



## Legislative Update April 21, 2017

### **GENERAL**

You know that feeling when you have company visit and then learn that they will be staying longer than you anticipated? You like to see them visit, but sometimes it's good to see them go as well. Well, that's sort of the sentiment at the Capitol these days.

Legislative leadership announced yesterday that they will not complete their work this week and instead will take the weekend off, reconvene Monday morning and be done "no later than Tuesday night" according to Senate Majority Leader Wardner. If that goal is accomplished, they will save 5 days of the 80 day statutory maximum. This would give some wiggle room (albeit not as much as they had hoped) in case they need to reassemble to address possible changes at the federal level or unforeseen budget-related issues.

The week started with 84 bills awaiting action including 56 that were still in conference committees. Only about half of the conference committee bills remain so there was some decent progress this week. Getting through the balance of those bills and figuring out how to plug the budget gap will take time next week. It is important to note that there are a couple very critical bills including the OMB budget (HB 1015) and the oil tax allocation bill (HB 1152) that still require floor action by the Senate and will likely end up in a conference committee. Other major budget bills still in the works include Human Services, Department of Trust Lands, Higher Education and the Public Employees Retirement System. A Tuesday culmination seems challenging to me and House Majority Leader Carlson indicated as much during his comments at this afternoon's floor session saying he didn't want finalization to be a "week-long event".

Two pieces of legislation that were the subject of much debate this session failed this week. The DOT budget bill narrowly passed the House 53-40 Wednesday, but did so without a previously included provision allowing local voters to approve the use of parking meters in their cities. Opponents called it a tax. Proponents, including Governor Burgum, saw it as an opportunity to restore some local control to political subdivisions. North Dakota is reportedly the only state in the nation with such a prohibition that's been in place for nearly 70 years.

The other measure of interest (SB 2139) was killed in the Senate yesterday after conference committee members couldn't reach a compromise. One of the many gun measures, this bill would have allowed state elected officials to carry concealed weapons in publicly owned buildings or operated buildings. Quite frankly, I never understood the merits of this one.

### **BILL UPDATES FROM ICBND "PRIORITY" TRACKING LIST**

SB 2014 is the Industrial Commission budget including the Housing Finance Agency (HFA) and the Bank of North Dakota (BND). The committee met several times this week and it appears that the BND issues and the HFA issues have been satisfactorily resolved. The proposed cut to the BND budget was eliminated, the collection cost recovery percentage for defaulted student loan debt settled at 18 percent of total outstanding principal and interest, and the Financial Center building will not be built this next

biennium. Two (rather than four as proposed by the House) of the FTE's at HFA were cut from the next biennium's budget. The measure remains in conference committee however due to differences related to the State Mill and Elevator.

HB 1024 recently became of interest based on certain House conference committee members' desire to remove language from the bill that established the state's repayment obligation of DAPL-related protest costs that were funded by the Bank of North Dakota. The rationale, I guess, is that having such language might take pressure off the federal government as state lawmakers and others insist these costs ought to be reimbursed by Washington DC. Whether that rationale proves fruitful or not, it certainly puts BND in a compromised position of repayment. A conference committee meeting was hastily cancelled at the last minute this morning so we'll learn more Monday.

SB 2014 and HB 1024 are the only ICBND priority bills remaining in conference committee next week.

Legislator contact information can be found at <http://www.legis.nd.gov/contact-my-legislators> and you can check on any legislative activities through the Legislative Council's web page at [www.legis.nd.gov](http://www.legis.nd.gov).

Thank you for your participation in the legislative process. Please call, email or text me with any questions or concerns. If you'd like to be taken off this distribution list or if there are others in your organization that should be on the distribution list for the legislative updates, please let me know.

