

Session bills that have been signed by Governor

By Ann Estvold, NDNA Legislative Intern



Gov. Kelly Armstrong has now signed nearly 500 bills into law. Below are summaries of some of the bills signed into law in the past week:

Hunting and outdoors

HB 1470 increases several hunting and fishing fees in North Dakota, as well as increasing the annual fishing outfitter license fee and permit fees for gun dog trainers.

SB 2245 allows waterfowl hunters to use a boat for retrieving ducks and geese as long as a motor isn't used. The bill's supporters said this would allow hunters to retrieve their game more easily.

Under SB 2216, resident waterfowl hunters must buy a \$5 electronic waterfowl habitat restoration stamp. Stamp fees will be used for a waterfowl habitat improvement fund and to collect data on the number of resident waterfowl hunters in North Dakota.

SB 2137 prohibits the state Game and Fish Department from banning deer baiting, which is the practice of putting out feed to attract deer for harvesting. At present, deer cannot be hunted over feed in areas where chronic wasting disease (CWD) is prevalent. CWD is a contagious brain disease that affects deer, elk, moose and reindeer.

Schools and education

Under HB 1223 a school district would have more flexibility in considering the length of a student expulsion or suspension.

HB 1437 allows the State Board of Higher Education to develop and adopt a new policy for evaluating tenured faculty and faculty on the path for tenure.

HB 1562 requires school teachers, administrators, librarians and counselors to participate in a training program to spot suspected child abuse or neglect.

SB 2241 allows for the authorization and administration of public charter schools. A public charter school is defined as one that attempts to achieve specific educational objectives. A charter school would be a public school within the state's system. A charter school is not subject to state or local laws, rules, regulations, policies or procedures. It is subject to federal education laws and regulations.

Healthcare

Under HB 1341 a person who assaults

a hospital worker while the worker is caring for patients can be charged with a class C felony, which carries a penalty of five years in prison and a \$10,000 fine.

HB 1468 allocates \$16 million to increase the number of beds at behavioral health facilities in the west central human service center region. The region provides counseling and mental health services in Burleigh, Emmons, Grant, Kidder, McLean, Mercer, Morton, Oliver, Sheridan and Sioux counties, as well as the Standing Rock Indian Reservation and part of the Fort Berthold Indian Reservation.

Under HB 1511, a physician may not perform an abortion unless they have reviewed an instructional course within the previous two years.

Elections

Under HB 1297, approval voting or ranked-choice voting may not be used in any North Dakota election. "Approval voting" allows voters to vote for all candidates that the voter approves of in each race for public office; the candidates receiving the most votes are elected until all necessary seats are filled in each race. Ranked-choice voting describes a method in which a qualified elector may rank candidates for public office in order of preference, and all submitted ballots are tabulated in multiple rounds until a single candidate attains a majority of votes. The bill abolishes the use of ranked-choice voting in Fargo, where it is used to elect the mayor and four city commissioners. Fargo voters approved the ranked-choice option in 2018.

Under SB 2269, an elected member serving on a city, park district or school board is subject to recall by a petition of electors equal to 35% of the voters from the most recent election. This also applies to a member who was appointed to fill a vacancy.

Infrastructure

Under HB 1058 the Department of Environmental Quality will adopt rules about maintaining, reporting, taking corrective action, and establishing standards for construction and performance of above-ground petroleum fuel storage tanks.

Under HB 1258, before an electric transmission facility is approved, the applicant must comply with the road use agreements of the impacted political subdivision. When an application for a facility is filed, any affected townships, cities and counties must be notified and have a public hearing.

SB 2204 requires sellers of real property to disclose to the buyer any knowledge of radon concentrations on the property. The seller must provide any test results and evidence of mitigation to the buyer.

Grant opportunities

HB 1591 designates \$1.5 million for grants to county agriculture fair associations for the planning, designing and construction of infrastructure projects. Local fair associations would have to provide at least \$1 for every dollar of state support.

HB 1581 allocates \$100,000 for tribal tourism grants. A tribal government in the state may apply for a grant up to \$20,000 to promote and enhance tribal tourism opportunities. The tribal government must match any grant funds.

HB 1603 allocates \$500,000 to the State Historical Society for the purpose of providing compliance with the federal Native American Graves Protection in Repatriation Act. The act was enacted in 1990 to address the return of Native American remains and cultural objects that were illegally taken from their homelands. The bill also establishes a compliance committee consisting of tribal historic preservation officers or designees from each state tribe.

SB 2228 allocates \$1 million for one-time sustainability grants to preserve or reopen rural grocery stores. Many North Dakotans live in "food deserts," which are areas where residents must travel 10 or more miles for fresh or perishable foods.

Rules and regulations

Under HB 1303, the state, a political subdivision, or institution of higher education may not adopt or implement a sanctuary city policy.

Under HB 1305, 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 that occurs at the same dwelling. A Class C felony is punishable by five years in prison and a \$10,000 fine; a Class B felony is punishable by 10 years in prison and a \$20,000 fine.

Under HB 1375, an individual who refuses to provide proof of identification upon request of a peace officer at a licensed premise that serves alcohol is guilty of an infraction, which carries a maximum punishment of a \$1,000 fine.

Under HB 1203 a registered qualifying patient or designated caregiver may not possess more than 500 milligrams of a cannabinoid edible product at one time.

HB 1351 defines a sexually expressive image as a real, altered or computer-generated photograph or visual representation that exhibits a nude or partially nude human figure. The previous law did not include computer generated images.

HB 1361 creates mandatory minimum sentencing requirements of 20 years, 10 years or five years, based on the class of felony, for human trafficking offenders.

HB 1429 makes a person guilty of an offense if they use a robot to frighten or harass someone else with no legitimate reason for doing so.

Miscellaneous

Under SB 2069, a state agency may request immediate publication of a notice on the North Dakota Newspaper Association's public notice website if a newspaper fails to publish a legal notice in the newspaper.

HB 1479 designates Oct. 1 as North Dakota Constitution Day. Voters approved the state constitution on Oct. 1, 1889. The governor typically issues a Constitution Day proclamation upon request. HB 1479 would make the commemoration part of state law.

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