules adopted under this chapter.
3. If an adult-use cannabis business does not meet the requirements for renewal, the department may not issue a registration certificate and the department shall provide the adult-use cannabis business with written notice of the determination. If an adult-use cannabis business's certificate is not renewed, the adult-use cannabis business shall dispose of all cannabis and adult-use cannabis products in accordance with rules adopted under this chapter.

19-24.2-08. Adult-use cannabis business - Registration certificates.

A registration certificate authorizing the operation of an adult-use cannabis business must include:

1. The name and address of the adult-use cannabis business;
2. A designation indicating whether the type of adult-use cannabis business is a manufacturing facility or dispensary;

3. A unique license number issued by the department; and
4. Any other information deemed necessary by the department.

19-24.2-09. Adult-use cannabis business - Notification of changes.

1. Upon application of an adult-use cannabis business to the department, a registration certificate of an adult-use cannabis business may be amended to authorize a change in the authorized physical location of the adult-use cannabis business, or to amend the ownership or organizational structure of the adult-use cannabis business with the registration certificate. An adult-use cannabis business shall provide the department a written notice of any change described under this section at least sixty calendar days before the proposed effective date of the change.
2. A registration certificate authorizing the operation of an adult-use cannabis business is void upon a change in ownership, substantial corporate change, change in location, or discontinued operation, without prior approval of the department. The department may adopt rules allowing for certain types of changes in ownership without the need for prior written approval from the department.
3. The department shall authorize the use of additional structures located within five hundred feet [152.40 meters] of the location described in the original application, unless the department makes an affirmative finding the use of additional structures would jeopardize public health or safety or would result in the cannabis business being within one thousand feet [304.80 meters] of a property line of a pre-existing public or private school. The department may waive all or part of the required advance notice to address emergent or emergency situations.

19-24.2-10. Adult-use cannabis business - Agents - Registry identification cards.

1. Upon issuance of an adult-use cannabis business registry certificate, the department shall issue a registry identification card to each qualified adult-use cannabis business agent associated with the adult-use cannabis business.
2. To qualify to be issued a registry identification card, each adult-use cannabis business agent must be at least twenty-one years of age and shall submit to the department all of the following registry identification card application material:
 - a. A photographic copy of the agent's department-approved identification. The agent shall make the identification available for inspection and verification by the department.
 - b. A recent two-by-two inch [5.08-by-5.08 centimeter] photograph of the agent.
 - c. A written and signed statement from an officer or executive staff member of the adult-use cannabis business stating the applicant is associated with the adult-use cannabis business and the capacity of the association.
 - d. The name, address, and telephone number of the agent.

- e. The name, address, and telephone number of the adult-use cannabis business with which the agent is associated.
 - f. The agent's signature and the date.
 - g. A nonrefundable application or renewal fee in the amount of two hundred dollars.
3. Each adult-use cannabis business agent shall consent to a criminal history record check conducted under section 12-60-24 to demonstrate compliance with the eligibility requirements.
- a. All applicable fees associated with the required criminal history record checks must be paid by the department.
 - b. A criminal history record check must be performed upon initial application and biennially upon renewal. An adult-use cannabis business agent shall consent to a criminal history record check at any time the department determines necessary.
4. The department shall notify the adult-use cannabis business in writing of the purpose for denying an adult-use cannabis business agent application for a registry identification card. The department shall deny an application if the agent fails to meet the registration requirements or to provide the information required, or if the department determines the information provided is false. The cardholder may appeal a denial or revocation of a registry identification card to the district court of Burleigh County. The court may authorize the cardholder to appear by reliable electronic means.
5. The department shall issue an adult-use cannabis business agent a registry identification card within thirty calendar days of approval of an application.
6. Within ten calendar days of a change in the cardholder's name or address or knowledge of a change that would render the adult-use cannabis business agent no longer eligible to be a cardholder, an adult-use cannabis business agent with a registry identification card shall notify the department in a manner prescribed by the department.
7. If an adult-use cannabis business agent loses the agent's registry identification card, that agent shall notify the department in writing within twenty-four hours of becoming aware the card has been lost.
8. If a cardholder notifies the department of items listed in this section but the nature of the item reported results in the cardholder remaining eligible, the department may issue the cardholder a new registry identification card with a new random ten-digit alphanumeric identification number within twenty calendar days of approving the updated information and the cardholder shall pay a fee, not to exceed twenty-five dollars. If a cardholder notifies the department of an item that results in the cardholder being ineligible, the registry identification card becomes void immediately.
9. An adult-use cannabis business shall notify the department in writing within two calendar days of the date an adult-use cannabis business agent ceases to work for be associated with the adult-use cannabis business. Upon receipt of the notification, that individual's registry identification card is void.

10. The registry identification card of an adult-use cannabis business agent expires one year after issuance or upon the termination of the adult-use cannabis business's registration certificate, whichever occurs first. To prevent interruption of possession of a valid registry identification card, an adult-use cannabis business agent shall renew a registry identification card by submitting a complete renewal application no fewer than forty-five calendar days before the expiration date of the existing registry identification card.

19-24.2-11. Registry identification card - Nontransferable.

A registry identification card of an adult-use cannabis business agent is not transferable, by assignment or otherwise, to another person. If a person attempts to transfer a card in violation of this section, the registry identification card is void and the person is prohibited from all privileges provided under this chapter.

19-24.2-12. Registry identification card.

1. The registry identification card of an adult-use cannabis business agent must include:
 - a. The name of the cardholder;
 - b. The cardholder's affiliated adult-use cannabis business;
 - c. The date of issuance and expiration date;
 - d. A random ten-digit alphanumeric identification number containing at least four numbers and at least four letters which is unique to the cardholder;
 - e. A photograph of the cardholder; and
 - f. The phone number or website address at which the card can be verified.
2. Except as otherwise provided in this section or rule adopted under this chapter, a registry identification card expiration date is one year after the date of issuance.

19-24.2-13. Adult-use cannabis business - Adult-use cannabis agents - Suspension - Revocation.

1. The department may suspend or revoke the registry identification card of an adult-use cannabis business agent or a registration certificate of an adult-use cannabis business for a material misstatement by an applicant in an application or renewal.
2. The department may suspend or revoke a registry identification card of an adult-use cannabis business agent or registration certificate of an adult-use cannabis business for a violation of this chapter or rules adopted under this chapter.
3. If an adult-use cannabis business agent or an adult-use cannabis business sells or otherwise transfers cannabis or adult-use cannabis products to a person not authorized to possess cannabis or adult-use cannabis products under this chapter, the department may suspend or revoke the registry identification card of the adult-use cannabis business agent or the registration certificate of the adult-use cannabis business, or both.

4. If an adult-use cannabis business agent or an adult-use cannabis business sells or otherwise transfers cannabis or adult-use cannabis products in a form not authorized under this chapter, the department may suspend or revoke the registry identification card of the adult-use cannabis business agent or the registration certificate of the adult-use cannabis business, or both.
5. The department shall provide written notice of suspension or revocation of a registry identification card or registration certificate.
 - a. A suspension may not be for a period longer than six months.
 - b. A manufacturing facility may continue to produce, process, and possess cannabis and adult-use cannabis products during a suspension, but may not transfer or sell adult-use cannabis products.
 - c. A dispensary may continue to possess adult-use cannabis products during a suspension, but may not purchase or transfer adult-use cannabis products.
 - d. An adult-use cannabis business agent or adult-use cannabis business may appeal a suspension or revocation of a registry identification card or registration certificate to the district court of Burleigh County. The court may authorize the adult-use cannabis business agent or adult-use cannabis business to appear by reliable electronic means.
6. If the department revokes a registry identification card of an adult-use cannabis business agent under this chapter, the adult-use cannabis business agent is disqualified from further participation under this chapter.

19-24.2-14. Adult-use cannabis business - Adult-use cannabis business agents- Violations - Penalties.

1. An adult-use cannabis business agent or adult-use cannabis business that fails to provide a notice as required under this chapter shall pay to the department a fee in an amount established by the department, not to exceed one hundred fifty dollars.
2. In addition to any other penalty applicable in law, a manufacturing facility or an adult-use cannabis business agent of a manufacturing facility is guilty of a class C felony for intentionally selling or otherwise transferring cannabis or adult-use cannabis products in any form, to a person other than a dispensary, or for intentionally selling or otherwise transferring cannabis in any form other than adult-use cannabis products, to a dispensary.
3. In addition to any other penalty applicable in law, a dispensary or an adult-use cannabis business agent of a dispensary for intentionally selling or otherwise transferring adult-use cannabis products, to an individual who the agent knows is under twenty-one years of age, in a form not allowed under this chapter, or in an amount that the agent knows would cause the adult-use cannabis consumer to purchase or possess more than the amount of adultuse cannabis products authorized by this chapter is guilty of a class C felony.
4. In addition to any other penalty applicable in law, a dispensary or an adult-use cannabis business agent of a dispensary which intentionally sells or otherwise transfers paraphernalia, to an individual who is under twenty-one years of age, or in a form not allowed under this chapter is guilty of a class A misdemeanor.

A dispensary or an adult-use cannabis business agent is not subject to prosecution under this subsection for selling paraphernalia to a registered qualifying patient who is nineteen years of age or older under chapter 19-24.1.

5. In addition to any other penalty applicable in law, an adult-use cannabis business or an adult-use cannabis business agent that intentionally sells or otherwise transfers adult-use cannabis products in a form not allowed under this chapter is guilty of a class C felony.
6. An adult-use cannabis business or an adult-use cannabis business agent that knowingly submits false records or documentation required by the department to certify an adult-use cannabis business under this chapter is guilty of a class C felony.
7. In addition to any other penalty applicable in law, if an adult-use cannabis business violates this chapter the department may fine the adult-use cannabis business up to one thousand dollars per violation, per day, and upon subsequent violations may impose a fine not to exceed five thousand dollars per violation, per day.
8. An individual who knowingly submits false records or documentation required by the department to receive an adult-use cannabis business agent registry identification card is guilty of a class A misdemeanor. An individual convicted under this subsection may not continue to be affiliated with an adult-use cannabis business.

19-24.2-15. Adult-use cannabis business - Transfer - Sale.

1. An adult-use cannabis business shall comply with the transfer and sale requirements of this section.
2. Design and security features of adult-use cannabis products containers must be in accordance with rules adopted under this chapter.
3. A manufacturing facility or an adult-use cannabis business agent of the manufacturing facility may not transfer or sell cannabis or adult-use cannabis products directly to adult-use cannabis consumers. A manufacturing facility or an adult-use cannabis business agent of a manufacturing facility may sell adult-use cannabis products to a dispensary.
4. A dispensary or an adult-use cannabis business agent of the dispensary may not sell or provide adult-use cannabis products to an adult-use cannabis consumer in an amount greater than the allowable amount permitted by this chapter.
5. Before selling or providing an adult-use cannabis product to an individual, a dispensary or an adult-use cannabis business agent of the dispensary shall verify the age of the individual by requiring the individual to produce one of the following pieces of identification:
 - a. The individual's passport, issued by the United States or a foreign government;
 - b. The individual's driver's license, issued by the state or another state of the United States;

- c. An identification card issued by the state;
 - d. A United States military identification card;
 - e. An identification card issued by a federally recognized Indian tribe; or
 - f. Any other identification card issued by a state or territory of the United States which bears a picture of the individual, the name of the individual, the individual's date of birth, and a physical description of the individual.
6. The department may adopt rules requiring a dispensary to use an age verification scanner or any other equipment used to verify the age of an individual for the purpose of ensuring that the dispensary does not sell adult-use cannabis products to an individual who is under twenty-one years of age. Information obtained under this section may not be retained after verifying the age of an individual and may not be used for any purpose other than verifying the age of an individual.

19-24.2-16. Adult-use cannabis consumers – Maximum purchase amount.

An adult-use cannabis consumer may not purchase or possess more than the amount of adult-use cannabis products authorized by this chapter and the

maximum amount an adult-use cannabis consumer is authorized to purchase in a single transaction is:

- 1. One ounce [28.35 grams] of adult-use cannabis; and
- 2. Four grams of an adult-use cannabinoid concentrate; and
- 3. One thousand five hundred milligrams [1500 milligrams] of total tetrahydrocannabinol in the form of an adult-use cannabinoid product and no more than 300 milligrams of an adult-use cannabinoid edible product.

19-24.2-17. Adult-use cannabis business - Inspection.

- 1. An adult-use cannabis business is subject to random inspection by the department. During an inspection, the department may review the records of the adult-use cannabis business, including the adult-use cannabis business's financial, inventory, and sales records.
- 2. The department shall conduct inspections of adult-use cannabis businesses to ensure compliance with this chapter. The department shall conduct inspections of manufacturing facilities for the presence of contaminants and accurate labeling of potency. The department shall select a certified laboratory to conduct random quality sampling testing in accordance with rules adopted under this chapter. An adult-use cannabis business shall pay the cost of all random quality sampling testing.
- 3. The provisions of chapter 54-44.4 do not apply to the selection of a certified laboratory required by this chapter.

19-24.2-18. Adult-use cannabis business - Pesticide and potency testing.

A manufacturing facility shall test cannabis for the potency of products and the presence of pesticides. If a cannabis test indicates the presence of a pesticide, the

manufacturing facility immediately shall report the test result to the department and to the agriculture commissioner. Upon the order of the department or agriculture commissioner, the manufacturing facility immediately shall destroy all affected or contaminated cannabis and adult-use cannabis products inventory in accordance with rules adopted under this chapter and shall certify to the department and to the agriculture commissioner that all affected or contaminated inventory has been destroyed.

19-24.2-19. Adult-use cannabis business - Cannabis plant.

1. A manufacturing facility may have no more than ten thousand plants. For every five hundred plants in excess of one thousand plants a manufacturing facility possesses, the manufacturing facility shall pay the department an additional certification fee of seven thousand five hundred dollars. This fee is due at the time of increase and again at renewal of the adult-use cannabis business registration certificate.
2. A dispensary may not possess more than three thousand five hundred ounces [99.22 kilograms] of adult-use cannabis products at any time, regardless of formulation.
3. The department shall adopt rules to allow a manufacturing facility to possess no more than an additional fifty plants for the exclusive purpose of department-authorized research and development related to production and processing. These plants are not counted in a manufacturing facility possession amount and are not subject to an additional fee.

19-24.2-20. Adult-use cannabis business - Security and safety.

1. In compliance with rules adopted under this chapter, an adult-use cannabis business shall implement appropriate security and safety measures to deter and prevent the unauthorized entrance to areas containing cannabis and adult-use cannabis products and to prevent the theft of cannabis and adult-use cannabis products.
2. An adult-use cannabis business shall limit entry to an area in which production or processing takes place or in which cannabis or adult-use cannabis products are held and access is limited to authorized personnel.
3. An adult-use cannabis business must have a fully operational security alarm system at the authorized physical address, which includes an electrical support backup system for the alarm system to provide suitable protection against theft and diversion.
4. An adult-use cannabis business shall maintain documentation in an auditable form for:
 - a. All maintenance inspections and tests conducted under this section, and any servicing, modification, or upgrade performed on the security alarm system;
 - b. An alarm activation or other event that requires response by public safety personnel; and
 - c. Any breach of security.

19-24.2-21. Adult-use cannabis business - Inventory control.

1. An adult-use cannabis business shall comply with the inventory control requirements provided under this section and rules adopted under this chapter.
 - a. A manufacturing facility shall:
 - (1) Employ a bar coding inventory control system to track batch, strain, and amounts of cannabis and adult-use cannabis products in inventory and to track amounts of adult-use cannabis products sold to dispensaries; and
 - (2) Host a secure computer interface to transfer inventory amounts and dispensary purchase information to the department.
 - b. A dispensary shall employ a bar coding inventory control system to track batch, strain, and amounts of adult-use cannabis products in inventory.
2. An adult-use cannabis business shall store the adult-use cannabis business's cannabis and adult-use cannabis products in an enclosed and locked facility with adequate security, in accordance with rules adopted under this chapter.
3. An adult-use cannabis business shall conduct inventories of cannabis and adult-use cannabis products at the authorized location at the frequency and in the manner provided by rules adopted under this chapter. If an inventory results in the identification of a discrepancy, the adult-use cannabis business immediately shall notify the department and appropriate law enforcement authorities within seventy-two hours. An adult-use cannabis business shall document each inventory conducted by the adult-use cannabis business.
4. The provisions of chapter 54-44.4 do not apply to the selection of the information technology system selected by the department.

19-24.2-22. Adult-use cannabis business - Operating manual - Training.

1. An adult-use cannabis business shall maintain a current copy of the operating manual of the adult-use cannabis business which meets the requirements of rules adopted under this chapter.
2. An adult-use cannabis business shall develop, implement, and maintain on the premises an onsite training curriculum or shall enter contractual relationships with outside resources capable of meeting adult-use cannabis business agent training needs.

19-24.2-23. Adult-use cannabis business - Bylaws and operating agreements.