Sincerely,



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## ICBND PRIORITY LIST AND BILL STATUS DETAIL

Bill	Status	Title
HB 1024	House: CONF. COMM Senate: CONF. COMM 04/14 H Conference committee appointed Delzer Kreidt Delmore 04/17 S Conference committee appointed Dever G. Lee Robinson	A BILL for an Act to provide an appropriation for defraying the expenses of various state departments and institutions; to provide a contingent appropriation; to provide for borrowing authority; to provide for transfers; to provide a statement of legislative intent; and to declare an emergency.
HB 1126	House: PASSED Senate: PASSED Governor: SIGNED 04/13 H Signed by Governor 04/13 04/21 Filed with Secretary Of State 04/13	Relating to public warehouse and grain buyer licensing and insolvencies of public warehouses and grain buyers; to repeal sections 60-02-39 and 60-02.1-25 of the North Dakota Century Code, relating to warehouse closures; and to provide for a legislative management study.
HB 1162	House: PASSED Senate: DEFEATED 03/15 S Reported back, do not pass, placed on calendar 6 1 0 03/16 S Second reading, failed to pass, yeas 5 nays 41	Relating to competition between the government and private industry and to require a report to the legislative management.
HB 1164	House: DEFEATED 01/16 H Reported back, do not pass, placed on calendar 11 2 1 01/19 H Second reading, failed to pass, yeas 14 nays 76	Relating to a corporate income tax credit for reimbursement of employee child care expenditures; and to provide an effective date.
HB 1169	House: PASSED Senate: PASSED Governor: SIGNED 03/24 H Signed by Governor 03/23 03/27 Filed with Secretary Of State 03/24	Relating to carrying a handgun; to amend and reenact sections 62.1-04-02 and 62.1-04-04 of the North Dakota Century Code, relating to carrying concealed firearms or dangerous weapons; and to provide a penalty.
HB 1177	House: DEFEATED 01/19 H Amendment adopted, placed on calendar 01/23 H Second reading, failed to pass, yeas 9 nays 81	Relating to the collection of property by affidavit and the effect of the affidavit.
HB 1182	House: PASSED Senate: DEFEATED 04/13 S Amendment adopted, placed on calendar 04/13 S Second reading, failed to pass, yeas 1 nays 46	Relating to approval of property tax incentives granted by a city; to amend and reenact subsection 7 of section 40-57.1-03, section 40-58-20.2, and subsection 3 of section 54-35-26 of the North Dakota Century Code, relating to approval of property tax incentives granted by a city and evaluation of economic development tax incentives; to provide for a legislative management study; and to provide an effective date.

HB 1219	House: PASSED Senate: PASSED Governor: SIGNED 03/23 H Signed by Governor 03/22 03/27 Filed with Secretary Of State 03/23	Relating to the process for converting manufactured housing to real property.
HB 1223	House: DEFEATED 01/27 H Amendment adopted, placed on calendar 01/31 H Second reading, failed to pass, yeas 19 nays 72	Relating to allowing employers to purchase private insurance for worker's compensation coverage.
HB 1228	House: PASSED Senate: PASSED Governor: SIGNED 03/22 H Signed by Governor 03/21 03/23 Filed with Secretary Of State 03/22	Relating to actions to contest the validity of a trust, trust decanting, and directed trustees; to amend and reenact sections 47-02-27.4, 59-04.2-03, and 59-16-13 of the North Dakota Century Code, relating to exclusions from the rule against perpetuities and a trustee's duty to inform; to repeal sections 59-14-01, 59-14-04, and 59-16-08 of the North Dakota Century Code, relating to the capacity of a settlor of a revocable trust, actions contesting the validity of a trust, and powers to direct a trustee; and to provide for retroactive application.
HB 1263	House: DEFEATED 01/31 H Reported back, do not pass, placed on calendar 12 2 0 02/06 H Second reading, failed to pass, yeas 13 nays 77	Relating to the state's minimum wage.
HB 1297	House: WITHDRAWN 01/20 H Request return from committee 01/20 H Withdrawn from further consideration	Relating to creation of the affordable housing revolving loan fund; to provide a continuing appropriation; and to provide for a transfer.
HB 1303	House: PASSED Senate: DEFEATED 03/20 S Reported back, do not pass, placed on calendar 6 0 0 03/21 S Second reading, failed to pass, yeas 0 nays 47	A BILL for an Act to prohibit state agencies from filling vacant employee positions; to provide for a report; and to declare an emergency.
HB 1327	House: DEFEATED 02/03 H Reported back, do not pass, placed on calendar 13 1 0 02/10 H Second reading, failed to pass, yeas 24 nays 66	Relating to exceptions from inspections for home repairs performed by a homeowner.
HB 1352	House: PASSED Senate: PASSED Governor: SIGNED 04/06 H Signed by Governor 04/05 04/13 Filed with Secretary Of State 04/05	Relating to custody and disposition of abandoned motor vehicles; and to declare an emergency.
HB 1382	House: PASSED Senate: DEFEATED 03/09 S Reported back, do not pass, placed on calendar 6 0 0 03/10 S Second reading, failed to pass, yeas 14 nays 32	Relating to the establishment of an education savings account program.
HB 1425	House: PASSED Senate: DEFEATED 03/31 S Amendment adopted, placed on calendar	A BILL for an Act to protect the rights and privileges granted under the United States Constitution.

