



As mentioned in last week's update, the hot topic at the Legislature continues to be the alleged distribution error made by the State Treasurer that appears to have misallocated roughly \$137 million away from the constitutionally-established Common Schools Trust Fund and Foundation Aid Stabilization Fund. SB 2362 was introduced as a delayed bill to address the issue and seeks to clarify that 20% of the state's share of oil and gas extraction tax from production on the Fort Berthold Indian Reservation must be deposited into the two funds going forward. The bill does not address the issue of any back pay for the missed allocations over the past ten years. A hearing on the bill was held this past Wednesday before the Senate Finance and Taxation Committee. Several individuals appeared to testify in support of the bill, including the State Land Commissioner, NDSBA, NDCEL, and North Dakota United, to name a few. No one appeared in opposition to the bill. Prior to the hearing, the State Land Board met and voted 4 to 1 to support SB 2362 and to pursue avenues to seek repayment of all misallocated funds. The State Land Board consists of the Governor, Secretary of State, Superintendent of Public Instruction, State Treasurer, and Attorney General. The lone nay vote came from the State Treasurer, whose office is responsible for making the required allocations. The Committee did not take action on the bill or discuss any amendments addressing repayment options following the hearing. We expect that the Committee will make a recommendation on the bill in the next week.

Key Issues

Our first primary education-related bill was signed by the Governor this week. **HB 1201** proposed to clean up some confusion as to the timing of recall elections of elected officials in relation to annual election. The Governor signed the bill this past Monday and it will go into effect on August 1.

A number of our primary bills came out of committee and were heard on the chamber floor this week. **HB 1335**, which, as amended by the House, would prohibit a school district from having a dress code policy that prohibits a student from wearing traditional tribal regalia or objects of cultural significance at a graduation ceremony. The bill defines "tribal regalia" or "object of cultural significance" means an eagle feather or eagle plume. The bill easily passed on the Senate floor by a vote of 45-0. The bill will now move on to the Governor. **SB 2157** was heard on the House floor and passed by a vote of 90-0. This bill addressed the age requirement (14 years old) for a student to enroll in a driver's training course through a high school program or participate in the behind-the-wheel driver's training. **SB 2052**, which would allow districts to levy an additional 5 mills for safety and includes language making school safety plans exempt from open records, was voted on in the House this week. It passed by a vote of 55-31. While the vote was enough to pass the bill, it was not enough to carry the emergency clause. This means that the bill will not go into effect immediately upon the Governor's signature, but rather at the regular legislative effective date of August 1. As the House made no amendments to the Senate version of the bill, it also does not need to go to conference committee.

The NDSBA team appeared at several committee hearings this week as well. **HB 1332**, commonly known as the "armed first responder" bill was heard by the Senate Energy and Natural Resources Committee this week. Representative Heinert (formerly Burleigh County Sheriff) is the prime sponsor on the bill and introduced it to the Committee at the hearing. Only one education group, the North Dakota Association of Small and Organized Schools, appeared in support of the bill. The Committee did not take action on the bill. Another gun bill, **HB 1206**, was heard by the Senate Energy and Natural Resources Committee. This bill would make it lawful for any individual with a valid class 1 exempt license under NDCC 62.1-04-03.2 to possess a firearm or dangerous weapon at a public gathering, including a public school. The bill creates this new class of firearm conceal and carry license, which would be issued to an individual who possesses a valid class 1 firearm license and who successfully completes the training and testing requirements outlined in the bill. Only Representative Todd Porter appeared in support. A cadre of opposition turned out on the bill, including NDSBA, NDCEL, NDU and Small and Organized Schools. The Committee has yet to take action on the bill. **HB 1365**, which calls for changes to the deduction of in lieu of revenue from the state per pupil payment to school districts and excludes from the deduction any revenue associated with mills levied for the district's sinking and interest fund, was heard by the Senate Education Committee this week. NDSBA appeared and testified in support of the bill, but noted concerns with certain amendments made by the House Appropriations Committee. The Committee has not taken action on the bill. The Senate Education Committee also held a hearing on **HB 1347**, which extends the period of time after which a public school teacher in ND achieves tenure status from one year after licensure to completion of three years of employment with a district. NDSBA along with several administrators appeared in support of the bill. As expected, NDU opposed the bill on behalf of its members. The Committee did not take action on the bill at the completion of the hearing. Finally, the House Judiciary Committee held a hearing on **SB 2230**, which would prohibit any individual with a felony conviction or a host of misdemeanor convictions from serving on a school board. Several individuals from the Belcourt school district appeared to testify in support of the bill. NDSBA appeared in strong opposition to the bill primarily due to the breadth of the convictions that would disqualify an individual from serving and because there is no temporal limitation in the bill. The Committee has not yet taken action on the bill.

Next week will contain mostly committee work on bills on which hearings have been held; however, there are hearings scheduled on the following primary bills: **SB 2181** (relating to limitations on permissible use of force on a child); **SCR 4007** (a concurrent resolution urging Congress and the FDA to end the marketing and advertising of e-cigarettes to youth); and **HB 1461** (relates to dyslexia screenings and training for teachers and other staff).

