

2019 North Dakota League of Cities LEGISLATIVE REPORT

The 66th Legislative Assembly completed its work on April 26, 2019 which was Day 76 out of 80 that the Legislature is allowed to meet. The North Dakota League of Cities had a robust legislative agenda that resulted in the League tracking 230 bills. The League and its members were able to work with legislative leaders from across North Dakota to make prudent financial and policy decisions for the State. During the session, over 36 cities had representatives calling in for the League's weekly legislative update calls. Further, a countless number of city representatives quickly acted to communicate with their legislators whenever a "Call to Action" was sent out by the League. The participation of city officials is critical to the League's legislative process and a hearty thank you goes to all those who participated in the process.

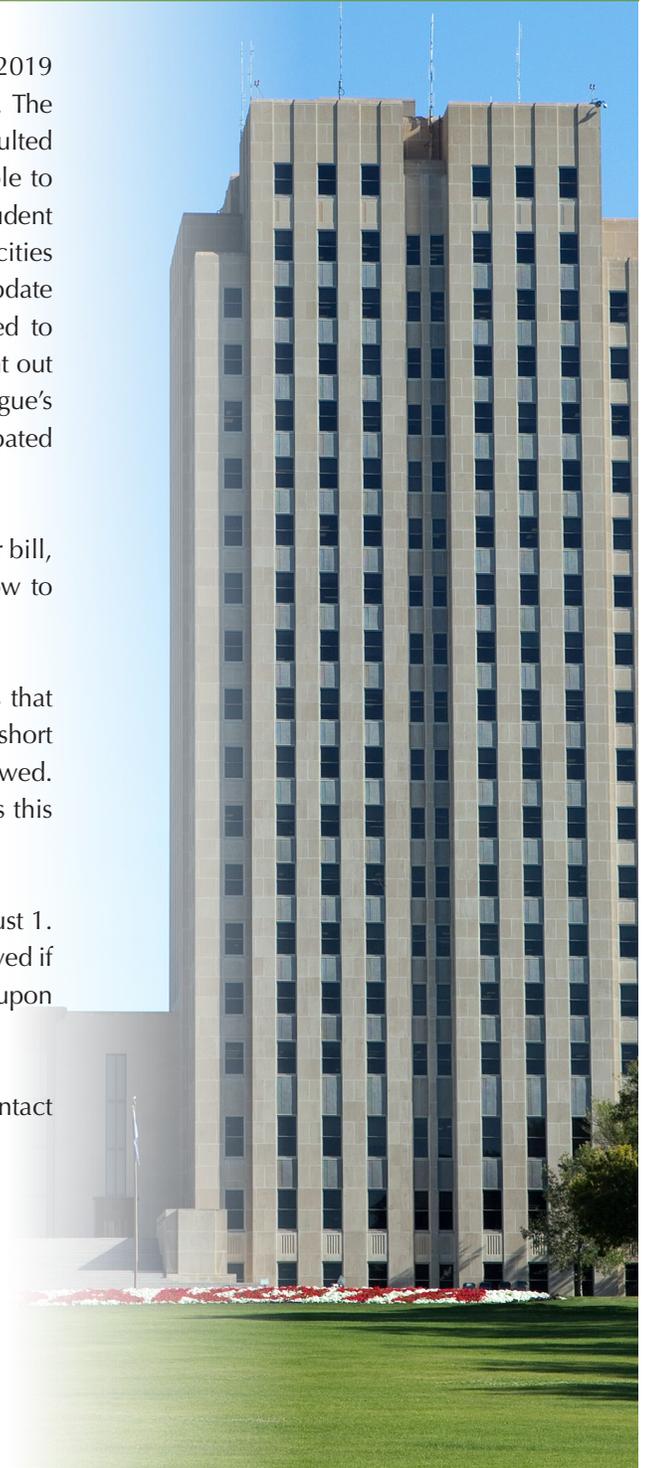
If you have any questions about how your legislator voted on a particular bill, go to www.ndlc.org/120/legislative-information for instructions on how to find this information.

In this publication you will find a summary of the bills affecting cities that passed this session. Please remember that the information is merely a short summary. If you have specific questions, the entire bill should be reviewed. On page 4-5 of this publication, there is a list of bills that failed to pass this session.

Appropriation bills are effective July 1 and policy bills are effective August 1. Legislative Council will compile a list of effective dates that can be reviewed if a question arises. If a bill has an emergency clause, it becomes effective upon filing with the Secretary of State.

If you have any questions about the information in this report, please contact Blake at blake@ndlc.org or Stephanie at stephanie@ndlc.org.

Sincerely,
Blake, Stephanie & Bill
NDLC Lobbying Team



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Elections

HB 1201	Provides clarification for timing for holding a recall election when a recall petition is filed in the year prior to an office being on the ballot at a regular election.
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Employment

HB 1072	Makes several changes to Workforce Safety and Insurance, including requiring employers of all sizes to file payroll reports electronically.
HB 1282	Provides that a public employer cannot inquire into the criminal history of a job applicant until the applicant has been selected for an interview.