	03/31 S Second reading, failed to pass, yeas 15 nays 29	
SB 2008	Senate: PASSED House: PASSED Governor: SIGNED 04/12 S Signed by Governor 04/12 04/13 Filed with Secretary Of State 04/12	AN ACT to provide an appropriation for defraying the expenses of the department of financial institutions; to provide for a study; and to provide for a report to the legislative management.
SB 2014	Senate: CONF. COMM House: CONF. COMM 04/06 S Conference committee appointed Sorvaag Hogue Mathern 04/07 H Conference committee appointed Brandenburg Kempenich Delmore	Relating to loan guarantee fees, suspension of recreational licenses, the housing incentive fund, North Dakota mill and elevator profits, and coal development trust fund allocations; to repeal sections 6-09-50, 54-17-40, 54-17-41, and 54-18-20 of the North Dakota Century Code and sections 16, 26, and 27 of chapter 14 of the 2015 Session Laws, relating to a financial center project, the housing incentive fund, housing incentive fund reports, and a gain-sharing program; to provide statements of legislative intent; to provide for a report to the legislative management; to provide exemptions; to provide an effective date; to provide an expiration date; and to declare an emergency.
SB 2068	Senate: DEFEATED 01/26 S Reported back, do not pass, placed on consent calendar 14 0 0 01/27 S Second reading, failed to pass, yeas 0 nays 45	A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.
SB 2074	Senate: DEFEATED 01/26 S Reported back, do not pass, placed on consent calendar 14 0 0 01/27 S Second reading, failed to pass, yeas 0 nays 45	Relating to the infrastructure revolving loan fund, the housing incentive fund, the transfer of North Dakota mill and elevator profits to the general fund, and the coal development trust fund; to provide legislative intent; and to provide an exemption.
SB 2100	Senate: PASSED House: DEFEATED 02/23 H Reported back, do not pass, placed on calendar 14 0 0 03/01 H Second reading, failed to pass, yeas 4 nays 84	Relating to definitions under the North Dakota money transmitter Act.
SB 2130	Senate: DEFEATED 01/27 S Amendment adopted, placed on calendar 01/30 S Second reading, failed to pass, yeas 8 nays 37	Relating to defaulted student loan collection; to amend and reenact sections 15-62.1-04, 15-62.1-06, 15-62.1-07, and 15-62.1-10 of the North Dakota Century Code, relating to defaulted student loan collection; and to provide for a retroactive application.
SB 2159	Senate: PASSED House: PASSED Governor: SIGNED 03/17 S Signed by Governor 03/15 03/20 Filed with Secretary Of State 03/16	Relating to management of a limited liability company; and to provide for retroactive application.
SB 2160	Senate: PASSED House: PASSED Governor: SIGNED 03/14 S Signed by Governor 03/13 03/16 Filed with Secretary Of State 03/13	Relating to the duties of a recorder and providing notice of foreclosure of tax liens; and to provide an effective date.

