

LEGISLATIVE OF UPDATE 1

Update No. 4 January 25, 2019

It was another week busy week at the Capitol, with several bills already causing quite a stir. One such bill, SB 2060, would make not wearing a seat belt (in the front or back seat of a vehicle) a primary offense, meaning law enforcement could pull a person over solely for not wearing a seat belt. SB 2060 originally failed on the Senate floor on Monday by a vote of 23-23, as 24 votes are needed to pass a bill. However, the bill was brought up again for reconsideration on Tuesday and this time the bill passed 24-23. The bill will now move to the House. Another bill passed in the House with a 91-1 vote would allow intoxicated individuals riding a bicycle or a horse to pedal and saddle up without fear of being prosecuted under North Dakota's DUI laws. Such individuals could still be charged with non-criminal offenses such as speeding or other traffic violations. Finally, a bill being dubbed the "Red Flag" law is getting a lot of attention. This bill would allow family and/or law enforcement to petition a court to temporarily block an individual from possessing a firearm for up to a year or more if deemed appropriate by a judge. The bill (HB 1537) has bi-partisan sponsorship, but may not be able to gain enough traction to pass the Republican-dominated Legislature.

Please plan to attend Education Leaders Day at the Capitol next week on January 28. Board members interested in attending should sign up at www.ndsba.org. The event is free to attend, but we'll need a headcount to plan for the day. You'll be asked to indicate which portions of the day you'd like to attend so that we can make the proper arrangements. Superintendents will be participating in conjunction with their midwinter conference, and the event will be a great opportunity to network with legislators. A schedule of events is below.

	Administrators		Board Members
7-11:30 a.m.	Conference	8-11 a.m.	Attend legislative hearings
11:30 a.m.	Load busses for the Capitol	11 a.mNoon	Lunch on your own
Noon-1 p.m.	Dessert social with Legislators in the Great Hall	Noon-1 p.m.	Dessert social with Legislators in the Great Hall
1 p.m.	Load busses for Conference and Lunch	1 p.m.	Observe floor sessions

Key Issues

Last Friday, **SB 2052** successfully passed the full Senate by a vote of 43-3. This bill would allow a school district to develop their own safety plan and levy an additional 5 mills to pay for the plan. While dedicated funding through the state or other guaranteed sources would be our first choice, NDSBA supported SB 2052 as a good first step in helping schools address the increasingly urgent need to fund their efforts relating to ensuring safer schools.

The NDSBA team offered testimony on a number of bills this week, the most anticipated of which were **SB 2230** and **HB 1332**. **SB 2230**, if passed, would prohibit any individual with a conviction from a laundry list of criminal convictions from running for a seat on a school board. While the importance of having quality and upstanding board members in charge of our districts is obvious, SB 2230 is extremely broad in the convictions that would disqualify an individual from serving. The bill also does not include a time limitation within which the conviction must occur. Because of the breadth of the bill, NDSBA testified in opposition to the bill in a hearing before the Senate Judiciary Committee. The Committee agreed and, in a 5-1 vote, issued a do not pass recommendation. This past Wednesday, SB 2230 was heard on the Senate floor and, despite the strong Committee recommendation, the bill passed 32-15. The bill will now move to the House for consideration.

NDSBA also testified in opposition to **HB 1332**, which would allow a school board to designate an employee as an "armed first responder" to carry a concealed firearm on school property. The bill includes a requirement for a school board to submit an armed first responder plan and obtain approval from the Superintendent of Public Instruction. NDSBA testified in opposition to HB 1332 before the

Energy and Natural Resources Committee on the basis that the program is not an adequate substitute for a trained school resource officer on school property. Other education stakeholders provided testimony in opposition to HB 1332, including representatives from North Dakota United. A representative from North Dakota Association of Small and Organized Schools and a private citizen were the only individuals to testify in favor of the bill. Following the completion of the hearing, the Chair of the Committee decided the next best step would be to create two subcommittees to further consider and work on the various firearm bills assigned to the Committee, including HB 1332, HB 1310, and HB 1325.

There are also several bills filed this session with the goal of assisting school districts with funding of and to provide debt service on school construction projects. One such bill is **SB 2214**, which was heard by the Senate Education Committee this week. This bill would permit the public finance authority to issue loans to the Bank of North Dakota for the Bank to then make loans for qualifying school construction projects out of the school construction assistance load fund. The bill further provides that the fund would transfer \$4 million to the Bank of North Dakota for interest rate buydowns; interest rates on any loans issued would not exceed 2 percent. The debt service on the loans would come from the Foundation Aid Stabilization Fund. The bonds would be appropriation bonds, which means that the legislature has to appropriate \$25 million each biennium from the Foundation Aid Stabilization fund for the next 30 years to pay for the debt service for those appropriation bonds. One concern with this bill is that if/when oil prices fall, there may not be enough money in the Foundation Aid fund for the debt service for 30 years. In that case, there would be an obligation to the state that the general fund pay for the debt service, which would could affect the availability of state funds to support K-12 education.