As part of the initial application of a proposed adult-use cannabis business, the applicant shall provide to the department a current copy of the applicant's bylaws or operating agreement. Upon receipt of a registration certificate, an adult-use cannabis business shall maintain the bylaws or operating agreement in accordance with this chapter. In addition to any other requirements, the bylaws or operating agreement must include the ownership or management structure of the adult-use cannabis business; the composition of the board of directors, board of governors, member-managers, or managers; and provisions relative to the disposition of revenues and earnings.

19-24.2-24. Adult-use cannabis business - Retention of and access to records and reports.

1. An adult-use cannabis business shall keep detailed financial reports of proceeds and expenses. An adult-use cannabis business shall maintain all inventory, sales, and financial records in accordance with generally accepted accounting principles. The adult-use cannabis business shall maintain all reports and records required under this section for a period of seven years. An adult-use cannabis business shall allow the department, or an audit firm contracted by the department, access at all times to all books and records kept by the adult-use cannabis business.
2. At least once every two years, an adult-use cannabis business must undergo an audit performed by a private certified public accountant or a private licensed public accountant. In lieu of an audit, the department may authorize an adult-use cannabis business to engage a private certified public accountant or a private licensed public accountant to perform an agreed upon procedures engagement. The department must approve the agreed upon procedures engagement.

19-24.2-25. Adult-use cannabis business - Recordkeeping - Adult-use cannabis business agents - Registry identification cards.

1. Each adult-use cannabis business shall maintain:
 - a. In compliance with rules adopted under this chapter, a personnel record for each adult-use cannabis business agent for a period of at least three years following termination of the individual's affiliation with the adult-use cannabis business. The personnel record must comply with minimum requirements set by rules adopted under this chapter.
 - b. A record of the source of funds to be used to open or maintain the adult-use cannabis business, including the name, address, and date of birth of any investor.
 - c. A record of each instance in which a current or prospective board member, member-manager, manager, or governor, who managed or served on the board of a business or not-for-profit entity and in the course of that service was convicted, fined, or censured or had a registration or license suspended or revoked in any administrative or judicial proceeding.
2. Each adult-use cannabis business agent shall hold a valid registry identification card.

19-24.2-26. Verification system.

1. The department shall maintain a confidential list of cardholders and each cardholder's registry identification number.
2. The department shall establish a secure verification system. The verification system must allow law enforcement personnel twenty-four-hour access to enter a registry identification number to determine whether the number corresponds with a current valid registry identification card. The system may disclose:
 - a. Whether an identification card is valid;

- b. The name of the cardholder; and
- c. The cardholder's affiliated adult-use cannabis business.

19-24.2-27. Protections.

Subject to the limitations of this chapter, but notwithstanding any other provision of state or local law:

1. An adult-use cannabis consumer is not subject to arrest or prosecution or the denial of any right or privilege, including a civil penalty or disciplinary action by a court or occupational or professional regulating entity for the acquisition, use, consumption, or possession of adult-use cannabis products or related supplies under this chapter.
2. It is presumed an adult-use cannabis consumer is engaged in the acquisition, use, consumption, or possession of adult-use cannabis products or related supplies in accordance with this chapter if the adult-use consumer is not in possession of adult-use cannabis products in an amount that exceeds what is authorized under this chapter. This presumption may be rebutted by evidence the conduct related to acquisition, use, consumption, or possession of adult use cannabis products or related supplies was not in accordance with this chapter.
3. A manufacturing facility is not subject to prosecution, search or inspection, or seizure, except by the department or the department's designee, under this chapter for acting under this chapter to:
 - a. Produce, process, or conduct related activities for the sole purpose of selling adult-use cannabis products to a dispensary; or
 - b. Transfer, transport, or deliver cannabis or adult-use cannabis products to and from a department designee or manufacturing facility in accordance with this chapter.
4. A dispensary is not subject to prosecution, search or inspection, or seizure, except by the department or the department's designee, under this chapter for acting under this chapter to:
 - a. Purchase adult-use cannabis products from a manufacturing facility and conduct related activities for the sole purpose of selling adult-use cannabis products and related supplies, and provide educational materials to adult-use cannabis consumers; or
 - b. Transfer adult-use cannabis products to and from a department designee or related manufacturing facility in accordance with this chapter.
5. If the action performed by the adult-use cannabis business agent on behalf of the adult-use cannabis business is authorized under this chapter, a registered adult-use cannabis business agent is not subject to arrest or prosecution or the denial of any right or privilege, including a civil penalty or disciplinary action by a court or occupational or professional regulating entity, for working or volunteering for an adult-use cannabis business.

6. The sale and possession of supplies related to possession and consumption of adult-use cannabis products by a dispensary is lawful if in accordance with this chapter.
7. The adult use of cannabis by an adult-use cannabis consumer or the producing and processing and the selling of adult-use cannabis products by an adult use cannabis business is lawful if in accordance with this chapter.
8. An adult-use cannabis consumer, adult-use cannabis business agent, or adult-use cannabis business is not subject to arrest or prosecution for use of cannabis accessories or possession with intent to use cannabis accessories in a manner consistent with this chapter.
9. A person in possession of cannabis waste in the course of transporting or disposing of the waste under this chapter and rules adopted under this chapter may not be subject to arrest or prosecution for that possession or transportation.
10. A person in possession of cannabis, adult-use cannabis products, or cannabis waste in the course of performing laboratory tests as provided under this chapter and rules adopted under this chapter is not subject to arrest or prosecution for possession or testing.

19-24.2-28. Personal use - Political subdivisions - limitations.

1. Subject to the limitations of this chapter, but notwithstanding any other provision of state or local law, the following acts may not be an offense under the laws or ordinances of any local governing body in the state or be subject to a civil fine, penalty, or sanction, or be a basis for detention, search, or arrest, to deny any right or privilege, or to seize or forfeit assets under state law or the laws of any local governing body, if the individual is at least twenty-one years of age:
 - a. Possessing, purchasing, using, ingesting, inhaling, processing, or transporting an allowable amount of cannabis.
 - b. Without consideration, delivering, distributing, or dispensing an allowable amount of cannabis to an individual at least twenty-one years of age.
 - c. Assisting another individual who is at least twenty-one years of age in any of the acts permitted by this chapter.
 - d. Allowing property to be used in any of the acts permitted by this chapter.
 - e. In or on the grounds of a private residence, possessing, planting, cultivating, harvesting, drying, processing, or manufacturing up to three cannabis plants, provided that:
 - (1) The plants and any cannabis produced by the plants in excess of 1 ounce must be kept in a locked space in or on the grounds of one private residence and may not be visible by normal, unaided vision from a public place; and
 - (2) Not more than twice the number of cannabis plants permitted under this subsection (1)(e) may be cultivated in or on the grounds of a single private residence simultaneously; and

- (3) A person cultivating or storing cannabis plants under this subsection (1)(e) owns the private residence where the plants are cultivated and stored or has obtained written permission to cultivate and store cannabis from the owner of the private residence; and
 - (4) The plants are cultivated from seed; or
 - (5) The plants are cultivated from immature plants obtained from a registered adult-use cannabis business.
 - f. Possessing, purchasing, using, delivering, distributing, manufacturing, transferring, or selling cannabis accessories to individuals twenty-one years of age or older.
- 2. An individual may not be denied parental rights, custody of, or visitation with a minor based solely on conduct permitted by this chapter, unless the individual's behavior is such that it creates an unreasonable danger to a minor.
- 3. An individual on release and awaiting trial may not be punished or otherwise penalized based solely on conduct that is permitted by this chapter.
- 4. The possession of suspicion of possession of cannabis without evidence of quantity in excess of the allowable amount may not, by itself, constitute the basis for detention, search, or arrest by law enforcement, or be the basis for the issuance of a search warrant.
- 5. Except when law enforcement is investigating whether an individual is driving or in actual physical control of any motor vehicle, snowmobile, implement of husbandry, motorboat, vessel, train, airplane, or other motorized form of transport while under the influence of cannabis, the following, alone or together, do not constitute reasonably articulable suspicion of a crime:
 - a. The odor of cannabis or burnt cannabis.
 - b. The possession or suspicion of possession of cannabis without evidence of quantity in excess of an allowable amount.
 - c. The possession of multiple containers of cannabis without evidence of quantity in excess of the allowable amount.
- 6. Unless required by federal law, an individual may not be denied eligibility in public assistance programs based solely on conduct that is allowed under this chapter.
- 7. An individual may not be denied by the state or local governing body the right to own, purchase or possess a firearm, or other weapon authorized by law based solely on conduct permitted by this chapter.

19-24.2-29. Personal use - Penalties.

- 1. An individual who cultivates cannabis plants that are visible and recognizable as cannabis by normal, unaided vision from a public place is subject to a fine not exceeding two-hundred and fifty dollars.

2. An individual who cultivates cannabis plants that are not kept in a locked space at a private residence is subject to a fine not exceeding two-hundred and fifty dollars.
3. An individual who possesses, produces, or without consideration, delivers, distributes, or dispenses to an individual who is at least twenty-one years of age more than the allowable amount of cannabis, but not more than twice the allowable amount of cannabis is subject to a fine not exceeding three hundred dollars.

19-24.2-30. Limitations - Penalties.

1. An adult-use cannabis consumer may use adult-use cannabis products at the following locations:
 - a. A private residence, including the person's curtilage, or yard; or
 - b. On private property, not generally accessible by the public, if the adult-use cannabis consumer is explicitly permitted to consume the adult-use cannabis products on the property by the owner of the property.
2. a. An adult-use cannabis consumer is prohibited from using or consuming adult-use cannabis products:
 - (1) In any public place, including an indoor or outdoor area used by, or open to, the general public, or on any form of public transportation.
 - (2) On the grounds of any adult-use cannabis business, unless allowed by the legislature or department rule; or
 - (3) In a motor vehicle as defined by chapter 39-01.
- b. Unless a greater penalty is otherwise provided by law, an adult-use cannabis consumer who violates this subsection is guilty of an infraction.
3. An adult-use cannabis consumer may not undertake an activity while under the influence of cannabis if doing so would constitute negligence or professional malpractice. An adult-use cannabis consumer who violates this subsection may be subject to civil liability, criminal liability, or any other penalty as otherwise provided by law.
4. a. An adult-use cannabis consumer may not possess, use, or consume adult-use cannabis products:
 - (1) On a schoolbus or school van used for school purposes.
 - (2) On the grounds of any public or private school, including all facilities, whether owned, rented, or leased, and all vehicles owned, leased, rented, contracted for, or controlled by a public or private school.
 - (3) At any location while a public or private school-sanctioned event is occurring.
 - (4) On state or federal property, including all facilities whether owned, rented, or leased, and in or upon any motor vehicles leased, rented, contracted for, or controlled by the state or federal government.

- (5) On the grounds of a correctional facility.
 - (6) On the grounds of a child care facility or licensed home day care unless authorized under the rules adopted by the department of health and human services.
 - b. Unless a greater penalty is otherwise provided by law, an adult-use cannabis consumer who violates this subsection is guilty of an infraction.
- 5. An adult-use cannabis consumer may not use or consume an adult-use cannabis product if the smoke or vapor of an adult-use cannabis product would be inhaled by an individual under twenty-one years of age. Unless a greater penalty is otherwise provided by law, an adult-use cannabis consumer who violates this subsection is guilty of an infraction.
- 6. An adult-use cannabis consumer is prohibited from operating, navigating, or being in actual physical control of a motor vehicle, aircraft, train, snowmobile, or motorboat while under the influence of cannabis. An adult-use cannabis consumer may not be considered to be under the influence of cannabis solely because of the presence of metabolites or components of cannabis that appear in insufficient concentration to cause impairment. An adult-use cannabis consumer who violates this subsection may be subject to civil liability, criminal liability, or any other penalty as otherwise provided by law.
- 7. This chapter does not require:
 - a. A person in lawful possession of property to allow a guest, client, customer, or other visitor to possess or consume adult-use cannabis products on or in the property; or
 - b. A landlord to allow production and processing of cannabis of adult-use cannabis products on rental property.
- 8. This chapter does not prohibit an employer from:
 - a. Disciplining or terminating the employment of an employee for possessing or consuming adult-use cannabis products in the workplace or for working while under the influence of cannabis. "Working" as used in this subdivision includes when an employee is on call.
 - b. Adopting a reasonable zero tolerance or drug-free workplace policy, or any employment policy concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on call if the policy is applied in a nondiscriminatory manner.
 - c. Disciplining or terminating the employment of an employee for violating an employer's employment policies or workplace drug policy.
- 9. An employer may consider an employee to be impaired or under the influence of cannabis if the employer has a good-faith that an employee manifests specific, articulable symptoms while working which decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of

the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others. If an employer elects to discipline an employee on the basis that the employee is under the influence or impaired by cannabis, the employer shall afford the employee a reasonable opportunity to contest the basis of the determination.

10. This chapter does not create or imply a cause of action for any person against an employer for:
 - a. Actions, including subjecting an employee or applicant to reasonable drug and alcohol testing under the employer's workplace drug policy, including an employee's refusal to be tested or to cooperate in testing procedures, and discipline or termination of employment, based on the employer's good-faith belief that an employee used or possessed cannabis in the employer's workplace or while performing the employee's job duties or while on call in violation of the employer's employment policies;
 - b. Actions, including discipline or termination of employment, based on the employer's good-faith belief an employee was impaired as a result of the use of cannabis, or under the influence of cannabis, while at the employer's workplace or while performing the employee's job duties or while on call in violation of the employer's workplace drug policy; or
 - c. Injury, loss, or liability to a third party if the employer did not know or have a reason to know the employee was impaired.
11. This chapter does not allow for processing or performing solvent-based extractions on cannabis if the equipment or process utilizes butane, propane, carbon dioxide or any potentially hazardous material, unless registered for this activity by the department.
12. This chapter does not limit any privileges, rights, immunities, or defenses of a cardholder as provided under law.
13. This chapter may not be construed to interfere with any federal, state, or local restrictions on employment, including the United States department of transportation regulation under title 49, Code of Federal Regulations, part 40, section 40.151(e) or impact an employer's ability to comply with federal or state law or cause it to lose a federal or state contract or funding.
14. Except where specified, this chapter may not be construed to prevent the imposition of penalties for unlawful conduct involving cannabis.

19-24.2-31. Rules.

1. No later than October 1, 2025, the department shall adopt rules as necessary for the implementation and administration of this chapter, including transportation and storage of cannabis and adult-use cannabis products, advertising, packaging, and labeling, standards for testing and testing facilities consistent with testing standards under chapter 19-24.1, inventory management, and accurate recordkeeping.
2. The department may adopt rules regarding the operation and governance of additional categories of registered adult-use cannabis businesses, including registrations that allow for only limited cultivation, processing, transportation,

delivery, storage, or sale, registrations that allow for cultivation for purposes of propagation, and registrations intended to facilitate scientific research or education.

19-24.2-32. Confidentiality.

1. Information kept or maintained under this chapter by the department which is designated as a trade secret or could be used to identify an adult-use cannabis consumer is confidential.
2. Information kept or maintained under this chapter by the department may be disclosed as necessary for:
 - a. The verification of registration certificates and registry identification cards under this chapter;
 - b. Notification to state or local law enforcement of an apparent criminal violation;
 - c. Notification to state and local law enforcement of falsified or fraudulent information submitted for purposes of obtaining or renewing a registry identification card; or
 - d. Data for statistical purposes in a manner such that an individual person or adult- use cannabis business is not identified.
3. Information submitted to a local government to demonstrate compliance with any security requirements required by local zoning ordinances or regulations is confidential.

19-24.2-33. Report to the legislative management.

By July first of each year, the department shall submit a report to the legislative management. The report must be written in a manner such that no individual, person, or adult-use cannabis business can be identified and must include:

1. The number and type of adult-use cannabis businesses;
2. Revenue and expenses of the department related to the implementation of this chapter;
3. Sales data by product type; and
4. Information for statistical purposes.

19-24.2-34. Fees to be deposited in Fund – Continuing appropriation.

The department shall deposit all fees collected under this chapter in the fund established under section 19-24.1-40. The department shall deposit in the fund all registration and licensing fees collected under this chapter. The department shall administer the fund. Moneys in the fund are appropriated to the department on a continuing basis for use in administering this chapter.

SECTION 2. Severability

This measure shall be broadly construed to accomplish its purpose and intent. Nothing in this measure purports to supersede any applicable federal law, except as allowed by federal law. If any provision in this measure or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of the measure that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this measure are severable.

SECTION 3. Effective Date

This measure shall become effective thirty (30) days after it is approved by the People.

Disapproved November 5, 2024

172,174 to 190,548

NOTE: This was measure No. 5 on the 2024 general election ballot.

