



We have now reached crossover and the first half of the 66th Legislative Assembly is complete. The House held extended floor sessions over the past few weeks in order to get through and take action on the significant number of bills filed this session in order to meet the deadline. Both chambers addressed several controversial issues during the first half of session. One such issue came in the form of HB 1155, which sought the decriminalization of the possession of small amounts of marijuana. The bill narrowly failed on the floor by a vote of 43-47. The Senate passed a resolution that seeks to change the initiated Constitutional measure process. The resolution was the result of concern over a pair of recently voter-approved measures which amend the state's Constitution that had significant backing from out of state groups. The resolution says any ballot measure voted on and approved by North Dakotans, would have to go through the legislative assembly to become law. Once the measure gets to the assembly, the majority of the house and senate would have to approve the measure for it to become law. If the measure fails the house or the senate, it will be placed on the ballot in the next statewide election and if approved by voters again, it will become law. The resolution passed the Senate by a vote of 31-16.

The Legislature is currently in recess until next Wednesday, February 27th, when committee hearings will start once again in both chambers.

Key Issues

This week, the last of our primary bills were heard in their respective chambers. NDSBA has been closely tracking a group of gun bills in the House that would directly impact school environments. **HB 1310** and **HB 1325** both received Do Not Pass recommendations from the House Energy and Natural Resources Committee and failed on the floor by a vote of 13-79 and 19-74, respectively. These bills would have permitted individuals permitted to constitutionally carry a concealed weapon and to carry a concealed weapon pursuant to a class 1 license to carry a firearm on school property. **HB 1332**, known commonly as the "armed first responder" bill received a 10-4 Do Pass recommendation from the House Energy and Natural Resources Committee after several amendments were adopted. With the amendments, NDSBA, along with NDU, moved from an opposing to a neutral position on the bill. NDCEL has remained neutral, and ND Association of Small and Organized Schools was in support of the bill. As expected, **HB 1332** passed on the floor by a vote of 77-15.

HB 1347 was amended by and received a 9-4 Do Pass recommendation from the House Education Committee. This bill proposed to extend the non-tenured period of a teacher from 1 year following licensure to 3 years. The amendments added back in the limited due process rights of "probationary" teachers, as well as the requirement that boards provide a list of reasons for nonrenewal. Finally, the bill was amended to include a requirement that the board, if needed and based on the teacher's evaluation(s), provide access to a mentoring program to the teacher. This bill passed the House by a vote of 59-34.

A few finance and tax bills completed their trip through the house. One such bill was **HB 1365**, which affects how much money is deducted from the foundation aid formula for revenue in lieu of property taxes and property taxes for school districts. This bill easily passed the House by a vote of 71-19. **HB 1379** would have required a school district (and other political subdivisions) to submit its budget to the voters for approval on an annual basis. NDSBA, along with other political subdivisions, strongly opposed this bill. The bill failed by a vote of 37-52.

HB 1375, which would have required candidates in local elections, including school board elections, to indicate a political party affiliation on the ballot, failed on the House floor by a vote of 37-53.

Finally, our sole primary bill left in the Senate failed by a vote of 12-33. **SB 2266** would have required a school district to adopt a policy on the use of restraint and seclusion methods in their schools. NDSBA opposed the bill as most districts already have such a policy and we believe each board, in consultation with their staff, students and community, are in the best position to craft a policy that works for their district. The Senate Education issued a Do Not Pass recommendation by a vote of 5-2. This bill failed on the Senate floor by a vote of 12-33.

Now that the dust has cleared following the first half of session, we can now remove almost half of the 111 bills on NDSBA's primary bill tracking list. Specifically, 49 of the 111 primary bills NDSBA has been tracking were killed in their respective chambers. A separate list of the killed bills is being provided along with this update.

Several hearings are already on the calendar for next week after recess, including: **SB 2040** (relating to the treatment of property owned by a political subdivision when calculating protests against the formation of a special improvement district); **SB 2149** (relates to mandatory instruction for students in mental health awareness and suicide prevention); **SB 2250** (relates to requiring public schools to provide early childhood education services); **SB 2300** (provides an appropriation of \$1.3M to DHS for purposes of providing grants to schools to address student behavioral health needs); **SB 2052** (relates to school district safety plans and school district levies for a school safety plan); **SB 2265** (relates to the determination of state aid payable to school district and to provide for a study); **SB 2025** (relates to the state superintendent's duty to call a meeting to review statewide education strategic vision); **HB 1369** (relates to payments for school bus driver

physical examinations); **HB 1385** (relates to mandatory safety training for school bus drivers); **HB 1067** (relates to municipal bid requirements and certificates of indebtedness); **HB 1201** (relates to the recalling of elected officials); **SB 2034** (relates to the possession of firearms at a public gathering); **SB 2172** (relates to the possession of a firearm or dangerous weapon in a liquor establishment); and **HB 1117** (relates to publication of legal notices in a newspaper and online).