For next week, NDSBA will be attending and/or testifying at hearings on the following bills: **HB 1347** (creates a 3 year probationary period for teachers); **HB 1414** (would change the minimum amount of time within which a teacher has to return teaching contract from 14 to 3- days; **HB 1531** (permits individuals without a teaching license to teach in noncore subject upon meeting certain criteria); **HB 1287** (relates to licenses for teachers completing alternative teacher certification program); **HB 1461** (relates to Dyslexia screening); **HB 1429** (moves administrative authority for teacher shortage loan forgiveness program from higher ed to DPI); and **HB 1525** (makes Board of University and School Lands and the Common Schools Trust Fund responsible for construction and maintenance costs of school buildings, etc.).

Primary Bill List and Status Report

This list includes the primary bills NDSBA is tracking and their current status.

Transpor	tation
HB 1098	This bill says the Department of Transportation may not give a commercial driver's license to an operator unless the person has met entry-level driver training requirements that are set out in federal regulations. (Passed House 73-19)
HB 1385	This bill relates to mandatory safety training for school bus drivers. (Introduced)
School C	alendar/Instructional Time/Instruction Content
HB 1170	This bill would allow a school district to make up school days cancelled due to inclement weather by offering instruction through virtual means if certain requirements are met. (Hearing held 1/23)
HB 1237	This bill would require each school district to make information relating to child sexual abuse available to students and parents/legal guardians of students. (Hearing held 1/15)
HB 1277	This bill requires a school district to include, as part of its health curriculum related to sexual health, instruction regarding medically accurate and age-appropriate sexual abuse education. (Hearing held 1/15)
HB 1346	This bill relates to the number of hours of instruction by school districts and weather emergencies. (Amended in Committee; Do Pass Recommendation 12-0-2)
HB 1416	This bill would repeal NDCC 15.1-06-04.1, which addresses school calendar days and teacher professional development conferences. (Hearing held 1/23; Do Not Pass Recommendation 12-0-2)
HB 1538	This bill would permit instruction on the strengths and weaknesses of scientific theories and controversies. (Bill Withdrawn)
SB 2136	This bill would add instruction on the new and old testament of the Bible to graduation requirements. (Do Not Pass Recommendation 7-0-0)
SB 2149	This bill requires mandatory instruction for students in mental health awareness and suicide prevention. (Hearing held 1/21)
SB 2157	This bill relates to the age of student allowed to be enrolled in driver's training courses. (Passed Senate 47-0)

This bill relates to making up instructional time if school is cancelled due to a no travel advisory. (Hearing held 1/22)		
This bill provides for the patriotic society's access to students during school hours. (Introduced)		
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Contracts		
This bill would allow school boards to nonrenew a teacher who has been teaching for 3 years or less without a due process hearing. (Hearing scheduled 1/29)		
This bill changes the amount of time for a teacher to accept or reject a contract from 14 days to 30 days. (Hearing scheduled 1/29)		
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afety		
This bill changes the definition of "infraction" under the criminal code. (Passed House 91-0).		
This bill changes the criminal penalty for possession of a firearm or dangerous weapon at a public gathering, including a public school from a class B misdemeanor to an infraction. (Hearing scheduled 1/30).		
This bill would establish a school safety and crisis hotline program through the office of attorney general whereby persons could report school safety and crisis issues anonymously. (Hearing held 1/16)		
This bill would except from criminal liability an individual who holds a conceal and carry permit under section 62.1-04-03 and possesses a firearm or dangerous weapon at a public gathering, including a public school. (Hearing held 1/17, Subcommittee created)		
This bill would subject an owner of property to liability for injury or death caused by a firearm or dangerous weapon on the property. (Do Not Pass Recommendation 12-0-1)		
This bill would except from criminal liability for possession of a firearm or dangerous weapon at a public gathering, any individual who is not otherwise precluded from possessing a firearm or dangerous weapon concealed under chapter 62.1-04. (Hearing held 1/17, Subcommittee created)		
This bill would allow a school district to designate an "armed first responder" to possess a firearm or dangerous weapon on school premises. (Hearing held 1/25, Subcommittee created)		
This bill relates to the seizure of a firearm by a law enforcement officer and the issuance of a public safety protection order. (Hearing scheduled 1/30)		
This bill creates exceptions to prohibitions of possession of firearms. (Passed by Senate 46-1)		
This bill would allow districts to create a safety plan and levy five mills with voter approval. (Passed Senate 43-3, emergency clause carried)		
This bill relates the possession of a firearm or dangerous weapon at a public gathering. (Passed Senate 46-0)		
This bill adds cyberbullying off school premises to the definition of bullying under ND law. (Hearing scheduled 1/30)		
This bill requires school districts to post information regarding child abuse and neglect in school buildings. (Introduced)		
This bill provides that certain records relating to cybersecurity defenses, threat assessments and response plans and emergency response plans are exempt from open records requirements. (Passed Senate 47-0)		
This bill relates to limitations on permissible use of force on a child (restraint and seclusion). (Hearing held 1/22)		
gy & Cyber Security		
This bill changes references to PowerSchool in NDCC to "state student information system." (Hearing held 1/7)		
This bill would require ITD oversee the cyber security strategy of political subdivisions, including school districts. (Hearing held 1/4)		
This bill relates to the protection of records regarding emergency planning and response and provides an exemption to open records laws. (Hearing scheduled 1/31)		
& Tax		
This bill makes changes to the oil and gas tax distribution formula. (Hearing held 1/15)		
Relating to municipal bid requirements and certificates of indebtedness. (Passed House 85-4)		