CONSTITUTIONAL AMENDMENTS APPROVED

CHAPTER 609

CONGRESSIONAL AGE LIMITS

This initiated measure creates a new article in the North Dakota Constitution entitled "Congressional Age Limits." Under this Article, no person may be elected or appointed to serve a term or a portion of a term representing North Dakota in the U.S. Senate or the U.S. House of Representatives if that person could be 81 years old by December 31 of the year immediately preceding the end of the term, and any such person is prohibited from appearing on the ballot. If a superior law requires age-limited candidates to appear on the ballot in a primary or general election, the candidates' age on December 31 of the year immediately preceding the end of the term they are seeking must be printed next to the names of all candidates for all federal legislative offices in future elections. This Article gives standing to enforce the article to any elector; permits an eligible person to file to appear on the primary election ballot or use an alternate statutory nomination method for a federal legislative office for the 2026 election immediately after this law takes effect; and provides immediate standing in the courts of this state to challenge the limited question of whether a denial violates article 1 of the U.S. Constitution. The Article also requires the Attorney General to zealously defend Section 4 of the Article and permits any elector residing within the district of an applicable office to timely join in the defense of Section 4 as a real party in interest. The Article's provisions are severable, and, if any provision is held to be invalid, the remaining provisions and their application must not be affected. If this Article conflicts with any other provision of the North Dakota Constitution, the provisions of this Article must control. The Article will take effect immediately upon passage at the 2024 primary election or 2024 general election.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. A new Article entitled "CONGRESSIONAL AGE LIMITS" is added to the Constitution of the State of North Dakota:

SECTION 1. MAXIMUM AGE OF 80 YEARS. No person may be elected or appointed to serve a term or a portion of a term in the U.S. Senate or the U.S. House of Representatives if that person could attain 81 years of age by December 31st of the year immediately preceding the end of the term.

SECTION 2. BALLOT ACCESS RESTRICTION. Notwithstanding any judicial determination regarding the enforceability of section 1, no candidates who would be barred from service under section 1 shall be permitted to appear on the ballot to be nominated for, or elected to, such offices.

SECTION 3. BALLOT ADVISORY. In the event superior law requires age-limited candidates to appear on the ballot in primary or general elections in contravention of section 2, the following ballot advisory shall appear parenthetically next to the names

of all candidates for all federal legislative offices in future elections: "Candidate would be [candidate age on December 31st of the year immediately preceding the end of term] years old by end of term."

SECTION 4. IMPLEMENTATION. This article shall take effect immediately and apply to any nomination for, or election to, a federal legislative office held at any election or by any other nominating method held after the effective date of this law.

- i. Any elector shall have standing to enforce this article. To expedite legal review, any otherwise eligible person may file to appear on the primary election ballot or to use alternate statutory nomination methods for a federal legislative office for the 2026 elections immediately after this law takes effect. Any denial of a filing under the terms of this article during the 2026 early filing period shall provide immediate standing in the courts of this state to challenge the limited question of whether the denial violates Article 1 of the United States Constitution.
- ii. Any action filed under this section shall be advanced on the docket and a final judgment shall be entered within 60 days. Any appeal of the judgment shall be noticed within 10 days. The North Dakota State Supreme Court shall have jurisdiction over the appeal and shall issue its order and mandate within 60 days of the filing of the notice of appeal.
- iii. The Attorney General shall zealously defend all portions of this section, in the courts of this state or of the United States, as an exercise of an important and fundamental state interest. In any action commenced in a court of this state, any elector residing within the district of an applicable office shall be permitted to timely join in the defense of this section as a real party in interest.

SECTION 5. SEVERABILITY. The provisions of this article are severable, and if any provision is held to be invalid, either on its face or as applied, the remaining provisions and their application shall not be affected thereby. In any case of a conflict between any provision of this article and any other provision of this constitution, the provisions of this article shall control.

Approved June 11, 2024

68,468 to 44,076

NOTE: This was measure No. 1 on the 2024 primary election ballot.

CHAPTER 610

SENATE CONCURRENT RESOLUTION NO. 4001

(Legislative Management)
(Acute Psychiatric Treatment Committee)

TERMINOLOGY DESCRIBING PUBLIC INSTITUTIONS

A concurrent resolution to amend and reenact sections 12 and 13 of article IX of the Constitution of North Dakota, relating to terminology describing public institutions.

STATEMENT OF INTENT

This measure would replace outdated terminology related to public institutions of the state.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendments to sections 12 and 13 of article IX of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 2024, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 12 of article IX of the Constitution of North Dakota is amended and reenacted as follows:

Section 12. The following public institutions of the state are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States in the Act of Congress approved February 22, 1889, to be disposed of and used in such manner as the legislative assembly may prescribe subject to the limitations provided in the article on school and public lands contained in this constitution.

1. The seat of government at the city of Bismarck in the county of Burleigh.
2. The state university and the school of mines at the city of Grand Forks, in the county of Grand Forks.
3. The North Dakota state university of agriculture and applied science at the city of Fargo, in the county of Cass.
4. A state normal school at the city of Valley City, in the county of Barnes, and the legislative assembly, in apportioning the grant of eighty thousand acres of land for normal schools made in the Act of Congress referred to shall grant to the said normal school at Valley City, as aforementioned, fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.
5. The school for the deaf and ~~dumb of North Dakota~~ hard of hearing at the city of Devils Lake, in the county of Ramsey.

6. A state training school at the city of Mandan, in the county of Morton.
7. A state normal school at the city of Mayville, in the county of Traill, and the legislative assembly in apportioning the grant of lands made by Congress in the Act aforesaid for state normal schools shall assign thirty thousand (30,000) acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.
8. A state hospital for the ~~insane~~care of individuals with mental illness at the city of Jamestown, in the county of Stutsman. And the legislative assembly shall appropriate twenty thousand acres of the grant of lands made by the Act of Congress aforesaid for other educational and charitable institutions to the benefit and for the endowment of said institution, and there shall be located at or near the city of Grafton, in the county of Walsh, ~~an institutiona facility for the feebleminded individuals with developmental disabilities,~~ on the grounds purchased by the secretary of the interior for a penitentiary building.

SECTION 2. AMENDMENT. Section 13 of article IX of the Constitution of North Dakota is amended and reenacted as follows:

Section 13. The following public institutions are located as provided, each to have so much of the remaining grant of one hundred seventy thousand acres of land made by the United States for "other educational and charitable institutions" as is allotted by law:

1. A soldiers' home, when located, or such other charitable institution as the legislative assembly may determine, at the city of Lisbon in the county of Ransom, with a grant of forty thousand acres of land.
2. The school for the blind at the city of Grand Forks in the county of Grand Forks or at such other location as may be determined by the legislative assembly to be in the best interests of the students of such institution and the state of North Dakota.
3. A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau, or Rolette, as the electors of said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.
4. A school of science or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton in the county of Richland, with a grant of forty thousand acres.
5. A state college at the city of Minot in the county of Ward.
6. A state college at the city of Dickinson in the county of Stark.
7. A state hospital for the ~~mentally ill~~care of individuals with mental illness at such place within this state as shall be selected by the legislative assembly.

No other institution of a character similar to any one of those located by article IX, section 12, or this section shall be established or maintained without an amendment of this constitution.

Approved November 5, 2024

301,944 to 55,464

NOTE: This was measure No. 1 on the 2024 general election ballot.

CHAPTER 611

HOUSE CONCURRENT RESOLUTION NO. 3033

(Representatives Mock, Hagert, Ista, Kempenich, Kreidt, Schatz)
(Senators Cleary, Meyer)

LEGACY FUND SPENDING AND TRANSFERS

A concurrent resolution to amend and reenact section 26 of article X of the Constitution of North Dakota, relating to spending and transfers from the legacy fund.

STATEMENT OF INTENT

This measure would decrease the amount of principal available for spending each biennium and would clarify the distributions from the legacy fund.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed amendment to section 26 of article X of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election held in 2024, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 26 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 26.

1. Thirty percent of total revenue derived from taxes on oil and gas production or extraction must be transferred by the state treasurer to a special fund in the state treasury known as the legacy fund. The legislative assembly may transfer funds from any source into the legacy fund ~~and such transfers become part of. Transfers under this subsection and earnings accruing prior to July 1, 2017, are~~ the principal of the legacy fund.
2. The principal ~~and earnings~~ of the legacy fund may ~~not be expended, until after June 30, 2017, and~~ not be expended ~~after that date~~ requires a vote of at least two-thirds of the members elected to each house of the legislative assembly. Not more than ~~fifteen~~five percent of the principal of the legacy fund may be expended during a biennium.
3. Statutory programs, in existence as a result of legislation enacted through 2009, providing for impact grants, direct revenue allocations to political subdivisions, and deposits in the oil and gas research fund must remain in effect but the legislative assembly may adjust statutory allocations for those purposes.
4. The state investment board shall invest the ~~principal of the North Dakota~~ moneys in the legacy fund. ~~The~~

5. On July first of each odd-numbered year, the state treasurer shall transfer earnings of the North Dakota legacy fund accruing after June 30, 2017, to the state general fund at the end of each biennium to a legacy earnings fund as provided by law, but a distribution may not result in an expenditure of principal.

Approved November 5, 2024

174,994 to 161,496

NOTE: This was measure No. 3 on the 2024 general election ballot.

CONSTITUTIONAL AMENDMENTS DISAPPROVED

CHAPTER 612

SENATE CONCURRENT RESOLUTION NO. 4013

(Senators Myrdal, Hogue)
(Representatives Cory, Lefor)

CONSTITUTIONAL AMENDMENT PETITION AND APPROVAL PROCESS

A concurrent resolution to amend and reenact sections 2, 3, 4, and 9 of article III of the Constitution of North Dakota, relating to the process for approving initiated constitutional amendments, the requirement of a single subject for each petition and measure, the individuals able to circulate a petition, and the requirement that all ballot measures must be voted on at the primary and general election.

STATEMENT OF INTENT

This measure would restrict circulation of petitions for an initiated constitutional amendment to qualified electors, require all petitions and measures to be limited to a single subject, and require all constitutional initiated measures under article III be voted on at the primary and general election.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendments to sections 2, 3, 4, and 9 of article III of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in November of 2024, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 2 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 2. An initiated measure may not embrace or be comprised of more than one subject, as determined by the secretary of state. A petition to initiate or to refer a measure must be presented to the secretary of state for approval as to form and compliance with the single subject requirement. A request for approval must be presented over the names and signatures of twenty-five or more qualified electors as sponsors, one of whom must be designated as chairman of the sponsoring committee. The secretary of state shall approve the petition for circulation if it is in proper form and contains the names and addresses of the sponsors and the full text of the measure.

The legislative assembly may provide by law for a procedure through which the legislative council may establish an appropriate method for determining the fiscal

impact of an initiative measure and for making the information regarding the fiscal impact of the measure available to the public.

SECTION 2. AMENDMENT. Section 3 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 3. The petition ~~shall~~may be circulated only by qualified electors. ~~They~~An individual circulating a petition shall swear thereon that the qualified electors who have signed the petition did so in their presence. Each qualified elector signing a petition also shall ~~also~~ write in the date of signing and ~~his post office~~the qualified elector's complete residential address. ~~No~~A law shall ~~may~~not be enacted limiting the number of copies of a petition. The copies ~~shall~~must become part of the original petition when filed.

SECTION 3. AMENDMENT. Section 4 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 4. The petition may be submitted to the secretary of state if signed by qualified electors equal in number to two percent of the resident population of the state at the last federal decennial census.

SECTION 4. AMENDMENT. Section 9 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 9. A constitutional amendment may be proposed by initiative petition. The petition may be circulated only by qualified electors. The proposed amendment may not embrace or be comprised of more than one subject, as determined by the secretary of state, and the secretary of state may not approve the initiative petition for circulation if the proposed amendment comprises more than one subject. If signed by qualified electors equal in number to ~~four~~five percent of the resident population of the state at the last federal decennial census, the petition may be submitted to the secretary of state. If the secretary of state finds the petition is valid, the secretary of state shall place the measure on the ballot at the next primary election. If the majority of the votes cast on the measure are affirmative in the primary election, the measure must be placed on the ballot at the general election immediately following the primary election for final consideration. If a majority of votes cast for a proposed constitutional amendment are affirmative in the general election, the measure is deemed enacted. If the measure fails to receive the required number of votes to enact the measure at either the primary election or the general election, the measure is deemed failed. All other provisions relating to initiative measures apply hereto to initiative measures for constitutional amendments.

Disapproved November 5, 2024

150,362 to 194,570

NOTE: This was measure No. 2 on the 2024 general election ballot.

CHAPTER 613

AD VALOREM PROPERTY TAX PROHIBITION

This initiated measure would amend sections 1, 14, 15, and 16 and repeal sections 4, 5, 7, 9 and 10 of Article X of the North Dakota Constitution. It would prohibit political subdivisions from levying any tax on real or personal property except for the payment of bonded indebtedness incurred before the end of the thirty-day period following the date this amendment was approved by the voters, until such debt is paid, and would require the state to provide replacement payments to political subdivisions of no less than the amount of tax levied on real property during the 2024 calendar year. It would limit the debt of a political subdivision to an amount not to exceed two and one-half percent of the full and true value of the real property in the political subdivision, except that an incorporated city, by a two-thirds vote, could increase the indebtedness of the city one and one-half percent beyond the two and one-half percent limit and a school district, by a majority vote, could increase the indebtedness of the school district two and one-half percent beyond the two and one-half percent limit. It would allow an incorporated city, without regard to the existing indebtedness of the city, to become indebted in an amount not exceeding two percent of its full and true value for water and sewer projects. It would require a political subdivision incurring indebtedness to provide for annual revenues to pay the debt payments when due and would prohibit a political subdivision from issuing general obligation bonds secured with tax levied on the assessed value of property on or after January 1, 2025.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 1 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 1.

1. Except as provided in subsection 2, the legislative assembly and all political subdivisions may not raise shall be prohibited from raising revenue to defray the expenses of the state through the levying of any tax on the assessed value of real or personal property.
2. A political subdivision may continue to levy tax on the assessed value of real property if the tax was dedicated for the payment of bonded indebtedness incurred before the end of the thirty-day period following the date this amendment was approved by the voters, until such debt is paid.
3. The state shall provide annual property tax revenue replacement payments to political subdivisions in an amount equal to no less than the amount of tax levied on real property by the political subdivisions, excluding tax levied on real property for the payment of bonded indebtedness, during the calendar year in which this amendment was approved by the voters.

SECTION 2. AMENDMENT. Section 14 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 14.

1. Notwithstanding any other provision in the constitution, and for the purpose of promoting the economic growth of the state, the development of its natural resources, and the prosperity and welfare of its people, the state may issue bonds and use the proceeds ~~thereof from the bonds~~ to make loans to privately or cooperatively owned enterprises to plan, construct, acquire, equip, improve, and extend facilities for converting natural resources into power and generating and transmitting such power, and to acquire real and personal property and water and mineral rights needed for such facilities.
2. The state may issue general obligation bonds for this purpose to an amount ~~which that~~, with all outstanding general obligation bonds, less the amount of all money on hand and taxes in process of collection which are appropriated for their payment, will not exceed five percent of the full and true value of all of the ~~taxable real~~ property in the state, to be ascertained by the last assessment made for state and county purposes: ~~but nothing herein shall.~~ The provision does not increase or diminish the limitations established by other provisions of the constitution on the amount of bonds therein authorized to be issued.
3. The state may also issue revenue bonds for the purpose of providing part or all of the funds required for any project undertaken under subsection 1, payable solely from sums realized from payments of principal and interest on money loaned for such project, and from other similar projects if so determined by the ~~legislature~~legislative assembly, and from the liquidation of security given for such payments. Revenue bonds issued for any project ~~shall may~~ not exceed the cost ~~thereof of the project~~, including all expenses reasonably incurred to complete and finance the project, but ~~shall may~~ not be subject to any other limitation of amount.
4. The full faith and credit of the state ~~shall must~~ be pledged for the prompt and full payment of all bonds issued under subsection 2. Its obligation with respect to bonds issued under subsection 3 ~~shall must~~ be limited to the prompt and full performance of such covenants as the ~~legislature~~legislative assembly may authorize to be made respecting the enforcing of the provisions of underlying loan agreements and the segregation, accounting, and application of bond proceeds and of loan payments and other security pledged for the payment of the bonds. All bonds authorized by subsections 1 to 3, inclusive, ~~shall must~~ mature within forty years from their respective dates of issue, but may be refunded at or before maturity in such manner and for such term and upon such conditions as the ~~legislature~~legislative assembly may direct. Any such bonds may, but need not be, secured by mortgage upon real or personal property acquired with the proceeds of the same or any other issue of general obligation or revenue bonds, or upon other property mortgaged by the debtor. Pledges of revenues and mortgages of property securing bonds of any issue may be prior or subordinate to or on a parity with pledges and mortgages securing any other issue of general obligation or revenue bonds, as determined by the ~~legislature~~legislative assembly from time to time in conformity with any provisions made for the security of outstanding bonds.
5. The ~~legislature~~legislative assembly shall pass such laws as are appropriate to implement this amendment.
6. If any subsection of this amendment, or any part of a subsection, or any application thereof to particular circumstances should be held invalid for any reason, such invalidity ~~shall may~~ not affect the validity of all remaining

provisions of this amendment which may be given effect without that which is declared invalid, as applied to any circumstances and for this purpose all subsections and parts of subsections and applications thereof are declared to be severable.