Finance and Taxation

HB 1014	North Dakota Industrial Commission Budget which provides for transfer of funds from the Bank of North Dakota to fund the State Interoperable Radio Network (SIRN), provides funding for the Housing Incentive Fund, and provides for a transfer of \$40 million to the infrastructure revolving loan fund from the strategic investment and improvements fund (SIF) if the SIF exceeds \$755 million in the biennium.
HB 1041	Provides for adjustment of the amount available under the homestead tax credit for special assessments based on consumer price index and adjusts the interest rate on the credit to six percent.
HB 1066	Creates airport infrastructure fund, city infrastructure fund, and county and township infrastructure fund. This bill is commonly referred to as the Prairie Dog Bill.
HB 1435	Provides for State Interoperable Radio Network (SIRN) program and funding.
HB 1474	Provides for legislative management study on options for replacing revenue generated by special assessments with revenue from an alternative local funding source.
HB 1487	Provides for legislative management study of the homestead tax credit.
SB 2010	Provides budget for the North Dakota Insurance Department, payment of \$17,989,505 from the insurance tax distribution fund to fire departments, and allows the Insurance Commissioner to enter an agreement for the North Dakota Insurance Reserve Fund to administer the state fire and tornado fund and the state bonding fund.
SB 2020	Provides budget for North Dakota Water Commission and contains an appropriation of \$128 million for water supply grants of which \$45 million is for municipal water projects.
SB 2041	Allows park districts to use general obligation bonds to fund projects.
SB 2189	Provides for date change for city and township board of equalization meetings.
SB 2232	Provides modification to levying authority when city recreation department is merged with city park district.
SB 2268	Creates Corridors of Commerce Program for improvements to eligible highways that improve freight transportation and facilitate commerce.

Municipal Courts

HB 1147	Allows municipal judges to move hearings outside city and provides specific authority to allow municipal judges to hold electronic hearings.
HB 1244	Provides technical corrections to municipal code penalty sections and Driving Under the Influence (DUI) sections.
HB 1256	Provides process for petitioning court to have criminal record sealed.
HB 1334	Provides for sealing criminal record for driving under the influence conviction if the person has not been found guilty of another offense within 7 years of the first violation.
HB 1393	Creates separate crime for domestic violence offenses and provides that a person charged under this provision must be prosecuted in district court.

SB 2178	Provides that a city cannot terminate its municipal court until the end of a municipal judge's term or until all cases have been transferred to district court.
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Public Bidding

HB 1136	Allows political subdivision to negotiate contract amendment or readvertise for bids for the single portion of the contract when mechanical, electrical or general portion of project does not receive bid.
HB 1356	Increases bidding threshold and engineering threshold for public improvement project to \$200,000 and requires a governing body to consider consulting an engineer or architect whenever there is reason to believe an engineer or architect is necessary to protect the public.
HB 1360	Provides provisions increasing bidding threshold for park districts to \$50,000 and adds exemptions from the bidding requirements for emergency situations and for cooperative purchases with the Office of Management and Budget.
SB 2188	Eliminates time limitation on concession vending contracts.

Public Safety

HB 1050	Provides several changes to law on marijuana, drug paraphernalia, and drug and alcohol treatment, including making possession of marijuana in the amount of less than one-half ounce and possession of marijuana paraphernalia infraction level offenses.
HB 1058	Eliminates traffic violation for leaving a vehicle unattended while the engine is running.
HB 1065	Increases the property damage threshold to \$4,000 (from \$1,000) for when a vehicle accident must be reported to law enforcement.
HB 1132	Makes record revealing the substance of a background interview regarding an applicant for a law enforcement officer position exempt from disclosure under open records law.
HB 1286	Provides changes to criminal forfeiture laws including: 1) Increasing the standard of proof for forfeiture proceedings; 2) Requiring a political subdivision to have a civil asset forfeiture fund controlled by the governing body; 3) Defining what an unconstitutionally excessive forfeiture is; and 4) Requiring specific reports to the Attorney General's office regarding forfeited property.
HB 1296	Increases penalty for fleeing a police officer.
HB 1327	Increases fee to \$40 for stop sign and yield sign traffic violations.
HB 1534	Provides update to driving under the influence and implied consent statutes.
SB 2272	Provides for system regulating tracking warrants for electronic devices.
SB 2304	Eliminates restriction on traffic fees exceeding state traffic fees and provides that fees may exceed the state limits by 100 percent for an equivalent category.