His bill would reduce the baseline funding level relating to the determination of the amount of state aid payable to each district. (Hearing held 1/15). This bill provides that the assessed valuation on any parcel of taxable property could not exceed the value assessed in the previous taxable year by more than 3%. (Hearing held 1/21, Do Not Pass Recommendation 103-31) His bill relates to bid requirements for public improvements. (Hearing held 1/17) His bill relates to bid requirements for public improvements. (Hearing held 1/17) His bill relates to bid requirements for public improvements. (Hearing held 1/17) His bill relates to bid requirements for public improvements. (Hearing held 1/17) His bill relates to the common schools revolving loan fund and would permit a school district to apply for loans for school construction projects from fund. (Hearing held 1/22) His 130. This bill relates to the common schools revolving loan fund and would permit a school district to apply for loans for school construction projects from fund. (Hearing held 1/22) His 131. This bill would make changes to the baseline funding calculation for state aid payments to school districts. (Hearing held 1/22) His 136. This bill relates to the payment of school bus drive physical examinations. (Introduced) His 1370. This bill would make changes to the baseline funding calculation for state aid payments to school districts. (Hearing held 1/22) His 1380. This bill would make changes to the baseline funding calculation for state aid payments to school districts. (Hearing held 1/22) His 1391. This bill would well require political subdivisions to seek voter approval of preliminary budget statements if certain requirements are met. (Introduced) His 1380. This bill relates to limitations on property tax levies by taxing districts without voter approval and relates to the determination of state aid payments to school districts. (Hearing scheduled 1/28) His 1391. This bill relates to limitations on property tax levies by taxing districts without v		
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SB 2280 This bill relates to state foundation aid payments to school districts. (Hearing held 1/23)		
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SB 2312	This bill relates to the allocation of revenue from oil and gas production and oil extraction taxes on production and
HCR 3017	extraction activity on a reservation. (Introduced) This bill relates to allowable uses of the common schools trust fund. (Introduced)
110113017	This bill relates to anomable uses of the sommon someons trase rand. (Milloudell)
Early Chil	dhood Education
HB 1104	This bill transfers the responsibility of conducting a quality rating and improvement system for early childhood programs
	from the Department of Human Services to DPI. (Hearing held 1/8)
SB 2250	This bill would require public schools to provide early childhood education services. (Hearing held 1/23)
HR Issues	
HB 1509	This bill would provide all private and public employees with paid family medical leave. (Hearing scheduled 1/28)
SB 2217	This bill relates to a teacher incentives for leadership in education program. (Hearing held 1/22)
SB 2337	This bill would require all school districts to adopt and implement a policy providing for random drug testing of all school
<u>38 2337</u>	district employees. (Hearing scheduled 1/29)
Flactions	/Cabaal Baard March ambin Barrinan anta
	/School Board Membership Requirements
HB 1117	This bill relates to publication of legal notices in a newspaper and online. (Passed House 89-1)
HB 1201	This bill modifies the time period in which an elected official may be recalled if the recall election would occur within one year of the next regularly scheduled election in which the official would be reelected. (Hearing held 1/25)
HB 1375	This bill would require candidates for certain municipal offices to indicate a party designation. (Hearing scheduled 2/1)
HB 1501	This bill would give the superintendent of public instruction authority to suspend a board member pending the results of a
	forensic, fiscal, or performance audit upon the filing of a petition to remove by the governor; bill would further authorize
	governor to suspend elected or appointed official if audit ordered due to financial irregularities or allegations of
	embezzlement and if in best interest of state. (Hearing held 1/21, Amended, Do Pass recommendation 13-0-1)
SB 2230	This bill would require criminal background checks for all candidates for school board elections and would prohibit
	individuals with any felony conviction and other convictions from running for office of school board member. (Hearing
	held 1/21, Do Not Pass Recommendation 5-1, Passed Senate 32-15).
SB 2310	This bill would require random drug testing for school board members at least once every 12 months during an individual's
	term. (Hearing scheduled 1/29)
SB 2311	This bill removes limitations on the recall of elected officials. (Hearing held 1/25)
SB 2356	This bill relates to signature discrepancies on absent and mail voters' applications and ballots. (Introduced)
Mental 8	 Behavioral Health Issues
	This bill relates to a school district obligation to prohibit a student from participating in any extracurricular activity if the
	student has pled guilty or been convicted of certain criminal offenses identified in the bill. (Hearing held 1/21)
HB 1249	This bill would increase the amount of required teacher professional development days per year, as well as increase the
112 22 10	amount of hours of professional development covering youth behavioral health. (Hearing held 1/15)
HB 1260	This bill would add "mental injury" to a child to the definition of child abuse or neglect under the mandatory reporting
	provisions of the CC. (Hearing held 1/16)
SB 2266	This bill relates to restraint and seclusion requirements and limitations, and reporting requirements of incidents of restraint
<u>55 2200</u>	and seclusion. (Introduced)
SB 2330	This bill would require DHS to establish a childhood trauma and violence pilot program to address safety and mental health
	concerns for children and families experiencing trauma and violence. (Hearing scheduled 1/28)
SCR 4004	This bill would call for a study regarding impact of violent, disruptive, and inappropriate behavior within the educational
<u>5011 1007</u>	environment perpetrated by students. (Passed Senate)
Liconcur	/Workforce Shortage
	/Workforce Shortage
<u>HB 1253</u>	This bill relates to state licensure after criminal convictions. (Hearing held 1/15)

