



## Legislative Update February 24, 2017

### GENERAL

The horn has sounded! Well, there's not actually a "horn", but it is halftime nonetheless and the respective chambers are headed to the locker rooms to regroup for the 2<sup>nd</sup> half of this legislative session. The House and Senate each held two floor sessions Tuesday and Wednesday getting through enough bills to ultimately wrap up Thursday morning. Following crossover, the legislature will reconvene on Wednesday, March 1.

The House this week approved three gun bills while shooting down a couple others (that was supposed to be punny!) Those approved include "concealed carry" for eligible citizens, a pilot program for "first armed responders in schools", and reducing state law restrictions regarding concealed weapons in churches. The House rejected a bill amending the definition of "publicly owned or operated building" in the section of law dealing with possessing a firearm at a public gathering as well as a measure which sought to exempt from federal laws firearms and ammunition manufactured in North Dakota.

Wednesday, the Senate took up the medical marijuana bill during its afternoon floor session. This has been one of the most controversial measures of this legislative session as the restructured measure, which requires a two-thirds majority in each chamber, significantly restricts the original initiated measure. The bill passed with a 40-6 vote and now moves to the House. Also Wednesday, the Senate backed away from the section of amended SB 2314 which would have placed a two year moratorium on wind energy development, but approved the portion of the bill requiring the state to study a comprehensive energy plan in the interim.

Appropriations bills dominated the latter part of the week, but there remains a great deal of budget work left. Legislative leadership says that the budget gap at crossover is \$420 million. What those budgets ultimately look like will hinge largely on what the updated revenue forecast reveals which is scheduled for a March 9 delivery. If January's numbers are any indication, it's probably not going to be pretty. General fund revenues for January were off by \$21 million compared to the most recent forecast and the biennium-to-date revenues are down about \$36 million.

Lastly, late yesterday Governor Burgum signed into law four bills carrying emergency clauses that were spurred by confrontations created by pipeline protestors. Ironically, these bills, which took effect immediately, were signed about an hour after the main protest camp was cleared of inhabitants. Regardless, the new laws provide law enforcement additional necessary tools to deal with protest situations going forward.

### BILL UPDATES FROM THIS WEEK FROM ICBND "PRIORITY" TRACKING LIST:

**HB 1169** – is also referred to as the "constitutional carry" bill and states that a person who is not otherwise prevented from having a Class 2 concealed carry license and has had a state-issued ID for at least one year may carry a concealed firearm without a permit. The bill also requires qualifying individuals who are carrying to notify law enforcement officers of their concealed weapon during a traffic stop. The amended bill passed on the House floor Tuesday with limited resistance by a vote of 83-9.

**HB 1228** – is a complex bill relating to exclusions from the rule against perpetuities and a trustee's duty to inform; to repeal certain sections 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. The amended bill passed on the House floor Tuesday by a vote of 80-12.

**HB 1352** – also referred to as the “towing bill” relates to the custody and disposition of abandoned motor vehicles. ICBND originally testified against this legislation. As I’ve previously reported, amendments were crafted for this bill that were satisfactory to ICBND and the amended bill ultimately passed on the House floor Wednesday by a vote of 89-1

**SB 2344** – represents the legislative rewrite of the medical marijuana bill. Since medical marijuana was approved by initiated measure, the legislative actions regarding such are actually treated as an amendment and any changes to the initiated measure require a two-thirds majority approval. After spirited debate on the Senate floor, the amendments did pass by a vote of 40-6. There’s sure to be much additional debate in the House.