SECTION 3. AMENDMENT. Section 15 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 15. The debt of any county, township, city, ~~town~~, school district, or any other political subdivision, ~~shall never may exceed five per centum~~ two and one-half percent upon the ~~assessed full and true value of the taxable real property therein;~~ provided that any incorporated city may, by a two-thirds vote, ~~may~~ increase such indebtedness ~~three per centum~~ one and one-half percent on such ~~assessed full and true value beyond said five per centum~~ the two and one-half percent limit, and a school district, by a majority vote may increase such indebtedness ~~five~~ two and one-half percent on such ~~assessed full and true value beyond said five per centum~~ the two and one-half percent limit; provided also that any county or city by a majority vote may issue bonds upon any revenue-producing utility owned by such county or city, or for the purchasing or acquiring the same or building or establishment thereof, in amounts not exceeding the physical value of such utility, industry or enterprise.

In estimating the indebtedness which a city, county, township, school district, or any other political subdivision may incur, the entire amount, exclusive of the bonds upon said revenue-producing utilities, whether contracted prior or subsequent to the adoption of this constitution, ~~shall must~~ be included; provided further that any incorporated city may become indebted in any amount not exceeding ~~four per centum~~ two percent of such ~~assessed full and true value~~ without regard to the existing indebtedness of such city for the purpose of constructing or purchasing waterworks for furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing sewers, and for no other purposes whatever. All bonds and obligations in excess of the amount of indebtedness permitted by this constitution, given by any city, county, township, ~~town~~, school district, or any other political subdivision shall be void.

SECTION 4. AMENDMENT. Section 16 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 16. Any city, county, township, ~~town~~, school district, or any other political subdivision incurring indebtedness shall, at or before the time of so doing, provide for ~~the collection of an annual tax~~ revenues sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt ~~shall be~~ are irrevocable until such debt be paid. A political subdivision may not issue general obligation bonds secured with tax levied on the assessed value of property on or after the effective date of this amendment.

SECTION 5. REPEAL. Sections 4, 5, 7, 9, and 10 of article X of the Constitution of North Dakota are repealed.

SECTION 6. EFFECTIVE DATE. If approved by the voters, sections 1, 2, 3, and 5 of this measure become effective on January 1, 2025.

Disapproved November 5, 2024

130,038 to 225,889

NOTE: This was measure No. 4 on the 2024 general election ballot.

CONSTITUTIONAL AMENDMENTS PROPOSED

CHAPTER 614

HOUSE CONCURRENT RESOLUTION NO. 3003

(Representatives Weisz, Bosch, Klemin, Lefor)
(Senators Hogue, Myrdal, Hogan)

THRESHOLD FOR APPROVING CONSTITUTIONAL AMENDMENTS

A concurrent resolution to amend and reenact section 9 of article III and section 16 of article IV of the Constitution of North Dakota, relating to the threshold for approving a constitutional amendment.

STATEMENT OF INTENT

This measure increases the threshold for approving a constitutional amendment from a simple majority to sixty percent.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the following proposed amendments to section 9 of article III and section 16 of article IV of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 2026, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 9 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 9. A constitutional amendment may be proposed by initiative petition. If signed by electors equal in number to four percent of the resident population of the state at the last federal decennial census, the petition may be submitted to the secretary of state. If the secretary of state finds the petition is valid, the secretary of state shall place the measure on the ballot. If at least sixty percent of votes cast for a proposed constitutional amendment are affirmative, the measure is deemed enacted. All other provisions relating to initiative measures apply ~~hereto~~ to initiative measures for constitutional amendments.

SECTION 2. AMENDMENT. Section 16 of article IV of the Constitution of North Dakota is amended and reenacted as follows:

Section 16. Any amendment to this constitution may be proposed in either house of the legislative assembly, ~~and if~~ if agreed to upon a roll call by a majority of the members elected to each house, the question must be submitted to the electors ~~and if~~

~~a majority. If at least sixty percent of the votes cast thereon upon the question~~ are in the affirmative, the amendment is a part of this constitution.

Filed April 17, 2025

NOTE: This will be measure No. 2 on the 2026 general election ballot.

CHAPTER 615

SENATE CONCURRENT RESOLUTION NO. 4007

(Senators Hogue, Klein, Dever)
(Representatives Klemin, Lefor, Weisz)

SINGLE SUBJECT RULE FOR PROPOSED CONSTITUTIONAL AMENDMENTS

A concurrent resolution to amend and reenact section 9 of article III and section 16 of article IV of the Constitution of North Dakota, relating to requiring each resolution adopted by the legislative assembly proposing a constitutional amendment and each initiative petition and measure proposing a constitutional amendment to be comprised of a single subject.

STATEMENT OF INTENT

This measure would require each resolution adopted by the legislative assembly proposing a constitutional amendment and each initiative petition and measure proposing a constitutional amendment to be comprised of a single subject.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendments to section 9 of article III and section 16 of article IV of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in June of 2026, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 9 of article III of the Constitution of North Dakota is amended and reenacted as follows:

Section 9. A constitutional amendment may be proposed by initiative petition. The proposed amendment may not embrace or be comprised of more than one subject, as determined by the secretary of state, and the secretary of state may not approve the initiative petition for circulation if the proposed amendment comprises more than one subject. If signed by electors equal in number to four percent of the resident population of the state at the last federal decennial census, the petition may be submitted to the secretary of state. All other provisions relating to initiative measures apply ~~hereto~~ to initiative measures for constitutional amendments.

SECTION 2. AMENDMENT. Section 16 of article IV of the Constitution of North Dakota is amended and reenacted as follows:

Section 16. Any amendment to this constitution may be proposed in either house of the legislative assembly, ~~and if.~~ The proposed amendment may not embrace or be comprised of more than one subject. If agreed to upon a roll call by a majority of the members elected to each house, must be submitted to the electors and if a majority of the votes cast ~~thereon~~ upon the question are in the affirmative, the amendment is a part of this constitution.

Filed April 29, 2025

NOTE: This will be measure No. 1 on the 2026 primary election ballot.

CHAPTER 616

SENATE CONCURRENT RESOLUTION NO. 4008

(Senator Dwyer)

TERM LIMITS FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY

A concurrent resolution to amend and reenact section 1 of article XV of the Constitution of North Dakota, relating to term limits for members of the legislative assembly; to repeal section 4 of article XV of the Constitution of North Dakota, relating to prohibiting the legislative assembly from proposing certain amendments to article XV of the Constitution of North Dakota, and to provide for an application.

STATEMENT OF INTENT

This measure provides an individual may not serve more than four complete terms in the legislative assembly. The measure also repeals the provision prohibiting the legislative assembly from proposing constitutional amendments relating to term limits.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendment to section 1 of article XV and repeal of section 4 of article XV of the Constitution of North Dakota are agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in November of 2026, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 1 of article XV of the Constitution of North Dakota is amended and reenacted as follows:

Section 1. An individual ~~shall~~may not serve more than four complete four-year terms as a member of the ~~house of representatives for a cumulative period of time amounting to more than eight years. An individual shall not serve as a member of the senate for a cumulative period of time amounting to more than eight years~~legislative assembly. An individual shall not be eligible to serve a full or remaining term~~individual's service as a member of the house of representatives or the senate if serving the full or remaining legislative assembly during a term would cause the individual to serve for a cumulative period of time amounting to more than eight years in that respective house~~that is less than four years does not count toward the term limit for a member of the house of representatives or the senate under this section.

SECTION 2. REPEAL. Section 4 of article XV of the Constitution of North Dakota is repealed.

SECTION 3. APPLICATION. If approved by the electors, this measure will apply to individuals elected to the legislative assembly after January 1, 2023.

Filed April 8, 2025

NOTE: This will be measure No. 1 on the 2026 general election ballot.

HOUSE CONCURRENT RESOLUTIONS

CHAPTER 617

HOUSE CONCURRENT RESOLUTION NO. 3004

(Representatives McLeod, Christy, Grindberg, J. Johnson, Jonas, Kasper, Swiontek,
Wagner)
(Senators Roers, Sorvaag)

A concurrent resolution to extend congratulations to the North Dakota State University football team for earning the program's 10th national college football championship since 2011.

WHEREAS, on Monday, January 6, 2025, the North Dakota State University Bison football team defeated the Montana State University Bobcats in the Football Championship Subdivision national championship game in Frisco, Texas; and

WHEREAS, the victory was the 10th college football championship for North Dakota State University since 2011; and

WHEREAS, the impact of the victory was not only felt within the North Dakota State University community, but across the entire state of North Dakota; and

WHEREAS, the achievement showcases the hard work, discipline, and determination that defines our state and our academic institutions and their tradition of excellence; and

WHEREAS, Bison student-athletes set the standard both on the field and in the classroom, with 20 student-athletes across five sports earning the prestigious NCAA Elite 90 award for the highest grade point average at national championships; and

WHEREAS, over 57 percent or 253 student-athletes have earned a cumulative grade point average of 3.5 or higher and 83 of those have a perfect grade point average of 4.0; and

WHEREAS, this win not only reinforces the state's legacy of excellence but also highlights the endless possibilities available in the state, propelling the state's communities toward greater accomplishments;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly offers its deepest congratulations to the North Dakota State University Bison football team for earning the program's 10th national college football championship since 2011; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of North Dakota State University, the Athletic Director of North Dakota State University, and the Head Coach of the North Dakota State University football team.

Filed January 20, 2025

CHAPTER 618

HOUSE CONCURRENT RESOLUTION NO. 3005

(Representatives Schneider, Hager, Kasper, Marschall, J. Olson, Pyle, M. Ruby,
Schauer, Tveit, Klemm)
(Senators Hogan, Marcellais)

A concurrent resolution urging the 119th Congress to provide for the inclusion on the Vietnam Veterans Memorial Wall the names of the lost crew members of the U.S.S. Frank E. Evans.

WHEREAS, in the early morning hours of June 3, 1969, while participating in Operation Sea Spirit, the U.S.S. Frank E. Evans collided with the HMAS Melbourne in the South China Sea, resulting in the death of 74 United States sailors, including Patrick Gene Glennon of Fessenden, North Dakota, and Robert James Seale of Grand Forks, North Dakota; and

WHEREAS, all American ships were ordered out from combat support missions in Vietnam to participate in the training operation; and

WHEREAS, Public Law No. 96-297 [94 Stat. 827; 16 U.S.C. 431 et seq.], authorized the Vietnam Veterans Memorial Fund to establish a memorial in honor and recognition of the men and women of the armed forces of the United States who served in the Vietnam War; and

WHEREAS, the Vietnam Veterans Memorial Fund relies on the department of defense to compile the list of names and criteria for inclusion on the Vietnam Veterans Memorial Wall; and

WHEREAS, under Title 38, United States Code, Section 101, veterans who died as a direct or indirect result of military operations in Southeast Asia are eligible for inclusion on the memorial; and

WHEREAS, the evidence submitted regarding the accident that destroyed the U.S.S. Frank E. Evans, killing 74 of her sailors, shows the Evans had been operating in combat support missions and would have returned to combat support upon completing Operation Sea Spirit;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly urges the 119th Congress to provide for the inclusion on the Vietnam Veterans Memorial Wall the names of the lost crew members of the U.S.S. Frank E. Evans; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the President of the United States, the Majority and Minority Leaders of the United States Senate, the Majority and Minority Leaders of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation.

Filed March 21, 2025

CHAPTER 619

HOUSE CONCURRENT RESOLUTION NO. 3006

(Representatives Longmuir, Ista, Lefor)
(Senators Hogan, Hogue)

A concurrent resolution urging the Postmaster General of the United States Postal Service to improve mail processing across the state to address delivery issues.

WHEREAS, the United States Postal Service originally was formed to ensure timely notice and to encourage citizens to participate in government; and

WHEREAS, the United States Postal Service serves a crucial role in providing reliable mail delivery to all individuals and businesses in the state; and

WHEREAS, rural residents especially rely on the mail for delivery of goods and services not available except at long distances, including medicine and other necessities; and

WHEREAS, the majority of official county newspapers are the sole news sources that cover time-sensitive government actions and contain important public notices regarding state and local elections, sample ballots, and information about polling places; and

WHEREAS, notices of estate proceedings, notice to creditors, and land sales must be timely made for the facilitation of legal processes in the state's court system; and

WHEREAS, small businesses rely on incoming client payments through the mail for positive cash flow to pay employees; and

WHEREAS, efficient mail processing and clear communication about mail processing is essential for the effectiveness and public trust in the postal system; and

WHEREAS, late and inconsistent mail delivery causes significant disruptions to the state's business community; and

WHEREAS, challenges in reporting issues or obtaining clear and timely information from the United States Postal Service causes a lack of transparency and customer satisfaction; and

WHEREAS, advancements in technology and operational processes offer opportunities for the United States Postal Service to improve its mail processing capabilities; and

WHEREAS, standardized communication procedures regarding mail processing and disruption remedies offer transparency to people using the postal service; and

WHEREAS, commitment to providing timely updates on frequently used channels of communication regarding known service disruptions or operational changes affecting mail delivery provides accessible and necessary information to customers;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly urges the Postmaster General of the United States Postal Service to improve mail processing and transparency across the state to address delivery issues; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the Postmaster General of the United States Postal Service and each member of the North Dakota Congressional Delegation.

Filed March 21, 2025

CHAPTER 620

HOUSE CONCURRENT RESOLUTION NO. 3007

(Representatives Dockter, Heinert, Martinson, Porter, M. Ruby)
(Senators Axtman, Bekkedahl, Gerhardt, Meyer)

A concurrent resolution urging Congress to recognize United States troops who served in Honduras from 1981 to 1992.

WHEREAS, the Sixty-ninth Legislative Assembly believes military members and veterans who serve or have served in hostile environments should be recognized; and

WHEREAS, the United States military maintained a presence in Honduras throughout the 1980s and 1990s, providing training and conducting military exercises with the host nation; and

WHEREAS, the presence of the United States troops served as a deterrent to aggression in the region and as a means of support for democratic values through civil action in Honduran communities; and

WHEREAS, United States troops were equipped with live ammunition and assisted the Honduran military in training and combat support; and

WHEREAS, United States troops experienced hostile fire and imminent danger; and

WHEREAS, at least one United States service member received a purple heart because of terrorist activity; and

WHEREAS, United States troops lost their lives while in Honduras due to terrorist activity and hazardous circumstances;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly urges Congress to issue an Armed Forces Expeditionary Medal, or similar recognition of having served in an area of hostility, to all United States troops who served in Honduras from 1981 to 1992; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Majority and Minority Leaders of the United States Senate, the Majority and Minority Leaders of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation.

Filed March 21, 2025

CHAPTER 621

HOUSE CONCURRENT RESOLUTION NO. 3008

(Representatives Porter, Holle, Martinson, Toman)
(Senators Gerhardt, Schaible)

A concurrent resolution that Chuck Suchy be designated as the first state troubadour of North Dakota for a term of five years until a successor is selected pursuant to law.

WHEREAS, Chuck Suchy is an accomplished folk musician who has dedicated his life to preserving and sharing the musical traditions of the state; and

WHEREAS, Chuck Suchy has been a prominent figure in the state for decades, performing across the state and beyond, and creating a unique and lasting impact on the cultural heritage of the region; and

WHEREAS, Chuck Suchy's work as a songwriter has highlighted the stories, values, and history of North Dakota, resonating with audiences of all ages and backgrounds; and

WHEREAS, Chuck Suchy's music draws upon the state's diverse cultures, from its agricultural roots to its Native American heritage, and has consistently celebrated the natural beauty and spirit of North Dakota; and

WHEREAS, the designation of a state troubadour will recognize Chuck Suchy's significant role in advancing North Dakota's musical legacy and will help to promote the state's cultural identity to the broader public; and

WHEREAS, the title of state troubadour is in keeping with the state's tradition of honoring individuals who have made substantial contributions to the arts and cultural preservation;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That Chuck Suchy be designated as the first state troubadour of North Dakota for a term of five years until a successor is selected pursuant to law; and

BE IT FURTHER RESOLVED, that the Legislature expresses its deepest appreciation for Chuck Suchy's contributions to the musical and cultural life of the state, and extends its warmest congratulations to him on this well-deserved honor and that the Secretary of State forward a copy of this resolution to Chuck Suchy.

Filed March 25, 2025

CHAPTER 622

HOUSE CONCURRENT RESOLUTION NO. 3009

(Representatives J. Olson, Dockter, Heinert, Novak, M. Ruby)
(Senators Gerhardt, Kessel, Patten)

A concurrent resolution urging the federal government to take actions to enact trade policy that supports business and workers of the United States while penalizing global polluters.