IID 1207	This hill would require ECDD to great an initial tooching license to an individual who necesses a hasheley's degree passes a
HB 1287	This bill would require ESPB to grant an initial teaching license to an individual who possess a bachelor's degree, passes a criminal history record check, and successfully completes the American board for certification of teacher excellence
	alternative teacher certification program. (Hearing scheduled 1/29)
B 1429	
	This bill relates to the administrative authority for teacher shortage loan forgiveness program. (Hearing scheduled 1/29)
B 1531	This bill relates to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria. (Hagring schoduled 1/20)
D 2126	criteria. (Hearing scheduled 1/29) This hill would require ESDB to issue a teaching license to a foreign practitioner who is licensed for at least 7 years before
B 2126	This bill would require ESPB to issue a teaching license to a foreign practitioner who is licensed for at least 7 years before submitting an application to ESPB. (Hearing held 1/17)
D 2127	This bill adds military dependent as defined by section 43-51-11.2(2) as an individual able to engage in profession of
B 2127	teaching without first obtaining a license or approval from ESPB. Also applies to administrative credentials issued by DPI.
	(Hearing held 1/25)
3 <u>2171</u>	This bill relates to credentials of teachers of computer and cyber science. (Passed Senate 46-0)
	This bill relates to treaching licensing in areas of documented teacher shortages. (Introduced)
B 2199	This bill would allow an individual who does not have a teaching license to teach driver education upon meeting certain
B 2316	
0 2252	criteria. (Hearing scheduled 1/28) This bill creates a new chapter in Title 43 of the NDCC which would permit the governor to create a board to regulate a
B 2353	<u> </u>
	particular occupation or profession. (Hearing scheduled 1/31)
/liscellar	
B 1082	This bill aligns state code with federal regulations implemented by ESSA and relates to policy ABCE. (Passed House 72-16,
0.4220	motion to reconsider failed)
B 1228	This bill would give control of education to each local school district, including content standards, required instruction,
	instruction time, assessments, attendance, graduation requirements, employment, licensure, student discipline, and safe
D 1225	policies. (Failed House 38-54) This bill would probable a school district from adopting a drass and policy that probable the wearing of tribal regula or
B 1335	This bill would prohibit a school district from adopting a dress code policy that prohibits the wearing of tribal regalia or
B 1434	other objects of cultural significance at school sponsored activities. (Hearing held 1/21) This bill relates to the dissolution of school districts. (Introduced)
	This bill calls for a study of a school choice program. (Hearing held 1/21, Amended, Do Pass recommendation 7-5-2)
B 1464	This bill directs the Superintendent of Public Instruction to call an annual meeting to review the statewide strategic vision
3 2025	for education. (Passed Senate 46-0)
2 21 42	This bill would establish an education savings account program for use by students receiving instruction from nonpublic
3 2142	
2110	schools, private tutoring, online learning or other qualified providers. (Hearing held 1/15) This bill implements the requirements of Measure 1 relating to restrictions on lobbyists and public officials and the creati
3 2148	
2166	of an ethics commission. (Hearing scheduled 1/30)
<u>3 2166</u>	This bill would increase the liability caps for political subdivisions from \$250,000 to \$1M for single occurrence and from \$1M to \$4M for occurrence involving injury to 3 or more persons. (Hearing held 1/17)
3 2215	This bill creates a kindergarten through grade twelve education commission to coordinate with schools to support
3 2213	elementary and secondary education in the state. (Hearing held 1/23)
3 <u>2216</u>	This bill relates to the authorization of enrollments to the center for distance education by a school superintendent.
5 2210	(Hearing held 1/23)
3 2300	This bill relates to the creation of a reading program grant fund. (Hearing held 1/21)
3 <u>2350</u> 3 <u>2357</u>	This bill permits the Bank of ND to provide loans to federal workers affected by the federal shutdown. (Hearing held 1/2)
	This resolution directs legislative management to consider studying the provisions of the NDCC relating to provision of
CR 3011	elementary and secondary education. (Hearing held 1/14)
	This resolution would urge Congress and the FDA to end the marketing and advertising of e-cigarettes to youth.
CD //007	Time resolution would dige congress and the FDA to end the marketing and advertising of e-digarettes to youth.
CR 4007	(Introduced)