Special Assessments

SB 2040	Changes special assessment protest area to not include land owned by a political subdivision unless the political subdivision signs the protest.
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Zoning

HB 1471	Provides that building permit fees cannot be higher in the extraterritorial zone than in the city limits.
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Other

HB 1117	Requires newspapers to place legal notices that were published on a website maintained by the North Dakota Newspaper Association and on the newspaper's website, if it has one, free of charge.
HB 1193	Provides that a political subdivision cannot mandate a living wage be paid.
HB 1200	Prohibits a city from regulating auxiliary items such as plastic bags and straws.
HB 1259	Creates infraction level offense for trying to gain admission to a public place or trying to obtain a reasonable housing accommodation when a person knowingly makes a false claim that a pet is a service animal.
HB 1362	Creates process for utilities seeking to cross over or under a railroad right-of-way.
HB 1381	Prohibits state and political subdivisions from participating in a firearm buyback program.
SB 2110	Adds provisions related to cyber security to the duties of the Department of Information and Technology (ITD) and provides that the Department shall advise and oversee cybersecurity strategy for political subdivisions.
SB 2209	Provides that records regarding disaster mitigation and response and relating to cyber security are exempt from disclosure under open records law.
SB 2340	Provides that records that relate to cyber security or critical infrastructure, the disclosure of which may expose vulnerabilities, are exempt from disclosure under the open records law and contains procedure for handling records obtained from a federal entity.

Defeated

HB 1165	Provided for rebuilding non-conforming residential structures, regardless of zoning ordinances. [Passed House 82-7; Defeated Senate 30-17]
HB 1182	Provided that the assessed value of property cannot exceed 3% from the previous year. [Defeated House 61-28]
HB 1184	Eliminated quick-take eminent domain. [Defeated House 54-35]
HB 1207	Provided provisions for attorney fees awards in eminent domain proceedings. [Passed House 80-13; Defeated Senate 41-6]
HB 1210	Provided for provisions allowing citizens in the extra-territorial zone to vote on whether to be included in extra-territorial zone. [Passed House 58-32; Defeated Senate 44-1]
HB 1217	Provided petition process to the Public Service Commission relating to competition between government and private industry. [Defeated House 67-24]
HB 1221	Provided that tax lien cannot be foreclosed on for 5 years. [Defeated House 70-19]
HB 1227	Prohibited political subdivision from requiring a fee for a residential rental license. [Passed House 86-6; Defeated Senate 34-12]
HB 1289	Provided for requirement to use spot check when reviewing property value assessments. [Passed House 52-41; Defeated Senate 44-2]
HB 1297	Provided for elimination of extraterritorial zoning. [Defeated House 58-34]
HB 1302	Provided restrictions on uses of land acquired through eminent domain. [Passed House 86-4; Defeated Senate 41-5]
HB 1307	Provided language requiring special assessments to meet requirements related to improvement being a special benefit to the property. [Defeated House 74-15]
HB 1309	Provided that political subdivision cannot provide assistance to federal law enforcement for enforcing federal firearms laws. [Defeated House 62-30]

HB 1328	Provided that city may levy additional mills for cemetery but additional mills must be deducted from general fund. [Defeated House 83-6]
HB 1375	Required candidates on political subdivision ballots to declare a political party or independent status. [Defeated House 53-37]
HB 1379	Provided for system of referring political subdivision budgets to public vote. [Defeated House 52-37]
HB 1380	Provided 3% property tax cap. [Defeated House 67-25]
HB 1390	Provided provisions limiting assessed value and limiting property tax levy. [Defeated House 60-29]
HB 1410	Provided requirement for arbitration for above grade road or street project controversies with political subdivisions. [Defeated House 87-2]
HB 1411	Provided increase to bidding threshold and engineering threshold for construction of public improvement to \$400,000 for above road improvements. [Defeated House 60-29]
HB 1437	Provided for school board asking city to put provisions on ballot for vote on sales tax to pay for school bond issue. [Defeated House 58-30]
HB 1443	Provided for system allowing historic horse racing charitable gaming. [Passed House 48-43; Defeated Senate 41-3]
HB 1488	Provided provisions related to special assessment fund balances. [Passed House 72-21; Defeated Senate 34-13]
SB 2116	Expanded infrastructure revolving loan fund to programs controlled by the state board of higher education. [Defeated Senate 43-2]
SB 2166	Provided for increasing the liability limits for political subdivisions. [Defeated Senate 44-2]
SB 2180	Provided that airport authority can regulate transportation network companies at airports. [Defeated Senate 26-21]
SB 2238	Provided requirements that county commission approve other political subdivision use of eminent domain in county when more than 320 acres are involved and when a city is exercising its authority outside of city and extraterritorial jurisdiction boundaries. [Defeated Senate 35-12]
SB 2275	Provided for essential infrastructure revolving loan fund. [Passed Senate 45-0; Defeated House 55-34]
SB 2276	Provided legislative intent for collaboration between Bank of North Dakota and the state investment board on investing legacy fund principal to support community infrastructure priorities and economic development programs. [Passed Senate 31-16; Defeated House 47-38]
SB 2292	Provided for transfer of case back to municipal court if plea agreement is reached. [Defeated Senate 42-3]
SB 2311	Removed provisions regarding recall elections about someone not being able to be recalled twice and removed the prohibition on holding a recall election within year of election. [Defeated Senate 40-5]