



One of the most significant issues undertaken this session relates to the negotiation of a new tribal oil tax agreement between the State of North Dakota and the MHA Nation. SB 2312 changes how the state and tribe share tax revenue from new oil and gas wells on trust and fee lands, sending a greater share of the revenue to the tribe. Governor Burgum signed the legislation Thursday that ratifies the oil tax compact he signed last month with the Mandan, Hidatsa and Arikara Nation. In addition to the oil tax compact and SB 2312, Burgum signed SB 2257, which sets up a framework for the Governor and tribes to sign agreements for taxes on alcohol and wholesale tobacco products.

This week also brought our first veto override. The Senate voted Thursday to override Governor Burgum's veto of a bill raising fees for driver's licenses. The Governor justified the veto as he felt it would place an "unnecessary additional burden" on the state's residents. The bill would double the fee for commercial and noncommercial driver's licenses from \$15 to \$30. Noncommercial licenses are good for six years — elderly drivers must renew every four years, however — and commercial ones are good for four years.

Key Issues

A number of education-related bills passed on the floor of the House or Senate this week. **SB 2230**, which as originally introduced would have prohibited any individual with a felony conviction or a host of misdemeanor convictions from serving on a school board, was amended by the House Judiciary Committee and received a 13-0-1 do pass recommendation. The bill, as amended, would now only apply to public schools located on land within the exterior boundaries of an Indian reservation in this state and would prohibit any individual who would not otherwise be eligible to run for tribal office from also being eligible to be a member of a public school board. The bill passed on the House floor by a unanimous vote of 90-0 and the emergency clause carried. **SB 2149** initially related to the requirement of public schools to provide instruction on youth behavioral health and suicide prevention to students. The bill was amended by the House Education Committee to require training in these areas to be provided to administrators and staff as part of required professional development hours. The bill also would require each school within a district to designate a behavioral health resource coordinator. The bill, as amended, received a 14-0 do pass recommendation from the Committee and passed on the House floor by a vote of 86-4. **SB 2181** seeks to expand the definition of "bullying" as set forth in NDCC ch. 15.1-19 to include cyberbullying occurring off campus and outside of school hours. The House Education Committee slightly amended the bill and issued a 12-0-2 do pass recommendation. The bill passed on the House Floor this week by a vote of 83-7.

On the Senate side, **HB 1332**, commonly referred to as the "armed first responder" bill which would allow a school board to designate an individual to carry a concealed, loaded firearm in their schools, received a 5-1 do pass recommendation from the Senate Energy and Natural Resources Committee. The bill was heard on the Senate Floor today and passed by a vote of 31-14-2. Because the bill was amended slightly by the Senate Committee, it will return to the House and likely be scheduled for conference committee. **HB 1501** would allow the governor, in consultation with the superintendent of public instruction, to suspend a school board member during the pendency of an audit by the state auditor's office conducted pursuant to NDCC 54-10-15. The bill received a 7-0 do pass recommendation by the Senate Education Committee and passed on the Senate Floor by a unanimous vote of 45-0. The bill was amended in the Senate and therefore, will return to the House and possibly be scheduled for conference committee. **HB 1347** seeks to extend 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. The bill received a 5-2 do pass recommendation from the Senate Education Committee. The bill was amended on the floor of the Senate to reduce the period to two years of employment with a district and passed, as amended, by a vote of 42-5. Because the bill was amended, it will now return to the House and likely be scheduled for conference committee. **HB 1346**, which relates to changing the requirement from instructional days to hours and weather emergencies, received a 7-0 do pass recommendation from the Senate Education Committee and passed on the Senate floor today by a vote of 46-0. This bill was also amended in the Senate and thus, will be returned to the House and possibly scheduled for conference committee.

Several of our primary bills also received committee recommendations this week. The two school funding bills, **HB 1365** and **SB 2265**, were amended and both received do pass recommendations from their respective committees. Both bills were re-

referred to the Appropriations Committee for consideration. **HB 1365** is scheduled for a hearing before the Senate Appropriations Committee next Monday. **SB 2362**, which seeks to clarify the required allocations of the state's share of extraction tax from oil and gas production from wells within the exterior boundaries of the Fort Berthold Indian Reservation, was amended by the Senate Finance and Taxation Committee to include an appropriation to reimburse the Common Schools Trust Fund for the funds that were misallocated over the last 10 years. The amendment does not address any reimbursement into the Foundation Aid Stabilization Fund. The bill, as amended, received a 4-1-1 do pass recommendation. The amendment was adopted by the Senate and has been referred to the House Appropriations Committee. A hearing on the bill will be held by the Committee next week on Tuesday at 10 a.m.

