

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

HOUSE BILL NO. 1308

Introduced by

Representatives Satrom, Brandenburg, Schneider, Ostlie

Senators Clemens, Conley

In place of the amendment (25.0012.01001) adopted by the Senate, House Bill No. 1308 is amended by amendment (25.0012.01006) as follows:

1 A BILL for an Act to amend and reenact sections 54-12-33 and 54-12-33.1 of the North Dakota
2 Century Code, relating to duties of the human trafficking commission and immunity for reporting
3 human trafficking; ~~and to provide a continuing appropriation;~~ and to provide a contingent
4 effective date.

5 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

6 **SECTION 1. AMENDMENT.** Section 54-12-33 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **54-12-33. Human trafficking commission.**

- 9 1. The attorney general ~~may shall~~ establish a human trafficking commission, comprised of
10 designees from state, local, and tribal agencies which have contact with victims or
11 perpetrators, nongovernmental organizations that represent or work with victims, and
12 other organizations and individuals, including victims, whose expertise would benefit
13 the commission. ~~The attorney general may establish the commission by appointing an~~
14 ~~existing statewide coalition~~ In addition to the attorney general designees, the
15 commission must include:
16 a. A legislator from the majority party, appointed by the chairman of the legislative
17 management;
18 b. A legislator from the minority party, appointed by the chairman of the legislative
19 management;

- 1 c. An individual from the department of health and human services child and family
2 services division, appointed by the commissioner of the department of health and
3 human services;
- 4 d. An individual representing a rural school district, appointed by the superintendent
5 of public instruction;
- 6 e. An individual representing one of the state's largest ten school districts,
7 appointed by the superintendent of public instruction;
- 8 f. An individual representing tribal nations, appointed by the North Dakota united
9 tribes tribal chairman's association;
- 10 g. An individual from the North Dakota state's attorneys' association, appointed by
11 the executive director of the North Dakota state's attorneys' association; and
- 12 h. An individual from the governor's office, appointed by the governor.
- 13 2. The attorney general or the attorney general's designee shall serve as the presiding
14 officer of the commission.
- 15 3. The commission shall:
 - 16 a. Collect and evaluate data on human trafficking in this state and submit an annual
17 report to the attorney general, governor, and legislative assembly;
 - 18 b. Promote awareness and provide information to education personnel and the
19 general public about human trafficking, victim remedies and services, and
20 trafficking prevention;
 - 21 c. Promote training on human trafficking prevention and victim services for state
22 and local employees and members of regulated occupations and professions
23 who may have recurring contact with victims or perpetrators;
 - 24 d. Promote training on human trafficking investigation and prosecution and on
25 missing and murdered indigenous people with the North Dakota state's attorney's
26 association, the North Dakota peace officers standards and training board, and
27 state and local law enforcement agencies;
 - 28 e. Present annually regarding human trafficking awareness and prevention at
29 professional development conferences directed toward teachers, administrators,
30 and support staff which are hosted by educational organizations in this state or by
31 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.

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;
 - 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:

- 1 a. Collect and evaluate data on human trafficking in this state and submit an annual
- 2 report to the attorney general, governor, and legislative assembly;
- 3 b. Promote awareness and provide information to education personnel and the
- 4 general public about human trafficking, victim remedies and services, and
- 5 trafficking prevention;
- 6 c. Promote training on human trafficking prevention and victim services for state
- 7 and local employees and members of regulated occupations and professions
- 8 who may have recurring contact with victims or perpetrators;
- 9 d. Promote training on human trafficking investigation and prosecution and on
- 10 missing and murdered indigenous people with the North Dakota state's attorney's
- 11 association, the North Dakota peace officers standards and training board, and
- 12 state and local law enforcement agencies;
- 13 e. Present annually regarding human trafficking awareness and prevention at
- 14 professional development conferences directed toward teachers, administrators,
- 15 and support staff which are hosted by educational organizations in this state or by
- 16 the department of public instruction;
- 17 f. Facilitate annual prevention and awareness education for students on human
- 18 trafficking and exploitation, in accordance with the new section to chapter
- 19 15.1-09, as created by Senate Bill No. 2330, as approved by the sixty-ninth
- 20 legislative assembly; and
- 21 g. Conduct other appropriate activities.

22 **SECTION 3. AMENDMENT.** Section 54-12-33.1 of the North Dakota Century Code is
23 amended and reenacted as follows:

24 **54-12-33.1. Human trafficking prevention training - Exemptions - Immunity -**
25 **Continuing appropriation.**

- 26 1. As used in this section:
- 27 a. "Human trafficking" means human trafficking as defined in chapter 12.1-41.
- 28 b. "Human trafficking commission" means the commission established under
- 29 section 54-12-33.
- 30 c. "Lodging establishment" means any hotel, motel, resort, building, or structure that
- 31 is used to provide sleeping accommodations to transient guests.

- 1 d. "Proprietor" means the person in charge of a lodging establishment and includes
2 an owner, lessee, and manager.
- 3 e. "Regulated occupation or profession" includes a profession regulated by the
4 education standards and practices board, an occupation or profession regulated
5 under title 43, and an attorney licensed to practice law in this state.
- 6 2. ~~Within ninety days of the effective date of this section, the~~The human trafficking
7 commission shall establish an educational training program with a focus on the
8 accurate and prompt identification and reporting of, or response to, suspected human
9 trafficking. To the extent possible, the human trafficking commission shall allow the use
10 of existing training modules and materials. The training must include:
- 11 a. Human trafficking awareness;
12 b. How to recognize potential victims of human trafficking;
13 c. How to identify activities commonly associated with human trafficking; and
14 d. Effective responses to human trafficking situations, including how to report
15 suspected human trafficking to law enforcement.
- 16 3. A proprietor may:
- 17 a. Provide each onsite employee with the training described in subsection 2.
18 b. In an employee roster or in each employee's personnel file, annually certify each
19 employee has received the training approved by the human trafficking
20 commission.
21 c. Conduct an ongoing awareness campaign for employees which addresses the
22 information described in subsection 2.
- 23 4. A proprietor may post and maintain a poster approved and provided by the human
24 trafficking commission which contains the information described in subsection 2. The
25 poster must include the contact information for an organization that provides
26 assistance and support services to human trafficking victims. The poster may be
27 visibly displayed at the lodging establishment's check-in area, lobby, or transient guest
28 services.
- 29 5. An entity that regulates an occupation or profession may accept the training described
30 in subsection 2 for continuing education credit.

1 6. A proprietor or employee of a lodging establishment or a member of a regulated
2 occupation or profession who acts in good faith is immune from liability in any civil
3 action for reporting suspected human trafficking activities but a member of a regulated
4 occupation or profession may be subject to disciplinary action for the reporting if the
5 reporting violates an applicable ethics regulation imposed by the member's regulated
6 occupation or profession.

7 ~~6.7.~~ The human trafficking commission may seek, apply for, accept, and receive any
8 donation, gift, grant, or bequest offered or tendered from public or private sources for
9 the purpose of furthering the objectives of the human trafficking prevention training
10 and incentivizing proprietors and members of a regulated occupation or profession to
11 participate in the human trafficking prevention training. All moneys received or
12 accepted under this subsection are appropriated on a continuing basis to the human
13 trafficking commission.

14 **SECTION 4. CONTINGENT EFFECTIVE DATE.** Section 2 of this Act becomes effective if
15 the new section to chapter 15.1-09 of the North Dakota Century Code, as created by Senate Bill
16 No. 2330, is approved by the sixty-ninth legislative assembly.