**BILL HEARINGS NEXT WEEK**

<u>Date and Time</u>	<u>Bill Number</u>	<u>Short Title</u>	<u>Committee</u>
03/01/2017 08:30	<u>SB 2014</u>	Relating to the essential service worker home ownership program, housing incentive fund tax credits, and essential service worker home ownership fund tax credits; to amend and reenact sections 15-62.1-07, 28-25-11, 54-17-40, and 57-62-02 of the North Dakota Century Code, relating to loan guarantee fees, suspension of occupational or professional licenses, the housing incentive fund, and coal development trust fund allocations; to repeal section 54-17-41 of the North Dakota Century Code, relating to housing incentive fund reports; to provide statements of legislative intent; to provide exemptions; to provide an effective date; and to provide an expiration date.	House Appropriations - Government Operations Division
03/01/2017 09:00	<u>SB 2160</u>	Relating to the duties of a recorder and providing notice of foreclosure of tax liens; and to provide an effective date.	House Finance and Taxation
03/02/2017 08:30	<u>SB 2008</u>	A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.	House Appropriations - Government Operations Division

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 or contact the office at [info@icbnd.com](mailto:info@icbnd.com) or 701.258.7121.

Sincerely,



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## ICBND PRIORITY LIST AND BILL STATUS DETAIL

Bill	Status	Title
HB 1126	<b>House: PASSED</b> Senate: INTRODUCED 02/22 S Received from House 02/22 S Introduced, first reading, referred Agriculture Committee	Relating to public warehouse and grain buyer licensing and insolvencies of public warehouses and grain buyers; and to repeal sections 60-02-39 and 60-02.1-25, of the North Dakota Century Code, relating to warehouse closures.
HB 1162	<b>House: PASSED</b> Senate: INTRODUCED 02/17 S Received from House 02/17 S Introduced, first reading, referred Industry, Business and Labor Committee	Relating to competition between the government and private industry and to require a report to the legislative management.
HB 1164	<b>House: DEFEATED</b> 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	<b>House: PASSED</b> Senate: INTRODUCED 02/22 S Received from House 02/22 S Introduced, first reading, referred Judiciary Committee	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	<b>House: DEFEATED</b> 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 1219	<b>House: PASSED</b> Senate: INTRODUCED 02/17 S Received from House 02/17 S Introduced, first reading, referred Government and Veterans Affairs Committee	Relating to the process for converting manufactured housing to real property.
HB 1223	<b>House: DEFEATED</b> 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	<b>House: PASSED</b> Senate: INTRODUCED 02/22 S Received from House 02/22 S Introduced, first reading, referred Judiciary Committee	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	<b>House: DEFEATED</b> 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	<b>House: WITHDRAWN</b> 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	<b>House: PASSED</b> Senate: INTRODUCED 02/01 S Received from House 02/02 S Introduced, first reading, (emergency), referred Government and Veterans Affairs Committee	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	<b>House: DEFEATED</b> 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	<b>House: PASSED</b> Senate: INTRODUCED 02/22 S Received from House 02/22 S Introduced, first reading, (emergency), referred Transportation Committee	Relating to custody and disposition of abandoned motor vehicles and deposit of funds; to provide for a continuing appropriation; and to declare an emergency.
HB 1382	<b>House: PASSED</b> Senate: INTRODUCED 02/17 S Received from House 02/17 S Introduced, first reading, referred Education Committee	Relating to the establishment of an education savings account program.
SB 2008	<b>Senate: PASSED</b> House: INTRODUCED 02/22 H Introduced, first reading, referred Appropriations Committee 03/02 H Committee Hearing - 08:30 AM	A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.
SB 2014	<b>Senate: PASSED</b> House: INTRODUCED 02/22 H Introduced, first reading, referred Appropriations Committee 03/01 H Committee Hearing - 08:30 AM	Relating to the essential service worker home ownership program, housing incentive fund tax credits, and essential service worker home ownership fund tax credits; to amend and reenact sections 15-62.1-07, 28-25-11, 54-17-40, and 57-62-02 of the North Dakota Century Code, relating to loan guarantee fees, suspension of occupational or professional licenses, the housing incentive fund, and coal development trust fund allocations; to repeal section 54-17-41 of the North Dakota Century Code, relating to housing incentive fund reports; to provide statements of legislative intent; to provide exemptions; to provide an effective date; and to provide an expiration date.
SB 2068	<b>Senate: DEFEATED</b> 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	<b>Senate: DEFEATED</b>	Relating to the infrastructure revolving loan fund, the