Finally, this past Thursday, **HB 1206** received a 5-1 do pass recommendation from the Senate Natural Resources Committee. **HB 1206** is the bill that would create a new class of conceal and carry permit that would allow permit holders to carry in churches, schools and other publicly owned places. Prior to giving the bill the do pass recommendation, the committee amended the bill so that permit holders could no longer carry in public schools. However, the committee was under the impression that they had also removed churches, but they had not. So, today, they rescinded their do pass recommendation, re-amended the bill, and excluded schools and churches from places a permit holder could carry. They then gave the bill a do NOT pass recommendation in a 5-1 vote. We anticipate they will try to kill the bill on the floor and its sponsors will attempt to amend the concept into another bill. This is a very dangerous concept for schools. NDSBA opposed it, and it is important you continue to reach out to your legislators on the issue.

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, 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, Signed by Governor)

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. (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, Do Pass as Amended Recommendation 7-0)
<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, Amended, Do Pass Recommendation 14-0-0, Passed the House 86-4)
<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, Signed by Governor)

Teacher Contracts

<u>HB 1347</u>	This bill would allow school boards to nonrenew a teacher who has been teaching for 2 years or less without a due process hearing. (Passed House 59-34, Hearing held 3/13, Do Pass as Amended Recommendation 5-2, Passed the Senate 42-5)
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School Safety

<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, Do Pass Recommendation 4-2)
<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, Do Pass as Amended Recommendation 5-1)
<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, Signed by Governor, Filed with Secretary of State)

SB 2172	This bill relates the possession of a firearm or dangerous weapon at a public gathering. <i>(Passed Senate 46-0, Hearing held 2/28)</i>
SB 2181	This bill adds cyberbullying off school premises to the definition of bullying under ND law. <i>(Passed Senate 44-1, Hearing held 3/13, Amended, Do Pass Recommendation 12-0-2, Passed House 83-7)</i>
SB 2186	This bill relates to the provision of information regarding school safety and awareness issues to school districts to be posted in school common areas. <i>(Passed Senate 44-1, Hearing held 3/5, Amended, Do Pass Recommendation 13-0-1, Passed House 86-4)</i>
SB 2209	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. <i>(Passed Senate 47-0, Hearing held 3/4, Amended, Do Pass Recommendation 13-0-1, Passed House 82-4)</i>
SB 2281	This bill relates to limitations on permissible use of force on a child. <i>(Passed Senate 27-19, Hearing held 3/19, Do Pass as Amended 9-4-1)</i>

Technology & Cyber Security

SB 2101	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." <i>(Passed Senate 44-0, Hearing held 3/4, Amended, Do Pass Recommendation 12-0-2, Passed House 87-2)</i>
SB 2110	This bill would require ITD oversee the cyber security strategy of political subdivisions, including school districts. <i>(Passed Senate 44-0, Hearing held 3/8, Hearing held 3/18, Do Pass as Amended 11-0-3)</i>
SB 2340	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>

Finance & Tax

HB 1066	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, Signed by Governor, Filed with Secretary of State)</i>
HB 1067	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>
HB 1125	This bill relates to plans for cooperating school districts. <i>(Passed House 88-0, Hearing held 3/6, Do Pass as Amended 7-0)</i>
HB 1365	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, Do Pass as Amended 7-0, Rereferred to Appropriations)</i>
HB 1369	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>
HB 1454	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, Amended, Do Pass Recommendation 7-0-0, Passed Senate 43-0)</i>
SB 2013	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>
SB 2040	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>
SB 2156	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, Do Not Pass Recommendation 14-0-0, Failed the House 9-81)</i>
SB 2214	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, Amended, Do Pass Recommendation 11-0-3, Rereferred to Appropriations)</i>
SB 2255	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, Signed by the Governor, Filed with Secretary of State)</i>
SB 2265	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, Do Pass as Amended 13-1, Rereferred to Appropriations)</i>
SB 2276	This bill relates to the infrastructure revolving loan fund. <i>(Passed Senate 31-16, Hearing held 3/14, Amended, Do Pass Recommendation 9-5-0, Failed House for Lack of Constitutional Majority 47-38, Motion to Reconsider Failed)</i>
SB 2312	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, Do Pass Recommendation 12-2-0, Passed House 84-8)</i>
SB 2362	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, Do Pass as Amended Recommendation 4-1-1, Rereferred to Appropriations)</i>