Primary Bill List and Status Report

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

Transportation

<u>HB 1098</u>	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, Senate Hearing held 2/7)
<u>HB 1385</u>	This bill relates to mandatory safety training for school bus drivers. (Passed House 84-8)

School Calendar/Instructional Time/Instruction Content

<u>HB 1237</u>	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, Amended, Do Pass Recommendation 14-0-0, Passed House 89-0)
<u>HB 1346</u>	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, Passed House 86-5)
<u>SB 2149</u>	This bill requires mandatory instruction for students in mental health awareness and suicide prevention. (Hearing held 1/21, Amended, Do Pass Recommendation 7-0-0, Passed House 44-3)
<u>SB 2157</u>	This bill relates to the age of student allowed to be enrolled in driver's training courses. (Passed Senate 47-0)

Teacher Contracts

<u>HB 1347</u>	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 held 1/29, Amended, Do Pass Recommendation 8-5-1, Passed House 59-34)
--------------------------------	--

School Safety

<u>HB 1162</u>	This bill changes the definition of "infraction" under the criminal code. (Passed House 91-0).
<u>HB 1163</u>	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 held 1/30, Do Pass Recommendation 12-2, Passed House 78-14).
<u>HB 1262</u>	This bill, as amended, would allow for the expansion of existing school safety and crisis reporting programs. (Hearing held 1/16, Amended, Do Pass Recommendation 11-2-1, Passed House 82-11)
<u>HB 1332</u>	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, Amended, Do Pass Recommendation 10-4-0, Passed House 77-15)
<u>SB 2034</u>	This bill creates exceptions to prohibitions of possession of firearms. (Passed by Senate 46-1)
<u>SB 2052</u>	This bill would allow districts to create a safety plan and levy five mills with voter approval. (Passed Senate 43-3, emergency clause carried)
<u>SB 2172</u>	This bill relates the possession of a firearm or dangerous weapon at a public gathering. (Passed Senate 46-0)
<u>SB 2181</u>	This bill adds cyberbullying off school premises to the definition of bullying under ND law. (Hearing held 1/30, Amended, Do Pass Recommendation 7-0-0, Passed Senate 44-1)
<u>SB 2186</u>	This bill relates to the provision of information regarding school safety and awareness issues to school districts to be posted in school common areas. (Hearing held 2/5, Amended, Do Pass Recommendation 7-0-0, Passed Senate 44-1)
<u>SB 2209</u>	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)
<u>SB 2281</u>	This bill relates to limitations on permissible use of force on a child. (Hearing held 1/22, Do Pass Recommendation 4-2, Passed Senate 27-19)

Technology & Cyber Security

<u>SB 2101</u>	This bill changes references to PowerSchool in NDCC to "state student information system," and allows the statewide longitudinal data system committee to exempt school districts from implementing "state student information system." (Hearing held 1/7, Amended, Do Pass Recommendation 7-0, Passed Senate 44-0)
<u>SB 2110</u>	This bill would require ITD oversee the cyber security strategy of political subdivisions, including school districts. (Hearing held 1/4, Amended, Do Pass Recommendation 6-0, Passed Senate 44-0)
<u>SB 2340</u>	This bill relates to the protection of records regarding emergency planning and response and provides an exemption to open records laws. (Hearing held 1/31, Amended, Do Pass Recommendation 6-0, Passed Senate 43-1)