Primary Bill List and Status Report

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

Transportation

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| <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, Amended, Do Pass Recommendation 6-0-0, Passed Senate 44-0) |
| <u>HB 1385</u> | This bill relates to mandatory safety training for school bus drivers. (Passed House 84-8, Hearing held 2/28, Do Pass Recommendation 6-0-0, Passed Senate 44-1) |

School Calendar/Instructional Time/Instruction Content

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| <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. (Passed House 89-0, Hearing held 3/11) |
| <u>HB 1346</u> | This bill relates to the number of hours of instruction by school districts and weather emergencies. (Passed House 86-5, Hearing held 3/5) |
| <u>SB 2149</u> | This bill requires mandatory instruction for students in mental health awareness and suicide prevention. (Passed House 44-3, Hearing held 2/27) |
| <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, Hearing held 3/6, Do Pass Recommendation 13-0-1, Passed House 90-0) |

Teacher Contracts

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| <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. (Passed House 59-34, Hearing held 3/13) |
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School Safety

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| <u>HB 1162</u> | This bill changes the definition of "infraction" under the criminal code. (Passed House 91-0, Hearing held 3/6, Do Not Pass Recommendation 4-0-2, Failed Senate 1-44). |
| <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. (Passed House 78-14, Hearing held 3/14). |
| <u>HB 1262</u> | This bill, as amended, would allow for the expansion of existing school safety and crisis reporting programs. (Passed House 82-11, Hearing held 3/4, Do Not Pass Recommendation 7-0-0, Failed Senate 2-42) |
| <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. (Passed House 77-15, Hearing held 3/14) |
| <u>SB 2034</u> | This bill creates exceptions to prohibitions of possession of firearms. (Passed by Senate 46-1, Hearing held 2/28) |
| <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, Hearing held 2/27, Do Pass Recommendation 10-2-2, Passed House 55-31, emergency clause failed) |
| <u>SB 2172</u> | This bill relates the possession of a firearm or dangerous weapon at a public gathering. (Passed Senate 46-0, Hearing held 2/28) |
| <u>SB 2181</u> | This bill adds cyberbullying off school premises to the definition of bullying under ND law. (Passed Senate 44-1, Hearing held 3/13) |
| <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. (Passed Senate 44-1, Hearing held 3/5, Amended, Do Pass Recommendation 13-0-1) |
| <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, Hearing held 3/4, Amended, Do Pass Recommendation 13-0-1) |
| <u>SB 2281</u> | This bill relates to limitations on permissible use of force on a child. (Passed Senate 27-19, Hearing scheduled 3/19) |

Technology & Cyber Security

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| <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." (Passed Senate 44-0, Hearing held 3/4, Amended, Do Pass Recommendation 12-0-2, Passed House 87-2) |
| <u>SB 2110</u> | This bill would require ITD oversee the cyber security strategy of political subdivisions, including school districts. (Passed Senate 44-0, Hearing held 3/8) |

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| <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. <i>(Passed Senate 43-1, Hearing held 3/7, Amended, Do Pass Recommendation 11-2-1, Passed House 82-7)</i> |
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Finance & Tax

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| <u>HB 1066</u> | This bill makes changes to the oil and gas tax distribution formula. <i>(Passed House 80-12, Hearing held 3/5, Appropriations Hearing held 3/11, Passed Senate 46-0)</i> |
| <u>HB 1067</u> | Relating to municipal bid requirements and certificates of indebtedness. <i>(Passed House 85-4, Hearing held 2/28, Amended, Do Pass Recommendation 6-0-0, Passed Senate 45-0)</i> |
| <u>HB 1125</u> | This bill relates to plans for cooperating school districts. <i>(Passed House 88-0, Hearing held 3/6).</i> |
| <u>HB 1365</u> | This bill would make changes to the baseline funding calculation for state aid payments to school districts. <i>(Passed House 71-19, Hearing held 3/13)</i> |
| <u>HB 1369</u> | This bill relates to the payment of school bus drive physical examinations. <i>(Passed House 88-0, Hearing held 2/28, Amended, Passed Senate 44-1)</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>(Passed House 92-0, Hearing held 3/11)</i> |
| <u>SB 2013</u> | This bill includes the appropriation for DPI and the K12 funding formula. <i>(Passed House 46-1, Emergency Clause carried, Hearing held 3/4, Hearing held 3/12, Hearing held 3/15)</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, Hearing held 2/27, Amended, Do Pass Recommendation 12-0-2, Passed House 87-2)</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>(Passed Senate 41-4, Hearing held 3/6)</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>(Passed Senate 47-0, Hearing held 3/12)</i> |
| <u>SB 2255</u> | This bill relates to changes in school district tax levies. <i>(Passed Senate 46-1, Hearing held 3/11, Do Pass Recommendation 12-1-1, Passed House 78-8)</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>(Passed Senate 47-0, Hearing held 2/27)</i> |
| <u>SB 2276</u> | This bill relates to the infrastructure revolving loan fund. <i>(Passed Senate 31-16, Hearing scheduled 3/14)</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>(Passed Senate 40-5, Hearing held 3/5)</i> |
| <u>SB 2362</u> | This bill relates to the allocation of oil extraction tax from production on the Fort Berthold Indian Reservation, including allocations into the Common Schools Trust Fund and Foundation Aid Stabilization Fund <i>(Hearing held 3/13)</i> |