WHEREAS, Chinese government-owned industry is an arm of the Communist Party and strives to increase its influence over the global economy by pursuing predatory, unfair trade practices designed to steal intellectual property and destroy competition from the United States; and

WHEREAS, China is the greatest immediate obstacle to reducing global pollution and accounts for one-third of global emissions, more than the rest of the developed world combined, while it subsidizes its exports by not imposing or enforcing environmental and labor standards comparable to those in other developed nations; and

WHEREAS, private sector innovation and American resources have led the United States to eliminate more emissions than any other country in the last fifteen years; and

WHEREAS, the United States' economy is 44 percent more carbon efficient than the world average; and

WHEREAS, goods produced in China and Russia generate 300 and 400 percent on average, respectively, more in carbon emissions compared to equivalent goods produced in the United States; and

WHEREAS, 75 percent of the goods the United States imports are from higher-polluting countries, and yet the United States is forced to compete with subsidized imports from China and elsewhere that face few limits on how much they pollute; and

WHEREAS, regulatory policies have blocked resource development on public lands in North Dakota, resulting in the United States importing over 80 percent of its critical minerals from foreign sources, with China controlling 85 percent of global processing capacity, thus enriching China and undermining domestic mineral production capabilities; and

WHEREAS, these federal environmental policies have harmed all North Dakotans by reducing revenue by an estimated \$1.2 billion to the state and royalties to mineral owners; and

WHEREAS, holding foreign polluters to the same standards as domestic producers would provide a plethora of benefits to the state of North Dakota, including diversifying supply chains by reducing the United States' dependence on imports from high-emitting producers like Russia and China, decreasing global pollution by holding the biggest polluters accountable to western environmental standards, and bolstering domestic manufacturing and generating well-paying jobs in rural areas;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly urges the federal government to support trade policies that hold high-polluting countries like China and Russia accountable for pollution and bolster domestic extraction and production; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, and each member of the North Dakota Congressional Delegation.

Filed March 21, 2025

CHAPTER 623

HOUSE CONCURRENT RESOLUTION NO. 3011

(Representatives K. Anderson, Frelich, Meier, Pyle, M. Ruby, Tveit, Weisz, Maki)
(Senators Meyer, Paulson, Wobbema, Van Oosting)

A concurrent resolution urging Congress to provide veterans with medical coverage for hyperbaric oxygenation therapy.

WHEREAS, the Centers for Disease Control and Prevention estimates between 1.6 million to 3.8 million concussions occur each year; and

WHEREAS, efforts must be made to reduce the risk and health care costs for the country,

veterans, and others with brain injuries; and

WHEREAS, veterans injured in the line of duty deserve the best treatment our nation can offer; and

WHEREAS, veterans suffering with traumatic brain injuries or posttraumatic stress disorder are prescribed symptom-reducing drugs; and

WHEREAS, in essence, veterans are warehoused and discharged, dependent on costly antidepressants and other antipsychotic medicines that promote dangerous dependencies and may result in lethal interactions; and

WHEREAS, traumatic brain injury is one of the leading causes of morbidity and mortality in the United States, accounting for approximately 2 million emergency room visits, between 230,000 and 500,000 hospital admissions, and 52,000 deaths annually in the United States; and

WHEREAS, hyperbaric oxygen therapy is a medical treatment that enhances the body's natural healing process by inhalation of one hundred percent oxygen in a total body chamber, where atmospheric pressure is increased and controlled, and which is used for a wide variety of treatments as a part of an overall medical care plan; and

WHEREAS, hyperbaric oxygen therapy and improving diagnostics have emerged as a promising and effective treatment in healing injured brains and subsequently reducing, and in some cases completely alleviating, the symptoms associated with the traumatic brain injury;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly urges Congress to provide veterans with medical coverage for hyperbaric oxygenation therapy; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of Congress.

Filed March 21, 2025

CHAPTER 624

HOUSE CONCURRENT RESOLUTION NO. 3014

(Representatives Rohr, K. Anderson, Dobervich, Frelich, McLeod, Meier, M. Ruby)
(Senators Dwyer, Hogue, Myrdal)

A concurrent resolution urging public health, health care systems, and health care providers to prioritize primary prevention in addressing vitamin D deficiency through multifaceted precision public health and medicine approaches.

WHEREAS, vitamin D is generated primarily from the sun and research demonstrates the need for regional sun exposure and vitamin D recommendations to offset individual and population health risk factors for disease; and

WHEREAS, North Dakota is located at a latitude of 48 degrees and has an ultraviolet index of less than three for up to 6 months of the year due to the solar zenith, from October to April, which limits the vitamin D generating potential from sun exposure; and

WHEREAS, this environmental determinant of health puts all residents of the state at risk for vitamin D deficiency and insufficiency compared to citizens of the United States in southern latitudes, potentially leading to suboptimal health outcomes and increased health care costs for residents; and

WHEREAS, research indicates it is difficult to achieve the daily recommended intake of vitamin D from foods alone and there is a causal relationship between vitamin D deficiency and all cause mortality, cardiovascular disease, dementia, multiple sclerosis, diabetes, and many types of cancer, including breast, pancreatic, and colorectal cancers; and

WHEREAS, research indicates an association between vitamin D deficiency and emotional regulation, mental health conditions including Alzheimer's disease and other types of dementia, suicide and suicidal ideation, depression, and opioid addiction; and

WHEREAS, research indicates an association between vitamin D deficiency and autoimmune disease, myocardial infarction, and stroke;

WHEREAS, research indicates adequate vitamin D intake results in improved prenatal and neonatal outcomes, including reducing the risk for pre-eclampsia, gestational diabetes, and preterm birth; and

WHEREAS, research indicates women with 25(OH)D serum concentrations equal to or greater than 60 nanograms per milliliter had an 80 percent lower risk of breast cancer than women with concentrations of less than 20 nanograms per milliliter; and

WHEREAS, research indicates vitamin D supplementation and sensible sun exposure safely and effectively increase vitamin D serum concentrations; and

WHEREAS, the Legislative Assembly advocates for statewide educational campaigns aimed at increasing awareness of vitamin D deficiency; its risks; the importance of adequate vitamin D levels, particularly for pregnant individuals, children, and those with mental health concerns; and other heightened risk factors for the public and health care professionals;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly urges North Dakota public health, health care systems, and health care providers to prioritize primary prevention in addressing vitamin D deficiency through multifaceted precision public health and medicine approaches that recognize both regional and individual determinants of health in diverse populations across the lifespan to improve patient outcomes, population health, and decrease overall health care costs; and

BE IT FURTHER RESOLVED, that the Sixty-ninth Legislative Assembly urges the State Health Officer to publish this resolution on the official website of the department of health and human services; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the State Health Officer, North Dakota public health units, American Hospital Association, North Dakota Long Term Care Association, North Dakota Medical Association, North Dakota Nurses Association, North Dakota Nurse Practitioner Association, North Dakota University System institutions of higher education, North Dakota private universities, and the North Dakota Department of Public Instruction.

Filed March 20, 2025

CHAPTER 625

HOUSE CONCURRENT RESOLUTION NO. 3015

(Representatives Novak, D. Anderson, Dockter, Hagert, Heinert, J. Olson, Porter,
Tveit)
(Senators Boehm, Patten)

A concurrent resolution urging the Southwest Power Pool and Midcontinent Independent System Operator to promptly and decisively act to maintain the reliability of the bulk power system by addressing market failures that have allowed capacity retirements to outpace replacement.

WHEREAS, the welfare of North Dakota's citizens and its economic security depend on a reliable, affordable, and resilient electric power supply; and

WHEREAS, the Federal Energy Regulatory Commission has expressed concerns about the reliability and stability of the regional and national electricity grid due to the rapid retirement of dispatchable generation resources, delays in the development of replacement capacity, and the increasing reliance on intermittent energy sources, which collectively pose risks to the ability of regional transmission organizations like Southwest Power Pool and Midcontinent Independent System Operator to ensure consistent and reliable power delivery; and

WHEREAS, the North American Electric Reliability Corporation's 2024 Long-Term Reliability Assessment warns that over half of North America faces elevated risks of energy shortages due to increasing demand, rapid generator retirements, and delays in resource development; and

WHEREAS, the Midcontinent Independent System Operator has been identified as a high-risk region, with resource adequacy targets potentially falling short within the next 5 years, while the Southwest Power Pool is also categorized as an elevated-risk region; and

WHEREAS, Midcontinent Independent System Operator and Southwest Power Pool, which serve North Dakota, have experienced repeated maximum generation alerts and load-shedding events in recent years, highlighting the critical need to address resource adequacy and reliability issues; and

WHEREAS, the accelerated retirement of dispatchable base-load generation resources, combined with insufficient replacement capacity, creates a widening reliability gap as weather-dependent resources saturate the grid; and

WHEREAS, announced dispatchable generation retirements in the 15-state Midcontinent Independent System Operator region are projected to exceed 30 gigawatts by 2030, further exacerbating resource adequacy challenges; and

WHEREAS, direct and indirect subsidies for specific energy resources distort market economics, making it difficult for dispatchable base-load generation resources to remain economically viable and accelerating early retirement; and

WHEREAS, Midcontinent Independent System Operator has identified six critical reliability attributes, including availability, energy assurance, fuel assurance, rapid start-up capability, ramp-up capability, and voltage stability, which are essential for maintaining grid reliability; and

WHEREAS, reforming market pricing mechanisms are urgently needed to ensure these critical attributes are appropriately valued, supporting the continued operation of resources necessary for grid reliability and resilience; and

WHEREAS, state and federal renewable energy mandates, while promoting the development of weather-dependent generation, do not fully account for impacts on grid reliability, market distortions, and the availability of dispatchable generation during periods of peak demand and extreme weather; and

WHEREAS, under the leadership of President Donald Trump, executive actions, including the "unleashing American energy" executive order, emphasized the importance of maintaining domestic energy reliability, reducing regulatory barriers, and promoting fair competition for all energy resources on a level playing field; and

WHEREAS, North Dakota supports a diversified energy strategy that includes thermal, renewable, and emerging technologies, such as hydrogen and carbon capture, utilization, and storage, to ensure the state and the nation have access to an affordable, reliable, and resilient energy grid;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly urges Southwest Power Pool and Midcontinent Independent System Operator to take immediate and decisive actions to maintain the reliability of the bulk power system by addressing market failures that have allowed capacity retirements to outpace replacement; and

BE IT FURTHER RESOLVED, that the Sixty-ninth Legislative Assembly urges the Public Service Commission and North Dakota Transmission Authority to advocate for policies at Midcontinent Independent System Operator and Southwest Power Pool that fairly compensate dispatchable base-load energy resources, accurately value all generation resources based on contributions to grid reliability, and ensure the availability of generation at all hours to meet demand; and

BE IT FURTHER RESOLVED, that market structures must reflect and promote a balanced energy mix by valuing thermal, renewable, and emerging resources based on the utility's ability to maintain grid reliability, affordability, and resilience; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Federal Energy Regulatory Commission, Public Service Commission, North Dakota Transmission Authority, each member of the North Dakota Congressional Delegation, Midcontinent Independent System Operator, and Southwest Power Pool.

Filed March 21, 2025

CHAPTER 626

HOUSE CONCURRENT RESOLUTION NO. 3016

(Representatives Novak, D. Anderson, Heinert, J. Olson, Porter)
(Senators Hogue, Patten)

A concurrent resolution recognizing the benefits of enhanced oil recovery and encouraging the State of North Dakota and federal government to maintain favorable policies that support the development of carbon capture technology and utilization of carbon dioxide as a commodity for advancing energy security.

WHEREAS, the Bakken Formation is a world-class energy resource yielding 1.2 million barrels of oil per day; and

WHEREAS, North Dakota's oil industry contributes approximately \$8 million per day in extraction and production tax revenues, \$26 billion since 2008, and over half of total state tax revenues annually; and

WHEREAS, oil and gas tax revenues contribute to the well-being of the state, providing a stable tax base, prospering economy, well-paying jobs, and energy security; and

WHEREAS, current recovery methods produce only a small portion of the Bakken Formation's estimated oil in place; and

WHEREAS, it is estimated that utilization of enhanced oil recovery methods could unlock several billion barrels more of incremental oil production, and extend Bakken Formation production by several decades; and

WHEREAS, North Dakota's coal industry supports nearly 12,000 jobs in the state, contributes \$2 billion in gross domestic product, and \$100 million in state and local tax revenues; and

WHEREAS, the coal industry has been a leader in pursuing technologies to capture carbon dioxide from its coal-fired power and gasification facilities; and

WHEREAS, carbon dioxide captured from North Dakota's energy and agriculture facilities is a valuable commodity that will be necessary to achieve full deployment of enhanced oil recovery in North Dakota's oil shale formations and conventional reservoirs; and

WHEREAS, the state has been a leader in investing in research and development to unleash the full potential of all its energy resources, and in creating a regulatory environment that fosters the development of carbon capture, utilization, and storage technologies; and

WHEREAS, successful deployment of enhanced oil recovery will unlock the full potential of the Bakken Formation, enhance North Dakota's coal industry, and support the continued growth of North Dakota's energy industries, supporting the Trump Administration's goals of achieving energy dominance and energy security;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly recognize the benefits of enhanced oil recovery and encourage the State of North Dakota and federal government to maintain favorable policies that support the development of carbon capture technology and utilization of carbon dioxide as a commodity for advancing energy security; and

BE IT FURTHER RESOLVED, that the federal government is urged to develop policies that encourage and incentivize utilization of carbon dioxide for enhanced oil recovery; and

BE IT FURTHER RESOLVED, that the federal government is urged to increase its partnership with the State of North Dakota and its energy industries to advance carbon capture technologies and enhanced oil recovery in the Bakken Formation; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Secretary of the Department of Energy, the Secretary of the Department of the Interior, and each member of the North Dakota Congressional Delegation.

Filed March 21, 2025

CHAPTER 627

HOUSE CONCURRENT RESOLUTION NO. 3017

(Representatives Novak, D. Anderson, Dockter, J. Olson, S. Olson, Porter, Tveit)
(Senators Kessel, Patten, Boehm)

A concurrent resolution recognizing December 6th as annual "Miner's Day" to honor the hard work and dedication of coal miners, whose critical efforts provide reliable and affordable energy to millions of people, fuel economic growth, and support the energy security of North Dakota and the region.

WHEREAS, North Dakota's lignite coal industry is a cornerstone of the state's economy, contributing over \$5.5 billion in total business activity, employing 12,000 individuals with some of the highest wages in the state, and generating \$100 million in tax revenue to support schools, infrastructure, and public services; and

WHEREAS, lignite coal generates 55 percent of North Dakota's electricity, providing affordable and reliable power to more than 2 million families and businesses throughout the upper Midwest while supporting regional energy security; and

WHEREAS, North Dakota consistently ranks among the states with the lowest residential electricity rates in the nation, with an average rate of 11.44 cents per kilowatt-hour as of 2025, ranking second-lowest in the United States, largely due to coal serving as the dominant source of electricity generation in the state, which ensures reliability and affordability for residents; and

WHEREAS, North Dakota has an estimated 800-year supply of economically recoverable lignite coal reserves, ensuring long-term energy independence and resource stability for the state and the nation; and

WHEREAS, recent studies by the North Dakota Geological Survey have confirmed the presence of significant concentrations of rare earth elements in the state's lignite coal deposits, including samples that surpass the United States Department of Energy's economic extraction threshold of 300 parts per million; and

WHEREAS, the extraction of critical minerals and rare earth elements from this state's lignite coal seams and associated deposits offers the state an opportunity to diversify its economy, create high-value careers, and establish itself as a leader in this emerging sector; and

WHEREAS, value-added uses of lignite coal, such as activated carbon, synthetic graphite, critical mineral and rare earth element extraction, and advanced materials, demonstrate the versatility and economic potential of coal as a resource that extends beyond power generation; and

WHEREAS, responsible development of these resources can be achieved by ensuring environmental stewardship, protecting freshwater supplies, and supporting land reclamation practices that align with prior land use and productivity; and

WHEREAS, advancements in carbon capture technologies have unlocked opportunities to transform carbon dioxide emissions from coal-based energy production into valuable commodities, including fertilizers, industrial chemicals, enhanced oil recovery products, and low-carbon fuels, which benefit North Dakota's agricultural and industrial sectors; and

WHEREAS, carbon dioxide is critical for plant life and global food production through photosynthesis, and North Dakota's lignite coal industry is well-positioned to support agricultural innovation by converting captured carbon into sustainable agricultural products; and

WHEREAS, the development and deployment of lignite coal technologies create economic diversification, expand market opportunities, and ensure the long-term sustainability of coal as a critical resource for North Dakota; and

WHEREAS, federal regulations have created a de facto ban on the construction of new coal-based power plants by imposing economically unfeasible requirements, jeopardizing the continued operation of existing plants and discouraging private investment; and

WHEREAS, federal policies and tax incentives have provided subsidies to renewable energy resources for over 30 years, creating market imbalances that place coal at a competitive disadvantage and hinder its ability to contribute to a balanced, reliable, and affordable energy mix; and

WHEREAS, North Dakota serves as a model for responsible resource development, consistently reclaiming mined land to a condition equal to or better than its original state and meeting all federal ambient air quality standards, one of only four states to have never violated those standards; and