	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	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	<b>Senate: PASSED</b> House: INTRODUCED 02/14 H Committee Hearing - 09:00 AM 02/23 H Reported back, do not pass, placed on calendar 14 0 0	Relating to definitions under the North Dakota money transmitter Act.
SB 2130	<b>Senate: DEFEATED</b> 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	<b>Senate: PASSED</b> House: INTRODUCED 02/20 H Received from Senate 02/22 H Introduced, first reading, referred Industry, Business and Labor Committee	Relating to management of a limited liability company; and to provide for retroactive application.
SB 2160	<b>Senate: PASSED</b> House: INTRODUCED 02/22 H Introduced, first reading, referred Finance and Taxation Committee 03/01 H Committee Hearing - 09:00 AM	Relating to the duties of a recorder and providing notice of foreclosure of tax liens; and to provide an effective date.
SB 2167	<b>Senate: DEFEATED</b> 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	<b>Senate: DEFEATED</b> 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	<b>Senate: PASSED</b> House: INTRODUCED 02/20 H Received from Senate 02/22 H Introduced, first reading, referred Industry, Business and Labor Committee	Relating to residency requirements of bank directors.
SB 2234	<b>Senate: DEFEATED</b> 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	<b>Senate: DEFEATED</b> 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	<b>Senate: PASSED</b>	Relating to the insurance commissioner taking over the

	House: INTRODUCED 02/17 H Received from Senate 02/20 H Introduced, first reading, referred Industry, Business and Labor Committee	duties of the department of securities and the securities commissioner; to provide for correction of statutory references; and to provide appropriation transfers.
SB 2276	<b>Senate: PASSED</b> House: INTRODUCED 02/17 H Received from Senate 02/20 H Introduced, first reading, referred Judiciary Committee	Relating to the prohibition of the diversion of restricted assets, the priority of those assets in a dissolution, and judgments imposing fines or assessing costs.
SB 2296	<b>Senate: PASSED</b> House: INTRODUCED 02/20 H Received from Senate 02/22 H Introduced, first reading, referred Political Subdivisions Committee	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 2305	<b>Senate: DEFEATED</b> 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 32	Relating to a corporate income tax credit for reimbursement of employee child care expenditures; and to provide an effective date.
SB 2317	<b>Senate: DEFEATED</b> 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	<b>Senate: PASSED</b> House: INTRODUCED 02/17 H Received from Senate 02/20 H Introduced, first reading, referred Judiciary Committee	Relating to the definition and endangerment or exploitation of an eligible adult; and to provide a penalty.
SB 2340	<b>Senate: PASSED</b> House: INTRODUCED 02/20 H Received from Senate 02/22 H Introduced, first reading, referred Political Subdivisions Committee	Relating to fees charged by a county recorder for filing mortgage disclosures.
SB 2344	<b>Senate: PASSED</b> 02/22 S Second reading, passed, yeas 40 nays 6, Emergency clause carried 02/23 H Received from Senate	Relating to implementation of the North Dakota Compassionate Care Act to authorize medical marijuana; to amend and reenact sections 19-24-01, 19-24-02, 19-24-03, 19-24-04, 19-24-05, 19-24-06, 19-24-07, 19-24-08, 19-24-09, 19-24-10, 19-24-11, 19-24-12, and 19-24-13 of the North Dakota Century Code, relating to implementation of the North Dakota Compassionate Care Act to authorize medical marijuana; to provide a report to the legislative management; to provide a penalty; to provide a continuing appropriation; and to declare an emergency.
HCR 3009	<b>House: PASSED</b> Senate: INTRODUCED 02/20 S Received from House 02/20 S Introduced, first reading, referred Agriculture Committee	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.