Early Childhood Education

SB 2250	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, Failed House 46-46)</i>
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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>(Passed Senate 45-1, Hearing held 3/12, Amended, Do Pass Recommendation 13-0-1, Passed the House 79-12)</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, 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, Do Pass as Amended 7-0, Passed the Senate 45-0, Emergency Clause Passed)</i>
<u>SB 2230</u>	This bill would prohibit the qualifications for membership on a school board on tribal lands to be no less restrictive than the qualifications for tribal office. <i>(Passed Senate 32-15, Hearing held 3/11, Amended, Do Pass Recommendation 14-0-0, Passed the House 90-0, Emergency Clause Passed)</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, Do Not Pass Recommendation 7-6-1, Failed the House 42-44)</i>
Mental & Behavioral Health Issues	
<u>HB 1249</u>	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. <i>(Passed House 82-11, Hearing held 3/13, Amended, Do Pass Recommendation 7-0-0, Passed Senate 46-0)</i>
<u>SCR 4004</u>	This bill would call for a study regarding impact of violent, disruptive, and inappropriate behavior within the educational environment perpetrated by students. <i>(Passed Senate, Hearing held 3/4, Amended, Do Pass Recommendation 14-0-0, Adopted by the House)</i>
Licensure/Workforce Shortage	
<u>HB 1287</u>	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. <i>(Passed House 74-19, Hearing held 3/12)</i>
<u>HB 1429</u>	This bill relates to the administrative authority for teacher shortage loan forgiveness program. <i>(Passed House 82-10, Hearing held 3/11, Amended, Do Pass Recommendation 7-0-0, Passed Senate 46-0)</i>
<u>HB 1531</u>	This bill relates to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria. <i>(Passed House 82-7, Hearing held 3/12)</i>
<u>SB 2171</u>	This bill relates to credentials of teachers of computer and cyber science. <i>(Passed Senate 46-0, Hearing held 3/5, Do Pass Recommendation 12-0-2, Passed House 90-0, Signed by Governor)</i>
<u>SB 2353</u>	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. <i>(Passed Senate 42-5, Hearing held 3/15)</i>
Miscellaneous	
<u>HB 1082</u>	This bill aligns state code with federal regulations implemented by ESSA and relates to policy ABCE. <i>(Passed House 72-16, Hearing held 2/4, Amended, Do Pass Recommendation 4-2-0, Passed Senate 28-17)</i>
<u>HB 1335</u>	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. <i>(Passed house 90-2, Hearing held 3/4, Do Pass Recommendation 7-0-0, Passed Senate 45-0, Signed by Governor)</i>
<u>HB 1434</u>	This bill relates to the dissolution of school districts. <i>(Passed House 73-19, Hearing held 3/11)</i>
<u>HB 1461</u>	This bill would require dyslexia screenings and training for teachers and other staff and addresses credentials for dyslexia specialists. <i>(Passed House 87-2, Hearing held 3/20)</i>
<u>HB 1464</u>	This bill calls for a study of a school choice program. <i>(Passed House 73-19, Hearing held 3/13, Do Not Pass Recommendation 7-0-0, Failed Senate 13-33)</i>
<u>SB 2025</u>	This bill directs the Superintendent of Public Instruction to call an annual meeting to review the statewide strategic vision for education. <i>(Passed Senate 46-0, Hearing held 2/27, Amended, Do Pass Recommendation 11-0-3, Passed House 69-20)</i>
<u>SB 2148</u>	This bill implements the requirements of Measure 1 relating to restrictions on lobbyists and public officials and the creation of an ethics commission. <i>(Passed Senate 46-0, Hearing held 3/12)</i>

<u>SB 2215</u>	This bill creates a kindergarten through grade twelve education commission to coordinate with schools to support elementary and secondary education in the state. <i>(Passed Senate 47-0, Hearing held 3/12, Do Pass as Amended Recommendation 14-0)</i>
<u>SB 2216</u>	This bill relates to the authorization of enrollments to the center for distance education by a school superintendent. <i>(Passed Senate 47-0, Hearing held 3/12, Do Pass as Amended Recommendation 13-0-1)</i>
<u>SB 2300</u>	This bill provides an appropriation to the Department of Health to provide grants to school districts to meet behavioral health needs. <i>(Passed Senate 47-0, Hearing held 2/27, Do Not Pass Recommendation 14-0-0, Failed the House 9-81)</i>
<u>SB 2357</u>	This bill permits the Bank of ND to provide loans to federal workers affected by the federal shutdown. <i>(Passed Senate 41-4, Hearing held 3/7, Amended, Do Pass Recommendation 8-5-1, Failed House 18-71)</i>
<u>HCR 3011</u>	This resolution directs legislative management to consider studying the provisions of the NDCC relating to provision of elementary and secondary education. <i>(Passed House, Hearing held 3/11, Do Pass Recommendation 7-0-0, Adopted by the Senate, Filed with the Secretary of State)</i>
<u>SCR 4007</u>	This resolution would urge Congress and the FDA to end the marketing and advertising of e-cigarettes to youth. <i>(Passed Senate, Hearing held 3/19, Do Pass Recommendation 11-1-2, Adopted by the House, Filed with the Secretary of State)</i>

Hearing Schedule (April 1-5)

Date	Time	Bill	Description	Committee	Room
4/1	10:15 a.m.	<u>HB 1365</u>	State foundation aid payments	Senate Approps	Harvest
4/2	10 a.m.	<u>SB 2362</u>	Allocation of oil and gas tax	House FinTax	Ft. Totten

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2019 Legislative Calendar

Date	Topic
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