WHEREAS, affordable, reliable energy is the backbone of established industries in North Dakota, Minnesota, and South Dakota such as agriculture, manufacturing, and energy production and is vital for supporting the growth of emerging technologies and innovations across the Upper Midwest; and

WHEREAS, advancements in energy technologies offer enormous potential to ensure the continued use of lignite coal while reducing emissions and contributing to environmental sustainability; and

WHEREAS, President Donald J. Trump declared a national energy emergency in January 2025, emphasizing the importance of using domestic energy resources, including lignite coal, to strengthen the reliability and affordability of energy for the United States; and

WHEREAS, the administration's "unleashing American energy" executive order calls for the expansion of energy exploration and production on federal lands and waters, reducing barriers to development and promoting the use of reliable resources such as coal; and

WHEREAS, President Donald J. Trump directed the Environmental Protection Agency to review and reconsider the 2009 Endangerment Finding, which classified greenhouse gases as harmful to public health, potentially paving the way for balanced, economically viable regulations that protect both the environment and energy production; and

WHEREAS, the repeal of the Endangerment Finding would eliminate regulatory barriers that have effectively prevented the construction of new coal-based power plants, allowing for the development of efficient, cost-effective, and environmentally responsible coal technologies;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly recognizes December 6th as "Miner's Day" to honor the hard work and dedication of coal miners, whose critical efforts provide reliable and affordable energy to millions of people, fuel economic growth, and support the energy security of North Dakota and the region; and

BE IT FURTHER RESOLVED, that the federal government is urged to refrain from enacting regulations that jeopardize the reliability and affordability of electric power in North Dakota, while supporting policies that improve market conditions for base-load electricity, encourage the expansion of generation resources, and accelerate research, development, and deployment of technologies essential to the lignite plant of the future; and

BE IT FURTHER RESOLVED, that the federal government is urged to review and repeal the 2009 Endangerment Finding to enable a balanced regulatory framework that supports coal-based energy production and economic growth while addressing environmental concerns; and

BE IT FURTHER RESOLVED, that the federal government is urged to revise policies and regulations that unfairly disadvantage coal-based energy production, ensuring a level playing field that allows all energy resources, including coal, natural gas, nuclear, and renewables, to compete fairly in the electricity marketplace; and

BE IT FURTHER RESOLVED, that the federal government work collaboratively with the state of North Dakota, the North Dakota Congressional Delegation, and the lignite coal industry to develop regulatory frameworks based on sound science, the status of existing technologies, and economically feasible timelines; and

BE IT FURTHER RESOLVED, that federal agencies increase their partnership with North Dakota to accelerate technological advancements in critical and rare earth minerals, carbon capture and other innovations to ensure the continued operation of coal-based facilities while reducing emissions; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Administrator of the United States Environmental Protection Agency, the Secretary of the Department of Energy, the Secretary of the Department of the Interior, and each member of the North Dakota Congressional Delegation.

Filed March 21, 2025

CHAPTER 628

HOUSE CONCURRENT RESOLUTION NO. 3018

(Representatives Beltz, Brandenburg, Frelich, Grueneich, Mitskog, Schreiber-Beck,
Swiontek, Weisz)
(Senators Sorvaag, Thomas, Wanzek)

A concurrent resolution directing the Legislative Management to consider studying water and wetlands regulations and the taxation of inundated lands in the state.

WHEREAS, the management of water and wetlands resources is a complex issue with significant implications for public health, economic development, and agriculture; and

WHEREAS, determining the boundaries of specific wetlands is imperative to protect both public and private property losses; and

WHEREAS, the jurisdiction over water and wetlands often is unclear and involves multiple levels of government, including federal, state, and local agencies; and

WHEREAS, overlapping jurisdictions can create confusion, delays, and inconsistencies in the regulation and management of water and wetlands; and

WHEREAS, boards of county commissioners are authorized to remove from the tax rolls all inundated lands, often resulting in inconsistent application; and

WHEREAS, seasonal wet areas and meltwater concentrations are considered jurisdictional wetlands by some authorities; and

WHEREAS, despite being a jurisdictional wetland, these areas are nuisance areas where crops cannot grow for most of the year, and only become productive acres after the initial spring runoff; and

WHEREAS, seasonal wet areas can create concentrations of salts and other substances that permanently impair soil and soil productivity; and

WHEREAS, seasonal wet areas become dry in the summer and serve little value as a wildlife habitat; and

WHEREAS, a comprehensive study of the jurisdictional framework is necessary to identify potential conflicts, overlaps, and gaps in authority and tax treatment; and

WHEREAS, a study will provide valuable information to the Legislative Assembly in developing effective and efficient policies for the protection and management of water and wetlands resources; and

WHEREAS, addressing confusion and property disputes caused by the declaration of navigability and property titles deriving from patents issued by the United States will provide valuable information to the Legislative Assembly concerning the determination of lawful ownership and tax treatment;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management shall consider studying water and wetlands regulations and the taxation of inundated lands in the state; and

BE IT FURTHER RESOLVED, that the study must include a review of the different methods to assess and document boundaries for wetlands; an examination of the regulation of water, wetlands, and inundated lands laws of other states; an inventory of all federal, state, and local laws, regulations, and policies relating to the jurisdiction of water and wetlands; an analysis of the environmental protection and public health jurisdictional framework, including an identification of potential conflicts, overlaps, and gaps in authority; and recommendations for improving the clarity, consistency, and efficiency of the jurisdictional framework in water management; and

BE IT FURTHER RESOLVED, that the study also must explore viable legal options to fill and drain nuisance areas, examine the impacts of seasonal wet areas on agriculture productivity and soil health, and identify the value of these areas to resident wildlife; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Seventieth Legislative Assembly.

Filed April 22, 2025

CHAPTER 629

HOUSE CONCURRENT RESOLUTION NO. 3019

(Representatives Holle, Bahl, Henderson, Koppelman, Rohr, Louser, Novak, Rios)
(Senators Hogue, Magrum, Thomas, Cory)

A concurrent resolution congratulating Donald J. Trump on his inauguration as President of the United States.

WHEREAS, the citizens of the United States, including the steadfast people of North Dakota, have exercised their constitutional right to vote and Donald J. Trump has been duly elected as the 47th President of the United States, with J.D. Vance elected as Vice President; and

WHEREAS, President Trump secured a resounding landslide victory in North Dakota, winning 51 of the 53 counties in the state; and

WHEREAS, President Trump survived an assassination attempt on July 13, 2024, sustaining a gunshot wound to his right ear, and a second assassination attempt was thwarted on September 15, 2024; and

WHEREAS, the Sixty-ninth Legislative Assembly wholeheartedly supports President Trump's unwavering commitment to strengthening the United States through sound governance, a robust economy, and the promotion of unity among its citizens; and

WHEREAS, the state of North Dakota stands in support of President Trump's border policies, including efforts to secure the southern border and enforce immigration laws, aiming to protect the nation's sovereignty, ensure public safety, and uphold the rule of law; and

WHEREAS, President Trump's leadership and commitment to conservative principles resonate with the citizens of North Dakota, reflecting shared values of individual liberty, economic prosperity, and steadfast adherence to the founding principles of our nation; and

WHEREAS, North Dakota recognizes the paramount importance of supporting the Office of the President to ensure a prosperous, secure, and sovereign future for all Americans;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly proudly congratulates President Donald J. Trump on his inauguration and expresses confidence in his ability to lead the nation during his term with strength and integrity; and

BE IT FURTHER RESOLVED, that the Secretary of State deliver a copy of this resolution to the President of the United States Donald J. Trump, to the Vice President of the United States J.D. Vance, and to each member of the North Dakota Congressional Delegation.

Filed March 21, 2025

CHAPTER 630

HOUSE CONCURRENT RESOLUTION NO. 3024

(Representative Kempenich)

A concurrent resolution urging the United States Congress to transfer the management of all national grassland property within the state from the United States Forest Service to the Natural Resources Conservation Service.

WHEREAS, North Dakota is home to over 1 million acres of land within national grasslands administered by the United States Forest Service; and

WHEREAS, the United States Forest Service provides sustainable management, conservation, use, and stewardship of natural and cultural resources in national forests in the United States; and

WHEREAS, the Bankhead-Jones Farm Tenant Act [50 Stat. 522, 7 U.S.C. 1010, et seq.], which created the national grasslands, was intended to assist in controlling soil erosion, reforestation, preserving natural resources, developing and protecting recreational facilities, mitigating floods, developing energy resources, conserving surface and surface moisture, protecting the watersheds of navigable streams, and protecting public lands; and

WHEREAS, the Natural Resources Conservation Service assists local operations to sustain productive agricultural lands and improve the quality of air, water, soil, and habitat; and

WHEREAS, the mission of the Natural Resources Conservation Service is closely aligned to implement the intent of the Bankhead-Jones Farm Tenant Act and manage the national grasslands within this state;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly urges Congress to transfer the management of all national grassland lands within the state from the United States Forest Service to the Natural Resources Conservation Service; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Secretary of the Interior, and each member of the North Dakota Congressional Delegation.

Filed March 21, 2025

CHAPTER 631

HOUSE CONCURRENT RESOLUTION NO. 3025

(Representatives Hendrix, Koppelman, Marschall, Morton)
(Senators Braunberger, Roers, Powers)

A concurrent resolution honoring the police and first responders of Fargo, North Dakota.

WHEREAS, on July 14, 2023, Fargo police officers and first responders courageously responded to a tragic shooting incident that claimed a precious life and endangered public safety; and

WHEREAS, Officers Andrew Dotas and Tyler Hawes, along with civilian Karlee Koswick, were injured during this incident, demonstrating bravery under extreme circumstances; and

WHEREAS, Sergeant Zach Robinson, with skill and disciplined focus while under the most difficult of circumstances, exercised amazing heroism in neutralizing the threat posed to the Fargo community; and

WHEREAS, the swift actions of first responders prevented further loss of life and ensured public safety during this critical event; and

WHEREAS, Officer Jake Wallin of the Fargo Police Department made the ultimate sacrifice in the line of duty while protecting his community;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly honors Officer Jake Wallin for his heroism and extends heartfelt condolences to his family, friends, and colleagues; commends Officer Andrew Dotas, Officer Tyler Hawes, and Sergeant Zach Robinson, for their bravery and resilience in the face of danger; expresses sincerest gratitude to our nurses, doctors, and all other first responders for their dedication to serving and protecting the Fargo community; and encourages continued support for law enforcement officers and first responders who risk their lives daily to ensure public safety; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Fargo Police Department, Officer Andrew Dotas, Officer Tyler Hawes, Sergeant Zach Robinson, Karlee Koswick, and the fiancé and family of Officer Jake Wallin.

Filed April 17, 2025

CHAPTER 632

HOUSE CONCURRENT RESOLUTION NO. 3027

(Representatives Lefor, Ista)

A concurrent resolution declaring February 13, 2025, as "Giving Hearts Day."

WHEREAS, Giving Hearts Day was started in 2008 by the Dakota Medical Foundation and Impact Foundation as the first 24-hour regional giving event of its kind, with the Alex Stern Family Foundation joining in 2014; and

WHEREAS, givingheartsdays.org is a gateway for North Dakota citizens and beyond to support hundreds of charitable organizations working to improve health and quality of life across our state; and

WHEREAS, the Dakota Medical Foundation, Impact Foundation, and Alex Stern Family Foundation jointly support the training and coaching of nonprofit organizations to dramatically improve and expand their impact in their communities; and

WHEREAS, since inception, Giving Hearts Day has raised more than \$195 million to support regional charities, and last year, 612 charities received \$29.3 million through 40,000 caring donors who gave 87,000 gifts, made 1,722 volunteer pledges, and donated more than 5,000 pounds of food and other goods; and

WHEREAS, Giving Hearts Day 2025 includes nearly 625 charitable causes, and offers more than \$250 million in awards and incentives spanning across the entire state of North Dakota and northwestern Minnesota; and

WHEREAS, Giving Hearts Day has set a bold goal to build the most generous region in the nation by 2028, supporting North Dakota in becoming the number one state for volunteerism and donated goods and making Giving Hearts Day the number one giving day in the nation;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly declares February 13, 2025, as "Giving Hearts Day"; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Dakota Medical Foundation, Impact Foundation, and the Alex Stern Family Foundation.

Filed February 13, 2025

CHAPTER 633

HOUSE CONCURRENT RESOLUTION NO. 3028

(Representatives Vetter, Christianson, D. Johnston, Klemin, O'Brien, Satrom,
Schauer)
(Senators Cory, Myrdal, Luick, Rummel, Paulson)

A concurrent resolution directing the Legislative Management to consider studying human trafficking victim service and re-entry programs.

WHEREAS, human trafficking is a crime involving the exploitation of an individual for purposes of compelled labor or commercial sexual acts through the use of force, fraud, or coercion; and

WHEREAS, human trafficking causes a loss of basic human rights, severe mental health issues, and substance abuse; and

WHEREAS, human trafficking is identified as a critical issue in North Dakota, impacting hundreds of victims annually;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying human trafficking victim service and re-entry programs; and

BE IT FURTHER RESOLVED, the study include an assessment of current human trafficking victim re-entry services, including services to protect victims from predatory offenders, policies, practices, data and resource allocation with the goal of identifying opportunities to implement services to help victims effectively re-enter society; and

BE IT FURTHER RESOLVED, in conducting the study, the Legislative Management shall seek input from law enforcement, the Attorney General's office, nonprofit organizations, and other stakeholders; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Seventieth Legislative Assembly.

Filed April 17, 2025

CHAPTER 634

HOUSE CONCURRENT RESOLUTION NO. 3029

(Representatives Dobervich, Ista, Davis)
(Senators Braunberger, Boschee)

A concurrent resolution directing the Legislative Management to consider studying inpatient services, community-based services, and existing waivers for treatment and support of individuals with neurological conditions and behavioral symptoms that put the individual at risk for incarceration, inappropriate placement, or homelessness.

WHEREAS, the 69th Legislative Assembly recognizes that behavioral symptoms of neurological conditions often result in incarceration, inappropriate placement in geriatric psychiatry care facilities, long-term placement at the state hospital, and high rates of homelessness; and

WHEREAS, the 69th Legislative Assembly recognizes the value in collecting and analyzing data regarding existing inpatient services, community-based services, and waivers for treatment and support of individuals with neurological conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying inpatient services, community-based services, and existing waivers for treatment and support of individuals with neurological conditions and behavioral symptoms that put the individual at risk for incarceration, inappropriate placement, or homelessness; and

BE IT FURTHER RESOLVED, that the study include an analysis of available data, identification of gaps in services, a review of appropriate treatment and support services, and recommendations for a waiver program, new level of care, and appropriate placement guidelines, to fund and deliver services to meet the care and support needs of individuals living with a neurological condition; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Seventieth Legislative Assembly.

Filed March 27, 2025

CHAPTER 635

HOUSE CONCURRENT RESOLUTION NO. 3030

(Representatives Satrom, Grueneich, Klemin, Ostlie)

(Senators Conley, Hogue, Dwyer)

(Approved by the Delayed Bills Committee)

A concurrent resolution to strengthen the sister-state relations between the State of North Dakota and Taiwan and to reaffirm support for Taiwan's international participation.

WHEREAS, North Dakota and Taiwan have enjoyed a mutually beneficial sister-state relationship since 1986; and

WHEREAS, Taiwan shares the same values of freedom, democracy, rule of law, and respect for human rights as North Dakota; and

WHEREAS, North Dakota and Taiwan have enjoyed a mutually beneficial bilateral trade relationship; and

WHEREAS, negotiations for a fair and reciprocal bilateral trade agreement between Taiwan and the United States are an important step toward further strengthening of bilateral trade and mutual investment between North Dakota and Taiwan; and

WHEREAS, Taiwan, as a responsible stakeholder in the international community, is seeking to meaningfully participate in the United Nations, the World Health Organization, the United Nations Framework Convention on Climate Change, the International Criminal Police Organization, the International Civil Aviation Organization, and the Indo-Pacific Economic Framework for Prosperity launched by the United States;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly commends Taiwan's vibrant democracy, celebrates the 39th anniversary of North Dakota's sister-state relationship with Taiwan, recognizes North Dakota's trade relationship and academic exchange program with Taiwan, supports the signing of the Agreement on Avoidance of Double Taxation between the United States and Taiwan to further bilateral investment activities, and advocates for Taiwan's inclusion in the Indo-Pacific Economic Framework for Prosperity and international organizations that are important to the health, safety, and well-being of Taiwan's people and the world; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, United States Secretary of State, Governor of the Taiwan Provincial Government, Prime Minister of Australia, Prime Minister of Brunei Darussalam, President of India, President of Indonesia, Prime Minister of Japan, President of the Republic of Korea, Prime Minister of Malaysia, Prime Minister of New Zealand, President of the Philippines, President of the Republic of Singapore, Prime Minister of Thailand, President of the Socialist Republic of Vietnam, Chair of the Executive Board of the World Health Organization, Executive Secretary of the United Nations Framework Convention on Climate Change, Secretary General of the International Civil Aviation Organization, and the Director General of the Taipei Economic and Cultural Office in Denver, Colorado.