Finance & Tax	
<u>HB 1066</u>	This bill makes changes to the oil and gas tax distribution formula. <i>(Hearing held 1/15, Amended, Do Pass Recommendation 9-5-0, Rereferred to Appropriations, Do Pass Recommendation 19-1-1, Passed House 80-12)</i>
<u>HB 1067</u>	Relating to municipal bid requirements and certificates of indebtedness. <i>(Passed House 85-4)</i>
<u>HB 1125</u>	This bill relates to plans for cooperating school districts. <i>(Passed House 88-0).</i>
<u>HB 1365</u>	This bill would make changes to the baseline funding calculation for state aid payments to school districts. <i>(Hearing held 1/22, Do Pass Recommendation 13-0-1, Passed House 71-19)</i>
<u>HB 1369</u>	This bill relates to the payment of school bus drive physical examinations. <i>(Hearing held 2/7, Amended, Do Pass Recommendation 13-0-1, Passed House 88-0)</i>
<u>HB 1454</u>	This bill relates to bids for school district contracts, increases the threshold amount to \$50,000 and provides an exception for cooperative purchases in the amount in excess of \$50,000 but below \$100,000, and made pursuant to joint powers agreements. <i>(Hearing held 1/23, Amended, Do Pass Recommendation, Do Pass Recommendation 12-0-2, Passed House 92-0)</i>
<u>SB 2013</u>	This bill includes the appropriation for DPI and the K12 funding formula. <i>(Hearings held 1/15, Amended, Do Pass Recommendation 14-0-0, Passed House 46-1, Emergency Clause carried)</i>
<u>SB 2040</u>	This bill would prohibit school districts from protesting special improvement districts that included property owned by the district. <i>(Passed Senate 47-0)</i>
<u>SB 2156</u>	This bill would establish an additional vehicle registration fee (25 cents) to be deposited into a driver's education fund and administered by DPI. <i>(Hearing held 1/14, Amended, Do Pass recommendation 7-0-0, Passed Senate 41-4)</i>
<u>SB 2214</u>	This bill relates to school construction loans, to authorize the use of funds, and to provide a bond issuance limitation. <i>(Hearing held 1/22, Passed Senate 47-0)</i>
<u>SB 2255</u>	This bill relates to changes in school district tax levies. <i>(Hearing held 1/21, Amended, Do Pass Recommendation 7-0-0, Passed Senate 46-1)</i>
<u>SB 2265</u>	This bill relates to the determination of state aid payable to school district and to provide for a study. <i>(Hearing held 1/21, Hearing held 2/7, Amended, Do Pass Recommendation 14-0-0, Passed Senate 47-0, Hearing scheduled in House 2/27)</i>
<u>SB 2276</u>	This bill relates to the infrastructure revolving loan fund. <i>(Referred to Finance and Taxation Committee, Hearing held 1/28, Amended, Do Pass Recommendation 5-1-0, Passed Senate 31-16)</i>
<u>SB 2312</u>	This bill relates to the allocation of revenue from oil and gas production and oil extraction taxes on production and extraction activity on a reservation. <i>(Hearing held 2/6, Amended, Do Pass Recommendation 5-0-1, Referred to Appropriations, Hearing held 2/15, Do Pass Recommendation 14-0-0, Passed Senate 40-5)</i>
Early Childhood Education	
<u>SB 2250</u>	This bill would require public schools to provide early childhood education services. <i>(Hearing held 1/23, Amended, Do Pass Recommendation 7-0-0, Referred to Appropriations, Hearing held 2/11, Do Pass Recommendation 14-0-0, Passed House 45-0)</i>
HR Issues	
<u>SB 2217</u>	This bill would require legislative management to consider studying the feasibility and desirability of creating a teacher incentives for leadership in education program. <i>(Hearing held 1/22, Amended, Do Pass Recommendation 7-0-0, Passed Senate 45-1)</i>
Elections/School Board Membership Requirements	
<u>HB 1117</u>	This bill relates to publication of legal notices in a newspaper and online. <i>(Passed House 89-1)</i>
<u>HB 1201</u>	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. <i>(Hearing held 1/25, Do Pass Recommendation 10-4-0, Passed House 80-12)</i>
<u>HB 1501</u>	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. <i>(Hearing held 1/21, Amended, Do Pass recommendation 13-0-1, Passed House 59-34, Emergency Clause Failed)</i>
<u>SB 2230</u>	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. <i>(Hearing held 1/21, Do Not Pass Recommendation 5-1, Passed Senate 32-15).</i>
<u>SB 2356</u>	This bill, as amended, would provide for a legislative management study regarding absentee voting and voting by mail. <i>(Hearing held 2/8, Amended, Do Pass Recommendation 7-0-0, Passed Senate 45-2)</i>

Mental & Behavioral Health Issues	
HB 1249	This bill, as amended, would add “current or new behavior mitigation techniques” as one of the list of possible required categories of professional development under section 15.1-07-34. (Hearing held 1/15, Amended, Do Not Pass Recommendation 10-4-0, Passed House 82-11)
SCR 4004	This bill would call for a study regarding impact of violent, disruptive, and inappropriate behavior within the educational environment perpetrated by students. (Passed Senate)

Licensure/Workforce Shortage	
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 held 1/29, Do Not Pass Recommendation 13-1-0, Passed House 74-19)
HB 1429	This bill relates to the administrative authority for teacher shortage loan forgiveness program. (Hearing held 1/29, Amended, Do Pass Recommendation, 12-0-2, Passed House 82-10)
HB 1531	This bill relates to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria. (Hearing held 1/29, Amended, Do Pass Recommendation 13-0-1, Passed House 82-7)
SB 2171	This bill relates to credentials of teachers of computer and cyber science. (Passed Senate 46-0)
SB 2353	This bill, as amended, creates a new chapter in Title 43 of the NDCC which addresses uniform board regulation of occupations and professions and to provide for a legislative management study. (Hearing held 1/31, Amended, Do Pass Recommendation 7-0-0, Passed Senate 42-5)