Early Childhood Education

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| <u>SB 2250</u> | This bill would require public schools to provide early childhood education services. <i>(Passed House 45-0, Hearing held 2/27, Do Pass Recommendation 10-4-0)</i> |
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HR Issues

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| <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>(Passed Senate 45-1, Hearing held 3/12)</i> |
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Elections/School Board Membership Requirements

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| <u>HB 1117</u> | This bill relates to publication of legal notices in a newspaper and online. <i>(Passed House 89-1, Hearing held 3/1, Do Pass Recommendation 6-0-0, Passed Senate 45-0, Signed by Governor)</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>(Passed House 80-12, Hearing held 2/28, Do Pass Recommendation 6-0-0, Passed Senate 43-0, Signed by Governor)</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>(Passed House 59-34, Emergency Clause Failed, Hearing held 3/11)</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>(Passed Senate 32-15, Hearing held 3/11).</i> |
| <u>SB 2356</u> | This bill, as amended, would provide for a legislative management study regarding absentee voting and voting by mail. <i>(Passed Senate 45-2, Hearing held 3/14)</i> |

Mental & Behavioral Health Issues

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| 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. (Passed House 82-11, Hearing held 3/13) |
| 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, Hearing held 3/4) |

Licensure/Workforce Shortage

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| 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. (Passed House 74-19, Hearing held 3/12) |
| HB 1429 | This bill relates to the administrative authority for teacher shortage loan forgiveness program. (Passed House 82-10, Hearing held 3/11) |
| HB 1531 | This bill relates to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria. (Passed House 82-7, Hearing held 3/12) |
| SB 2171 | This bill relates to credentials of teachers of computer and cyber science. (Passed Senate 46-0, Hearing held 3/5, Do Pass Recommendation 12-0-2, Passed House 90-0) |
| 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. (Passed Senate 42-5, Hearing held 3/15) |

Miscellaneous

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| HB 1082 | This bill aligns state code with federal regulations implemented by ESSA and relates to policy ABCE. (Passed House 72-16, Hearing held 2/4, Amended, Do Pass Recommendation 4-2-0, Passed Senate 28-17) |
| 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. (Passed house 90-2, Hearing held 3/4, Do Pass Recommendation 7-0-0, Passed Senate 45-0) |
| HB 1434 | This bill relates to the dissolution of school districts. (Passed House 73-19, Hearing held 3/11) |
| HB 1461 | This bill would require dyslexia screenings and training for teachers and other staff and addresses credentials for dyslexia specialists. (Passed House 87-2, Hearing scheduled 3/20) |
| HB 1464 | This bill calls for a study of a school choice program. (Passed House 73-19, Hearing held 3/13) |
| 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, Hearing held 2/27, Amended, Do Pass Recommendation 11-0-3, Passed House 69-20) |
| 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. (Passed Senate 46-0, Hearing held 3/12) |
| 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. (Passed Senate 47-0, Hearing held 3/12) |
| SB 2216 | This bill relates to the authorization of enrollments to the center for distance education by a school superintendent. (Passed Senate 47-0, Hearing held 3/12) |
| SB 2300 | This bill provides an appropriation to the Department of Health to provide grants to school districts to meet behavioral health needs. (Passed Senate 47-0, Hearing held 2/27) |
| SB 2357 | This bill permits the Bank of ND to provide loans to federal workers affected by the federal shutdown. (Passed Senate 41-4, Hearing held 3/7, Amended, Do Pass Recommendation 8-5-1, Failed House 18-71) |
| HCR 3011 | This resolution directs legislative management to consider studying the provisions of the NDCC relating to provision of elementary and secondary education. (Passed House, Hearing held 3/11) |
| SCR 4007 | This resolution would urge Congress and the FDA to end the marketing and advertising of e-cigarettes to youth. (Passed Senate, Hearing scheduled 3/19) |

Hearing Schedule (Mar. 18-Mar. 22)

| Date | Time | Bill | Committee | Room | Summary |
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| 3/19 | 9 a.m. | SB 2281 | House Judiciary | Prairie | Limitations on permissible use of force on a child |
| 3/19 | 9:15 a.m. | SCR 4007 | House HumServ | Fort Union | Resolution urging Congress and the FDA to end the marketing of e-cigarettes to youth |
| 3/20 | 10 a.m. | HB 1461 | Senate Edu | Sheyenne River | Dyslexia screenings, training and credentials |

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2019 Legislative Calendar

| Date | Topic |
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| April 19 | Good Friday (In 2017 the House and Senate were in session on Good Friday.) |
| May 2 | Session is limited to 80 legislative days |