Filed April 3, 2025

SENATE CONCURRENT RESOLUTIONS

CHAPTER 636

SENATE CONCURRENT RESOLUTION NO. 4001

(Legislative Management)
(Budget Section)

A concurrent resolution authorizing the Budget Section of the Legislative Management to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

WHEREAS, the Congress of the United States enacted the Omnibus Budget Reconciliation Act of 1981 creating the community services block grant program; and

WHEREAS, the Legislative Assembly is required to conduct public hearings; and

WHEREAS, the Appropriations Committees have met the public hearing requirement for community services block grant program money expected for the next biennium by the Department of Commerce; and

WHEREAS, the Sixty-ninth Legislative Assembly cannot hold public hearings on revisions to current block grants or additional block grants that may be approved by Congress after recess or adjournment of the Legislative Assembly; and

WHEREAS, the Legislative Assembly will not meet in regular session during 2026, and thus its public hearing responsibility for grants not approved by the Sixty-ninth Legislative Assembly must be delegated to a legislative entity;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Department of Commerce appropriation bill enacted by the Legislative Assembly is the Legislative Assembly's approval of and contains directions regarding the use of community services block grant program money for the period ending September 30, 2027; and

BE IT FURTHER RESOLVED, that the Budget Section of the Legislative Management may hold the public legislative hearings required for the receipt of additional block grants or other federal moneys under the Omnibus Budget Reconciliation Act of 1981 or other relevant federal statutes; and

BE IT FURTHER RESOLVED, that the authority granted by this resolution is in effect during the period from the recess or adjournment of the Sixty-ninth Legislative

Assembly through September 30, 2027, and the Budget Section may provide public notice and hold the hearings authorized by this resolution using the methods and procedures it deems appropriate.

Filed April 1, 2025

CHAPTER 637

SENATE CONCURRENT RESOLUTION NO. 4002

(Senators Conley, Hogue, Thomas, Wanzek)
(Representatives Headland, Lefor)

A concurrent resolution urging Congress to enact legislation allowing a landowner to terminate a perpetual easement owned by the United States Fish and Wildlife Service within the state.

WHEREAS, the Constitution of North Dakota provides all individuals are by nature equally free and independent and have certain inalienable rights, among which are those of acquiring, possessing, and protecting property and reputation; and

WHEREAS, Section 47-05-02.1 of the North Dakota Century Code is evidence of the state's strong aversion to perpetual easements on real property in the state; and

WHEREAS, despite the law limiting perpetual easements, the United States Fish and Wildlife Service owns tens of thousands of perpetual easements in the state covering more than one million acres, many of which are located on agricultural land; and

WHEREAS, under these perpetual easements, the United States Fish and Wildlife Service enforces unduly burdensome federal regulations and requirements; and

WHEREAS, the imposition and enforcement of these federal requirements negatively infringes on basic private property rights, including the ability to drain ponds, plant crops, and conduct ranching operations; and

WHEREAS, landowners subject to these perpetual easements should be afforded the opportunity to terminate the easements by paying to the United States Fish and Wildlife Service the purchase price of the easement on the effective date of the easement;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly urges Congress to enact legislation allowing a landowner to terminate a perpetual easement owned by the United States Fish and Wildlife Service within the state; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the Secretary of the Interior, each member of the North Dakota Congressional Delegation, and the Governors of Iowa, Minnesota, Missouri, Montana, North Dakota, and South Dakota.

Filed April 3, 2025

CHAPTER 638

SENATE CONCURRENT RESOLUTION NO. 4005

(Senator Dever)
(Representative Novak)

A concurrent resolution designating House and Senate employment positions and fixing compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That for the Sixty-ninth Legislative Assembly, the following positions are designated as employee positions of the House and Senate and are to be paid the daily wages indicated:

HOUSE

Chief clerk	\$239
Assistant chief clerk	213
Journal reporter	228
Calendar clerk	213
Bill and recording clerk	207
Sergeant-at-arms	190
Administrative assistant to majority leader	207
Staff assistant to majority leader	207
Administrative assistant to minority leader	207
Staff assistant to minority leader	207
Administrative assistant to Speaker	207
Deputy chief clerk	220
Quality assurance clerk	207
Procedural appropriations committee clerk	207
Technological appropriations committee clerk	207
Procedural assistant appropriations committee clerk	200
Technological assistant appropriations committee clerk	200
Procedural committee clerk	200
Technological committee clerk	200
Deputy sergeant-at-arms	160
Assistant sergeant-at-arms	149
Chief legislative assistant	161
Legislative assistant - page	136

SENATE

Secretary of the Senate	\$239
Assistant secretary of the Senate	213
Journal reporter	228
Calendar clerk	213
Bill and recording clerk	207
Sergeant-at-arms	190

Administrative assistant to majority leader	207
Staff assistant to majority leader	207
Administrative assistant to minority leader	207
Staff assistant to minority leader	207
Chief committee clerk	220
Quality assurance clerk	207
Procedural appropriations committee clerk	207
Technological appropriations committee clerk	207
Procedural assistant appropriations committee clerk	200
Technological assistant appropriations committee clerk	200
Procedural committee clerk	200
Technological committee clerk	200
Deputy sergeant-at-arms	160
Assistant sergeant-at-arms	149
Chief page	161
Legislative assistant - page	136
Legislative assistant - supply room coordinator	149

BE IT FURTHER RESOLVED, that each employee of the Sixty-ninth Legislative Assembly is entitled to an additional \$1 per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least 45 days, as either an employee of the House or the Senate, and to receive this additional compensation, which may not exceed \$10 per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

BE IT FURTHER RESOLVED, that each majority and each minority leader is entitled to one administrative assistant and two staff assistants, but each majority or minority leader may hire fewer or more assistants so long as the total daily compensation for the assistants hired does not exceed the total daily amount authorized for those positions by this resolution; and

BE IT FURTHER RESOLVED, that the report of the Employment Committee of the respective house identify the number of employees in each position by listing every employee and the position for which employed; and

BE IT FURTHER RESOLVED, that with the approval of the Employment Committee of the respective house, a position may be converted to a part-time position, with the daily compensation converted to a per-hour rate of pay, and a part-time employee may hold more than one part-time position so long as the positions held do not exceed a full-time equivalent position; and

BE IT FURTHER RESOLVED, an employee is entitled to pay for any day the Legislative Assembly is in recess and any employee is required to be present for committee hearings or other legislative business; and

BE IT FURTHER RESOLVED, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

Filed January 21, 2025

CHAPTER 639

SENATE CONCURRENT RESOLUTION NO. 4006

(Senators Boschee, Patten, Rummel)
(Representatives Lefor, J. Olson, Steiner)

A concurrent resolution urging Congress to establish federal protections for the wild horse herd at Theodore Roosevelt National Park.

WHEREAS, Theodore Roosevelt was an American statesman, conservationist, historian, and writer, who served as the twenty-sixth President of the United States; and

WHEREAS, in 1978, Theodore Roosevelt National Park became the only national park named directly for a single person; and

WHEREAS, the wild horse herd, which was present during Theodore Roosevelt's era and contributes to the historical setting and the culture of North Dakota, should be preserved as part of our state's history; and

WHEREAS, the wild horses of Theodore Roosevelt National Park bring tourism and economic benefits to the state; and

WHEREAS, there are significant concerns regarding the management of the wild horse herd by Theodore Roosevelt National Park and the long-term health and preservation of the herd;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly urges Congress to enact legislation establishing federal protections for the wild horse herd of Theodore Roosevelt National Park to ensure the long-term health and preservation of the herd for generations to come; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Secretary of the Interior, the Director of the National Park Service, the Superintendent of the Theodore Roosevelt National Park, the House Subcommittee on Public Lands and Environmental Regulation, the Senate Subcommittee on National Parks, and to each member of the North Dakota Congressional Delegation.

Filed April 1, 2025

CHAPTER 640

SENATE CONCURRENT RESOLUTION NO. 4012

(Senators Klein, Erbele, Lemm)
(Representatives Beltz, Nelson)

A concurrent resolution urging Congress to permit the use of M-44 sodium cyanide devices on any land.

WHEREAS, M-44 sodium cyanide devices are effective tools used to control wild animals that prey upon livestock, as well as threatened and endangered species; and

WHEREAS, the United States Department of Agriculture Wildlife Services uses the M-44 sodium cyanide devices to control predators and assist livestock producers; and

WHEREAS, when properly used, M-44 sodium cyanide devices pose no occupational risk to humans; and

WHEREAS, United States Department of Agriculture Wildlife Services has employed strict safety precautions including the use of warning signs; and

WHEREAS, the loss of the M-44 sodium cyanide device has impaired the duties of the United States Department of Agriculture Wildlife Services and its ability to address predator control;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly urges Congress to permit the use of M-44 sodium cyanide devices on any land; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Majority and Minority Leaders of the United States Senate, the Majority and Minority Leaders of the United States House of Representatives, and each member of the North Dakota Congressional Delegation.

Filed April 3, 2025

CHAPTER 641

SENATE CONCURRENT RESOLUTION NO. 4013

(Senators Sickler, Erbele, Klein, Meyer)
(Representative Bahl)

A concurrent resolution to support the electoral college, denounce the National Popular Vote Interstate Compact, and invite interested states to form the Electoral College Interstate Compact.

WHEREAS, the electoral college system respects states as the essential units in our federal republic, protecting states' power and voice in presidential elections; and

WHEREAS, the electoral college system creates an appropriate balance between rural and urban interests and ensures the winning candidate has support from multiple regions of the country; and

WHEREAS, the electoral college system ensures each state's electoral votes are awarded based on how the state's citizens vote; and

WHEREAS, the nation's founders' rejected a national popular vote for president and instead created the Electoral College; and

WHEREAS, the National Popular Vote Interstate Compact diminishes the importance of individual states in presidential elections, creates the potential for nationwide recounts, and opens the door to greater federal control of elections; and

WHEREAS, the constitutionality of the National Popular Vote Interstate Compact is doubtful because it appears to violate the Compact Clause of the United States Constitution and the intent of the electoral college clauses;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly supports the Electoral College and believes the National Popular Vote Interstate Compact may be unconstitutional; and

BE IT FURTHER RESOLVED, in response to the creation of the National Popular Vote Interstate Compact, North Dakota and all other interested states should consider forming an Electoral College Interstate Compact, which would prohibit requiring state electors to cast electoral college votes in accordance with the national popular vote count for President and require the compact states to legally challenge the constitutionality of the National Popular Vote Interstate Compact; and

BE IT FURTHER RESOLVED, this state proposes forming the Electoral College Interstate Compact when four other states declare intent to form the Electoral College Interstate Compact, at which time the interested states shall take appropriate steps to organize and form the compact; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Secretaries of State and majority and minority leaders in each legislative chamber in the states of Alabama, Alaska, Arkansas, Arizona, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, and Wyoming.

Filed March 26, 2025

CHAPTER 642

SENATE CONCURRENT RESOLUTION NO. 4017

(Senators Enget, Hogan, Hogue, Klein, Mathern)

A concurrent resolution directing the Legislative Management to consider studying the detrimental impacts of pornography.

WHEREAS, sexually explicit content is widely available and consumers often are unaware of the risk posed by such material; and

WHEREAS, children may be exposed to pornography and early exposure may lead to low self-esteem, body image disorders, unhealthy sexual expectations, and the association of violence with sexual gratification; and

WHEREAS, the adult entertainment industry produces media that objectifies women and children, and depicts rape and abuse, perpetuating the demand for sex trafficking, prostitution, child pornography, and sexual abuse images; and

WHEREAS, pornography has been linked to detrimental effects and societal problems, and it is of paramount importance that our leaders address this issue;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Management consider studying the detrimental impacts of pornography; and

BE IT FURTHER RESOLVED, that the study analyze the current efforts for education, prevention, and research related to the consequences of pornography, examine potential policy changes, and include input from the relevant state agencies and other stakeholders; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Seventieth Legislative Assembly.

Filed April 28, 2025

CHAPTER 643

SENATE CONCURRENT RESOLUTION NO. 4018

(Senators Boschee, Klein)
(Representatives Fegley, Frelich, Porter, Weisz)

A concurrent resolution urging the Capitol Grounds Planning Commission to initiate the planning and development of a line of duty death memorial dedicated to honoring both volunteer and career Emergency Medical Services personnel who have lost their lives in service to the state.

WHEREAS, Emergency Medical Services personnel, both volunteer and career, serve the citizens of North Dakota with dedication and professionalism, often placing themselves in harms way to provide critical care; and

WHEREAS, the nature of Emergency Medical Services work exposes individuals to significant risk, leading to line of duty deaths that profoundly impact families, communities, and the state; and

WHEREAS, North Dakota has a substantial Emergency Medical Services workforce, including 688 paramedics, 1,703 emergency medical technicians, 1,547 emergency medical responders, and 1,075 emergency vehicle operators, who collectively ensure the health and safety of residents across the state; and

WHEREAS, the Capitol Grounds Planning Commission is vested with the authority to approve the style, exterior construction, and site of any monument, memorial, or work of art on the Capitol grounds, as well as to accept or reject gifts intended for such purposes; and

WHEREAS, establishing a memorial on the Capitol grounds would serve as a lasting tribute to the Emergency Medical Services personnel who have made the ultimate sacrifice in the line of duty;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly urges the Capitol Grounds Planning Commission to initiate the planning and development of a line of duty death memorial dedicated to honoring both volunteer and career Emergency Medical Services personnel who have lost their lives in service to the state; and

BE IT FURTHER RESOLVED, that the Capitol Grounds Planning Commission collaborate with the Emergency Medical Services Division of the Department of Health and Human Services, the North Dakota Emergency Medical Services Association, and other associated organizations to ensure the memorial appropriately reflects the sacrifices of these individuals; and

BE IT FURTHER RESOLVED, that the Capitol Grounds Planning Commission explore potential funding sources, including public and private donations, grants, and other appropriate sources, to finance the design, construction, and maintenance of the memorial; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate forward copies of this resolution to the members of the Capitol Grounds Planning Commission and the Director of the North Dakota Office of Management and Budget.

Filed March 19, 2025

CHAPTER 644

SENATE CONCURRENT RESOLUTION NO. 4019

(Senators Boschee, Axtman)
(Representatives Richter, Schreiber-Beck)

A concurrent resolution directing the Legislative Management to consider studying reading and mathematics proficiency rates among students in the state with disabilities and the effectiveness of current educational policies, programs, and resource allocations in addressing any disparities.

WHEREAS, North Dakota recognizes the importance of providing equitable and sufficient funding to meet the needs of students requiring special education services; and

WHEREAS, over the past 50 years, the Education for All Handicapped Children Act [Pub. L. 94-142; 89 Stat. 773], later reauthorized as the Individuals with Disabilities Education Act of 1990 [20 U.S.C. 1400 et seq.] has ensured children with disabilities have the right to a free, appropriate public education and has significantly expanded access to education for millions of students, reduced discriminatory practices, and established critical frameworks for individualized learning plans and inclusion in general education settings; and

WHEREAS, approximately 16 percent of the student population in the state has been identified as having disabilities and receiving special education services; and

WHEREAS, the North Dakota Kindergarten through Grade Twelve Education Coordination Council has established the goal to reduce the disparity in achievement for students with disabilities, students in poverty, and Native American students; and

WHEREAS, transparency and accessibility for parents to review and understand their child's special education services and contracts are essential for fostering trust and ensuring quality education;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Management consider studying reading and mathematics proficiency rates among students in the state with disabilities and the effectiveness of current educational policies, programs, and resource allocations in addressing any disparities; and

BE IT FURTHER RESOLVED, the study include an examination of academic disparities, analyzing the latest student performance data on statewide reading and mathematics assessments to identify trends and disparities affecting students with disabilities and comparing the subgroup performance to overall state proficiency rates; and

BE IT FURTHER RESOLVED, the study include an identification of contributing factors, evaluating systemic barriers contributing to low proficiency rates, including funding for special education services, limited access to trained teachers and support staff, geographic disparities between rural and urban areas, and accessibility of evidence-based curriculum and instructional strategies; and

BE IT FURTHER RESOLVED, the study include an assessment of existing policies and programs, reviewing the implementation and impact of current state and federally funded programs and identifying gaps in policy, funding, and program effectiveness; and

BE IT FURTHER RESOLVED, the study include the engagement of stakeholders, soliciting input from parents and families of students with disabilities to ensure parent involvement in decisionmaking, educators, school administrators, special education professionals, and advocacy groups focused on disability rights; and

BE IT FURTHER RESOLVED, the study include research of best practices, examining successful models and initiatives in states that have effectively reduced proficiency disparities and exploring innovative approaches in early literacy, numeracy, and equitable education practices; and

BE IT FURTHER RESOLVED, the study include consideration of actionable policy and funding recommendations aimed at reducing proficiency disparities, expanding access to high-quality, evidence-based educational programs, enhancing transparency in costs and resource allocation, and improving accountability and data transparency; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Seventieth Legislative Assembly.