Miscellaneous	
HB 1082	This bill aligns state code with federal regulations implemented by ESSA and relates to policy ABCE. (Passed House 72-16, motion to reconsider failed, Received by Senate, Hearing held 2/4)
HB 1335	This bill would prohibit a school district from adopting a dress code policy that prohibits the wearing of tribal regalia or other objects of cultural significance at school sponsored activities. (Hearing held 1/21, Amended, Do Pass Recommendation 11-1-2, Passed house 90-2)
HB 1434	This bill relates to the dissolution of school districts. (Hearing held 1/29, Amended, Do Pass Recommendation 12-0-2, Amendment adopted, Passed House 73-19)
HB 1464	This bill calls for a study of a school choice program. (Hearing held 1/21, Amended, Do Pass recommendation 7-5-2, Amendment adopted, Rereferred to Education Committee, Amended, Do Pass Recommendation 10-4-0, Passed House 73-19)
SB 2025	This bill directs the Superintendent of Public Instruction to call an annual meeting to review the statewide strategic vision for education. (Passed Senate 46-0)
SB 2148	This bill implements the requirements of Measure 1 relating to restrictions on lobbyists and public officials and the creation of an ethics commission. (Hearing held 1/30, Hearing held 2/6, Hearing held 2/12, Amended, Do Pass Recommendation 6-0-1, Hearing held 2/18, Amended, Do Pass Recommendation 14-0-0, Passed Senate 46-0)
SB 2215	This bill creates a kindergarten through grade twelve education commission to coordinate with schools to support elementary and secondary education in the state. (Hearing held 1/23, Amended, Do Pass Recommendation 7-0-0, Passed Senate 47-0)
SB 2216	This bill relates to the authorization of enrollments to the center for distance education by a school superintendent. (Hearing held 1/23, Amended, Do pass Recommendation 7-0-0, Passed Senate 47-0)
SB 2300	This bill provides an appropriation to the Department of Health to provide grants to school districts to meet behavioral health needs. (Hearing held 1/21, Amended, Do Pass Recommendation 7-0-0, Appropriations Hearing held 2/11, Do Pass Recommendation 14-0-0, Passed Senate 47-0)
SB 2357	This bill permits the Bank of ND to provide loans to federal workers affected by the federal shutdown. (Hearing held 1/24, Amended, Do Pass Recommendation 7-0-0, Passed Senate 41-4)
HCR 3011	This resolution directs legislative management to consider studying the provisions of the NDCC relating to provision of elementary and secondary education. (Hearing held 1/14, Do Pass Recommendation 14-0-0, Passed House)
SCR 4007	This resolution would urge Congress and the FDA to end the marketing and advertising of e-cigarettes to youth. (Hearing held 2/6, Do Pass Recommendation 5-0-1, Passed Senate)

Hearing Schedule (Feb. 27-Mar. 1)					
Date	Time	Bill	Committee	Room	Summary
2/27	9 a.m.	SB 2040	House FinTax	Ft. Totten	Protests against the formation of a special improvement district
2/27	2 p.m.	SB 2149	House Edu	Coteau A	Mandatory instruction in mental health & suicide prevention
2/27	2:30 p.m.	SB 2250	House Edu	Coteau A	Free and reduced lunch grant funds
2/27	3:15 p.m.	SB 2300	House Edu	Coteau A	Reading and school Medicaid matching grant funds
2/27	3:45 p.m.	SB 2052	House Edu	Coteau A	School district safety plans and levy authority
2/27	4 p.m.	SB 2265	House Edu	Coteau A	Determination of weighted ADM and state aid
2/27	4:30 p.m.	SB 2025	House Edu	Coteau A	Review of the statewide education strategic vision

2/28	9 a.m.	HB 1369	Senate Trans.	Lewis & Clark	Payments for school bus driver physical examinations
2/28	9:30 a.m.	HB 1385	Senate Tran.	Lewis & Clark	Safety training for school bus drivers
2/28	9:45 a.m.	HB 1067	Senate PoliSubs	Red River	Municipal bid requirements and certificates of indebtedness
2/28	10:30 a.m.	HB 1201	Senate PoliSubs	Red River	Recalling elected officials.
2/28	1:30 p.m.	SB 2034	House Energy	Coteau A	Possession of firearms
2/28	1:45 p.m.	SB 2172	House Energy	Coteau A	Possession of a firearms
3/1	9 a.m.	HB 1117	Senate PoliSubs	Red River	Publication of legal notices in a newspaper and online

How to Contact Your Legislators

During a legislative session, a legislator can be reached through the Contact My Legislator platform found [here](#). Legislators can also be reached by mail or email, and address rosters are posted [here](#).

2019 Legislative Calendar

Date	Topic
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