Hearing	Hearing Schedule (Jan. 28-Feb. 1)				
Date	Time	Bill	Committee	Room	Summary
1/28	9 a.m.	SB 2316	Senate Edu	Sheyenne	allowing individuals who do not have a teaching license to teach driver education upon meeting certain criteria
1/28	9 a.m.	HB 1321	House FinTax	Ft. Totten	income tax credit for taxpayers whose children receive nonpublic education
1/28	9:30 a.m.	HB 1380	House FinTax	Ft. Totten	limitations on property tax levies by taxing districts without voter approval
1/28	9:45 a.m.	SB 2330	Senate HumServ	Red River	childhood trauma and violence pilot
1/28	2 p.m.	SB 2276	Senate FinTax	Lewis & Clark	infrastructure revolving loan fund
1/28	2:30 p.m.	HB 1509	House IBL	Peace Garden	paid family medical leave program
1/29	8:30 a.m.	<u>HB 1414</u>	House Edu	Coteau	amount of time for a teacher to accept or reject a contract.
1/29	8:45 a.m.	<u>HB 1531</u>	House Edu	Coteau	community expert license
1/29	9 a.m.	HB 1287	House Edu	Coteau	alternative teacher certification program
1/29	9 a.m.	SB 2310	Senate Edu	Sheyenne	drug testing of school board members
1/29	9:30 a.m.	SB 2337	Senate Edu	Sheyenne	requiring school districts to develop a drug testing policy
1/29	9:45 a.m.	HB 1525	House Edu	Coteau	common schools building and renovation grant fund; legal investments and school district tax levies for building funds
1/29	2:45 p.m.	HB 1347	House Edu	Coteau	probationary teacher contracts
1/29	3:30 p.m.	<u>HB 1429</u>	House Edu	Coteau	teacher shortage loan forgiveness program
1/30	9:30 a.m.	SB 2181	Senate Edu	Sheyenne	cyberbullying of students
1/30	10 a.m.	<u>HB 1163</u>	House Judiciary	Prairie	possession of firearms
1/30	10:30 a.m.	HB 1537	House Judiciary	Prairie	red flag bill
1/31	10 a.m.	SB 2340	Senate PoliSubs	Red River	protection of records shared for emergency purposes
1/31	2:30 p.m.	SB 2353	Senate GVA	Sheyenne	uniform regulation of occupations
2/1	8 a.m.	HB 1375	House GVA	Ft. Union	party affiliation in elections

How to Contact Your Legislators

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Date	Topic	
January 28	School Leaders Day at the Capitol – see next week's update for more information!	
February 22	Crossover date for bills	
February 25-26	Recess	
March 6	Crossover date for resolutions	
April 19	Good Friday (In 2017 the House and Senate were in session on Good Friday.)	
April 30	Session is limited to 80 legislative days	