Filed March 27, 2025

CHAPTER 645

SENATE CONCURRENT RESOLUTION NO. 4020

(Senators Hogue, Bekkedahl, Hogan)
(Representatives Ista, Lefor, Weisz)

A concurrent resolution recognizing and commending the National Conference of State Legislatures on its 50th anniversary in 2025.

WHEREAS, the National Conference of State Legislatures was founded in 1975 and has evolved during the past half-century to become the premier organization solely dedicated to serving state and territorial legislators and legislative staff; and

WHEREAS, the conference was created from the merger of three organizations that served or represented state legislatures and shared the belief that legislative service is one of democracy's worthiest pursuits; and

WHEREAS, the National Conference of State Legislatures is a bipartisan organization with several objectives, including advancing the effectiveness, independence, and integrity of state legislatures; fostering interstate communication and cooperation; and ensuring for states a strong, cohesive voice in the federal system; and

WHEREAS, our nation's state legislatures are America's laboratories of democracy that continuously tackle emerging challenges; and

WHEREAS, state legislatures are places where individuals from varying backgrounds, representing different communities, come together and find common ground; and

WHEREAS, the National Conference of State Legislatures has facilitated the exchange of ideas, provided critical research and information, and encouraged a rigorous review of complex issues confronting our communities, states, and nation; and

WHEREAS, the National Conference of State Legislatures strives to strengthen the bonds between America's state legislatures and the international community;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly recognizes and commends the National Conference of State Legislatures for its superb leadership and its commitment to the legislative institution; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the Chief Executive Officer of the National Conference of State Legislatures.

Filed March 25, 2025

CHAPTER 646

SENATE CONCURRENT RESOLUTION NO. 4021

(Senator Gerhardt)

A concurrent resolution urging the United States Federal Government, Congress, and the Governor of North Dakota to end the disadvantaged business enterprise program.

WHEREAS, the President Donald J. Trump issued executive orders directing federal agencies to align with the administration's policy to terminate diversity, equity, and inclusion initiatives (DEI); and

WHEREAS, the orders directed that employment, procurement, and contracting practices of federal contractors and subcontractors may not consider race or gender and further required every federal contract or award to certify the recipient does not operate any programs promoting diversity, equity, and inclusion which violate any applicable federal anti-discrimination laws; and

WHEREAS, the Department of Government Efficiency (DOGE) has been tasked with identifying inefficiencies within the federal government; and

WHEREAS, the United States Department of Transportation and the North Dakota Department of Transportation administer the disadvantaged business enterprise program; and

WHEREAS, the disadvantaged business enterprise program (DBE) is a form of DEI; and

WHEREAS, the DBE program requirements are burdensome and often a deterrent for contractors to bid federally funded projects; the requirements increase contractors' overhead costs, reduce competitive bidding, and prevent general contractors from offering the lowest possible bid, thus wasting taxpayer funds; and

WHEREAS, the increased costs due to the DBE program are not needed, do not add value, and do not serve the taxpayer; and

WHEREAS, government construction contracts should be awarded based on the lowest responsible bid, not based on the color of someone's skin, race, sex, or any other presumption of social disadvantage; and

WHEREAS, the United States District Court for the Eastern District of Kentucky granted a limited preliminary injunction against the United States Department of Transportation in the case Mid-America Milling Co., LLC v. United States Department

of Transportation and the court found the race and gender-based rebuttable presumptions used in the DBE program violate the equal protection clause of the 14th Amendment to the United States Constitution;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly supports President Trump and his administration's efforts to eliminate DEI policies from the federal government including the DBE program; and

BE IT FURTHER RESOLVED, that the Sixty-ninth Legislative Assembly encourages the DOGE to take steps to eliminate the DBE program, and all other related DEI programs; and

BE IT FURTHER RESOLVED, that the Sixty-ninth Legislative Assembly encourages the North Dakota Congressional Delegation to work to remove DEI initiatives, policies, and requirements from funding to states; and

BE IT FURTHER RESOLVED, that the Sixty-ninth Legislative Assembly supports the Governor of North Dakota ending the North Dakota Department of Transportation DBE program as soon as allowed under federal law; and

BE IT FURTHER RESOLVED, that the Sixty-ninth Legislative Assembly supports the North Dakota Attorney General taking any available legal action to assist in striking down DBE program requirements and practices in the state; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation, the President of the United States, the Governor of North Dakota, the Attorney General of North Dakota, and the Administrator of the Department of Government Efficiency.

Filed March 12, 2025

CHAPTER 647

SENATE CONCURRENT RESOLUTION NO. 4024

(Senators Mathern, Hogue, Bekkedahl)
(Representatives Koppelman, Lefor)

A concurrent resolution directing the Legislative Management to consider studying using dedicated funds in the Capitol building fund to build a legislative office building.

WHEREAS, the Capitol building fund was created at statehood through a grant of 50,000 acres of land to the state for the purpose of financing construction of public buildings for legislative, executive, and judicial use and, in 1957, Congress expanded the purpose of the fund to allow the fund to be used for construction, renovation, and other improvements of public buildings at the Capitol; and

WHEREAS, the 1967 Legislative Assembly considered the need to improve legislative committee rooms and provide office space for committee chairmen, legislative study lounges, and Legislative Council offices; and

WHEREAS, the 1967 Legislative Assembly adopted legislation directing the Capitol building fund be dedicated and reserved for the exclusive purpose of the construction of an addition to the legislative wing; and

WHEREAS, since 1967, money in the Capitol building fund has been used for a variety of purposes including the payment of special assessments and the construction and maintenance of the Governor's residence; and

WHEREAS, a significant portion of the land granted to the state and the assets of the fund continue to contribute to the balance of the Capitol building fund, which is in excess of \$5,000,000, despite appropriations from the fund for other purposes totaling nearly \$13,000,000 over the last 3 bienniums; and

WHEREAS, many legislative meeting rooms are too small to accommodate the public, lack secondary or emergency exits, and are not designed to function with today's technology; and

WHEREAS, the legislative parking lot frequently is in need of repair, and during legislative sessions often is covered with snow and ice causing unsafe conditions; and

WHEREAS, our Capitol is one of the few in the country in which legislators have no dedicated place to work or private space to meet with constituents; and

WHEREAS, long-term Capitol facility plans have explored the option of building a parking structure on the west side of the legislative wing rather than continuing to repair the legislative parking lot; and

WHEREAS, construction of a parking structure also would present an opportunity to include above the parking structure space for modern committee rooms, legislative offices and meeting space, and office space for legislative staff; and

WHEREAS, construction of a legislative office building would allow executive branch agencies that are leasing office space off the Capitol grounds to move into the Capitol, saving money on leased space and providing greater access to the public; and

WHEREAS, as the Capitol approaches its 100th anniversary, it is vital for the Legislative Assembly to address the future needs of the legislative branch and provide future legislators with the tools necessary to retain the Legislative Assembly's constitutional role as a coequal branch of government;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Legislative Management consider studying using dedicated funds in the Capitol building fund to build a legislative office building; and

BE IT FURTHER RESOLVED, that the Legislative Management report its finding and recommendations, together with any legislation required to implement the recommendations to the Seventieth Legislative Assembly.

Filed March 21, 2025

HOUSE MEMORIAL RESOLUTIONS

CHAPTER 648

HOUSE MEMORIAL RESOLUTION NO. 7001

(Memorial Resolutions Committee)

A memorial resolution for deceased members of the House of Representatives of North Dakota.

WHEREAS, God has welcomed to their eternal home our former colleagues:

Joshua David Christy, who served in the 68th and 69th Legislative Assemblies, from District 27, died February 18, 2025;

Judy Lee DeMers, who served in the 48th through the 52nd Legislative Assemblies, from District 17-18, and in the 53rd through the 56th Legislative Assemblies, from District 18, died March 12, 2024;

Alan Gail Erickson, who served in the 52nd Legislative Assembly, from District 3, died May 7, 2024;

Odell Donald Flaagan, who served in the 50th through the 52nd Legislative Assemblies, from District 23, died April 30, 2024;

William Frederick Gackle, who served in the 38th Legislative Assembly, from District 24, and in the 40th through the 46th Legislative Assemblies, from District 28, died July 30, 2023;

Moine Ray Gates, who served in the 47th through the 53rd Legislative Assemblies, from District 43, died April 27, 2023;

Kathy Hawken, who served in the 55th through the 64th Legislative Assemblies, from District 46, died December 2, 2023;

Neil Barry Hensrud, who served in the 44th Legislative Assembly, from District 18, died January 22, 2025;

James Eugene "Jim" Kieffer, who served in the 42nd Legislative Assembly, from District 22, died September 13, 2023;

Richard William Kloubec, who served in the 43rd Legislative Assembly, from District 21, in the 45th through the 47th Legislative Assemblies, from District 46, and in the 48th through the 52nd Legislative Assemblies, from District 51, died June 7, 2023;

Charles Franklin Mertens, who served in the 42nd through the 51st Legislative Assemblies, from District 15, died April 13, 2024;

David Henry Montplaisir, Sr., who served in the 39th Legislative Assembly, from District 10, died October 2, 2023;

Donald B. Moore, who served in the 42nd Legislative Assembly and in the 47th through the 52nd Legislative Assemblies, from District 28, died November 30, 2023;

Robert Keith "Bob" Muhs, Sr., who served in the 52nd Legislative Assembly, from District 7, died July 24, 2023;

Rosemarie C. Myrdal, who served in the 49th through the 52nd Legislative Assemblies, from District 11, died October 11, 2023;

Mark S. Owens, who served in the 59th and 60th Legislative Assemblies, from District 18, and in the 62nd through the 67th Legislative Assemblies, from District 17, died April 28, 2024;

Winston Monroe "Cash" Register, who served in the 41st Legislative Assembly, from District 18, died March 28, 2024;

Neil Hubert Romfo, who served in the 47th Legislative Assembly, from District 10, died April 29, 2023;

Daniel Frederick Rylance, who served in the 44th Legislative Assembly, from District 18, and in the 45th Legislative Assembly, from District 43, died November 28, 2023;

Randy A. Schobinger, who served in the 54th through the 59th Legislative Assemblies, from District 3, and in the 65th through the 68th Legislative Assemblies, from District 40, died August 13, 2024;

Charles Leo Scofield, who served in the 43rd through the 46th Legislative Assemblies, from District 1, died November 22, 2024;

Dorvan Solberg, who served in the 56th through the 60th Legislative Assemblies, from District 2, died January 21, 2024;

Herbert A. "Herb" Urlacher, who served in the 51st and 52nd Legislative Assemblies, from District 38, and in the 53rd through the 60th Legislative Assemblies, from District 36, died October 29, 2023;

Gary M. "Slim" Williamson, who served in the 39th Legislative Assembly, from District 29, and in the 40th Legislative Assembly, from District 5, died June 24, 2023; and

WHEREAS, we now pause to mourn the passing of our former House of Representatives colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the House of Representatives and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased Representatives.

Filed March 14, 2025

SENATE MEMORIAL RESOLUTIONS

CHAPTER 649

SENATE MEMORIAL RESOLUTION NO. 8001

(Memorial Resolutions Committee)

A memorial resolution for deceased members of the Senate of North Dakota.

WHEREAS, God has welcomed to their eternal home our former colleagues:

Dwight Cook, who served in the 55th through the 66th Legislative Assemblies, from District 34, died January 7, 2024;

Judy Lee DeMers, who served in the 48th through the 52nd Legislative Assemblies, from District 17-18, and in the 53rd through the 56th Legislative Assemblies, from District 18, died March 12, 2024;

Richard Wayne Goldberg, who served in the 40th through the 43rd Legislative Assemblies, from District 21, died July 18, 2023;

Daniel Fred Jerome, who served in the 52nd and 53rd Legislative Assemblies, from District 9, died May 25, 2024;

Douglas Allen Larsen, who served in the 67th and 68th Legislative Assemblies, from District 34, died October 1, 2023;

Donald B. Moore, who served in the 42nd Legislative Assembly and in the 47th through the 52nd Legislative Assemblies, from District 28, died November 30, 2023;

David E. "Dave" Nething, who served in the 40th through the 44th Legislative Assemblies, from District 29, in the 45th through the 57th Legislative Assemblies, from District 48, and in the 58th through the 62nd Legislative Assemblies, from District 12, died December 2, 2024;

Randy A. Schobinger, who served in the 54th through the 59th Legislative Assemblies, from District 3, and in the 65th through the 68th Legislative Assemblies, from District 40, died August 13, 2024;

Herbert A. "Herb" Urlacher, who served in the 51st and 52nd Legislative Assemblies, from District 38, and in the 53rd through the 60th Legislative Assemblies, from District 36, died October 29, 2023; and

WHEREAS, we now pause to mourn the passing of our former Senate colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the Senate and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased Senators.

Filed March 13, 2025

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2113.....	26.1-36-09 (2) (c).....	Amend.....	441
2113.....	43-12.1-04 (9).....	Amend.....	441
2113.....	43-41-02 (6).....	Amend.....	441
2113.....	44-04-18.30 (1) (b).....	Amend.....	441
2113.....	50-06-01.....	Amend.....	441
2113.....	50-06-01.4.....	Amend.....	441
2113.....	50-06-01.7.....	Amend.....	441
2113.....	50-06-01.11.....	Create.....	441
2113.....	50-06-05.1.....	Amend.....	441
2113.....	50-06-05.2.....	Amend.....	441
2113.....	50-06-05.3.....	Amend.....	441
2113.....	50-06-05.4.....	Amend.....	441
2113.....	50-06-05.5.....	Amend.....	441
2113.....	50-06-06.2.....	Amend.....	441
2113.....	50-06-06.5.....	Amend.....	441
2113.....	50-06-06.13.....	Amend.....	441
2113.....	50-06-15 (1).....	Amend.....	441
2113.....	50-06-33.....	Amend.....	441
2113.....	50-06-41.3.....	Amend.....	441
2113.....	50-06-41.4.....	Create.....	441
2113.....	50-06-42 (1).....	Amend.....	441
2113.....	50-06-42.1 (1).....	Amend.....	441
2113.....	50-06-46.....	Amend.....	441
2113.....	50-06.2-01.....	Amend.....	441
2113.....	50-06.2-02.....	Amend.....	441
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2116.....	49-22-16.4.....	Amend.....	437
2116.....	49-22.1-01.....	Amend.....	437
2116.....	49-22.1-10 (5).....	Create.....	437
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2121.....	54-52-01 (23).....	Amend.....	535
2121.....	54-52-17.....	Amend.....	535
2121.....	54-52-28 (2).....	Amend.....	535
2121.....	54-52.1-03.1.....	Amend.....	535
2121.....	54-52.2-06.....	Amend.....	535
2121.....	54-52.6-01 (8).....	Amend.....	535
2121.....	54-52.6-02.2 (1).....	Amend.....	535
2122.....	32-10.1.....	Create.....	325
2122.....	32-10.1-01.....	Create.....	325
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2122	32-10.1-06	Create	325
2122	32-10.1-07	Create	325
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2122	32-10.1-10	Create	325
2122	32-10.1-11	Create	325
2122	32-10.1-12	Create	325
2122	32-10.1-13	Create	325
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2122	32-10.1-15	Create	325
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2124	26.1-03-11.4	Create	282
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2124	26.1-03-19.4 (6)	Amend	282
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2125	26.1-26-33.1	Create	285
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2125	26.1-26.8-11	Amend	285
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2126	14-14.2-05					Create	149
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2129	43-29-01.1					Amend	397
2129	43-29-02 (1)					Amend	397
2129	43-29-03					Amend	397
2129	43-29-03.1					Create	397
2129	43-29-04					Amend	397
2129	43-29-05					Amend	397
2129	43-29-05.1					Amend	397
2129	43-29-06					Amend	397
2129	43-29-07					Amend	397
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2129	43-29-07.3					Amend	397
2129	43-29-07.4					Create	397
2129	43-29-08.1					Amend	397
2129	43-29-09					Repeal	397
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2129	43-29-12.3					Create	397
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2129	43-29-15.1					Create	397
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2139.....	4.1-73-14.....	Amend.....	90
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2141.....	61-04-15.4.....	Amend.....	584
2143.....	57-51.1-07.9.....	Amend.....	573
2144.....	43-55-03 (2).....	Amend.....	416
2144.....	43-55-09.....	Amend.....	416
2144.....	44-06.1-20 (8).....	Amend.....	416
2144.....	44-06.1-28.....	Amend.....	416
2144.....	47-25-04.....	Amend.....	416
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2214.....	51-23-02 (3).....	Amend.....	101
2214.....	51-23-15 (1).....	Amend.....	101
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2241.....	15.1-40-04.....	Create.....	199
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2260.....	47-20.2-06.....	Amend.....	425
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2267.....	23-35-02.2.....	Repeal.....	248
2267.....	23-35-02.3.....	Repeal.....	248
2267.....	23-35-08.....	Amend.....	248
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2267.....	23.1-07.1-01.....	Create.....	248
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