SB 2167	Senate: DEFEATED 02/03 S Reported back, do not pass, placed on calendar 6 0 0 02/07 S Second reading, failed to pass, yeas 11 nays 33	Relating to the adoption of central standard time; and to repeal section 40-01-20 of the North Dakota Century Code, relating to daylight saving time.
SB 2192	Senate: DEFEATED 02/16 S Reported back, do not pass, placed on calendar 14 0 0 02/17 S Second reading, failed to pass, yeas 0 nays 45	Relating to the housing incentive fund tax credit; to amend and reenact sections 54-17-40 and 54-17-41 of the North Dakota Century Code, relating to the housing incentive fund and housing finance agency report; to provide a transfer; and to provide an appropriation.
SB 2212	Senate: PASSED House: PASSED Governor: SIGNED 03/30 S Signed by Governor 03/29 03/31 Filed with Secretary Of State 03/30	Relating to residency requirements of bank directors.
SB 2234	Senate: DEFEATED 02/16 S Reported back, do not pass, placed on calendar 14 0 0 02/17 S Second reading, failed to pass, yeas 0 nays 45	Relating to the establishment of an essential service worker home ownership incentive program and essential service worker home ownership incentive fund; to amend and reenact subsection 3 of section 54-17-40 of the North Dakota Century Code, relating to the housing incentive fund; to provide an appropriation and transfer; and to provide a continuing appropriation.
SB 2260	Senate: DEFEATED 01/25 S Reported back, do not pass, placed on calendar 6 0 1 01/26 S Second reading, failed to pass, yeas 0 nays 46	Relating to exemptions from money broker regulation.
SB 2266	Senate: PASSED House: DEFEATED 03/13 H Amendment adopted, placed on calendar 03/15 H Second reading, failed to pass, yeas 43 nays 48	Relating to the insurance commissioner taking over the duties of the department of securities and the securities commissioner; to provide for correction of statutory references; and to provide appropriation transfers.
SB 2276	Senate: PASSED House: PASSED Governor: SIGNED 04/10 S Signed by Governor 04/10 04/13 Filed with Secretary Of State 04/10	Relating to the prohibition of the diversion of restricted assets and the priority of those assets in a dissolution.
SB 2296	Senate: PASSED House: PASSED Governor: SIGNED 03/27 S Signed by Governor 03/24 03/31 Filed with Secretary Of State 03/24	Relating to pledge of security in place of depository bond; and to repeal section 21-04-11 of the North Dakota Century Code, relating to records of securities.
SB 2301	Senate: PASSED House: PASSED Governor: SIGNED 04/06 S Signed by Governor 04/05 04/13 Filed with Secretary Of State 04/05	Relating to specialty pharmacy services; to provide a penalty; and to provide for application.
SB 2305	Senate: DEFEATED 02/06 S Reported back, do not pass, placed on calendar 5 1 0 02/07 S Second reading, failed to pass, yeas 12 nays	Relating to a corporate income tax credit for reimbursement of employee child care expenditures; and to provide an effective date.

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SB 2317	Senate: DEFEATED 02/15 S Reported back, do not pass, placed on calendar 4 3 0 02/17 S Second reading, failed to pass, yeas 13 nays 32	Relating to insurance producer charges for fees for services.
SB 2335	Senate: PASSED House: PASSED Governor: SIGNED 04/10 S Signed by Governor 04/10 04/13 Filed with Secretary Of State 04/10	Relating to the definition and endangerment or exploitation of an eligible adult; and to provide a penalty.
SB 2340	Senate: PASSED House: PASSED Governor: SIGNED 04/10 S Signed by Governor 04/10 04/13 Filed with Secretary Of State 04/10	Relating to fees charged by a county recorder for filing mortgage disclosures.
SB 2344	Senate: PASSED House: PASSED Governor: SIGNED 04/18 S Signed by Governor 04/17 04/21 Filed with Secretary Of State 04/18	Relating to medical marijuana; to amend and reenact section 54-60-03, paragraph 3 of subdivision a of subsection 15 of section 57-02-08, and paragraph 2 of subdivision b of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to primary sector business certification and property tax exemptions for farm buildings and residences; to repeal chapter 19-24 of the North Dakota Century Code, relating to medical marijuana; to provide a statement of legislative intent; to provide for a report; to provide a penalty; to provide a continuing appropriation; and to declare an emergency.
HCR 3009	House: PASSED Senate: PASSED 03/22 H Signed by Speaker 03/22 H Filed with Secretary Of State 03/22	A concurrent resolution urging Congress to amend the 2014 farm bill to allow counties to use raw yield data from insurance companies to supplement the national agriculture statistics survey to calculate payments under the Agriculture Risk Coverage program when an insufficient number of surveys are returned to accurately calculate payments.