

Introduced by

Senators Poolman, Marcellais

Representatives Monson, Roers Jones

1 A BILL ~~for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24,~~
2 ~~and a new section to chapter 15.1-09 of the North Dakota Century Code, relating to criminal~~
3 ~~history background checks and prohibiting felons from attaining membership on a school~~
4 ~~board.~~ for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota
5 Century Code, relating to public school board membership in a school district located on tribal
6 land; and to declare an emergency.

7 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

8 ~~SECTION 1. A new subdivision to subsection 2 of section 12-60-24 of the North Dakota~~
9 ~~Century Code is created and enacted as follows:~~

10 ~~The superintendent of public instruction for a school board candidate.~~

11 ~~SECTION 2. A new section to chapter 15.1-09 of the North Dakota Century Code is created~~
12 ~~and enacted as follows:~~

13 ~~**School board membership – Prohibition.**~~

14 ~~Notwithstanding section 12.1-33-02, an individual who has pled guilty to or has been~~
15 ~~convicted of a felony, a crime against a child as defined under section 12.1-32-15, an offense~~
16 ~~under chapter 12.1-23, a violation of a protection order under section 14-07.1-06, or an~~
17 ~~equivalent offense of another state or under federal law, may not be placed on the~~
18 ~~ballot for, elected as a member of, or appointed to a school board. When a candidate files under~~
19 ~~section 15.1-09-08 to seek election to a school board or before an individual is appointed to fill a~~
20 ~~vacancy on a school board, the individual shall submit to and must pass, as determined by the~~
21 ~~superintendent of public instruction, a statewide and nationwide criminal history record check.~~
22 ~~The criminal history record check must be conducted in accordance with section 12-60-24.~~

23 **SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created
24 and enacted as follows:

1 **School board membership - Prohibition.**

2 If a tribal government has prescribed by tribal law or resolution qualifications for eligibility for
3 candidates for public office which are more restrictive than the laws of this state, the
4 qualifications of candidates for eligibility for membership of a public school board of a school
5 district located on tribal land may not be less restrictive than the qualifications for eligibility
6 prescribed by tribal law or resolution for public office. For purposes of this section, "tribal land"
7 means that portion of the land within the exterior boundaries of an Indian reservation which is
8 located in the state.

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