



Legislative Update November 15, 2021

SECTION 1: GENERAL

The Special Session of the North Dakota Legislature assembled a week ago yesterday and adjourned Friday shortly after noon. I would have certainly bet against them finishing up their business last week as the primary purposes of the special session – redistricting and distributing the American Rescue Plan Act (ARPA) funding - were somewhat sidelined by a number of policy bills that found their way to the Delayed Bills Committee for consideration. A coalition of nearly three dozen trade associations in the state (including ICBND) encouraged the Delayed Bills Committee to focus on the primary purposes of the session and turn back the delayed bills. Well, we were only partially successful as eight of the 26 policy bills were approved by the Delayed Bills Committee and thus introduced as actual bills and heard before the Technical Corrections Committee.

SECTION 2: SPECIAL SESSION ITEMS OF INTEREST

REDISTRICTING – this was a major agenda that is required after every new census count and was represented by HB 1504. The plan passed both chambers with small amendments from the version completed during the interim Redistricting Committee. Subdivisions in two districts containing the Fort Berthold and Turtle Mountain Reservations were a significant outcome of the legislation. The total number of districts remained unchanged at 47 districts with 141 legislators. Three districts were moved from rural areas in the state to western North Dakota and Fargo. Eight Republican lawmakers and one Democrat will be pushed out of their district so that will make for some interesting new races in 2022.

ARPA – this also became a significant agenda item due to the pandemic and the state’s receipt of about \$1 billion of federal aid with spending timelines. SB 2345 served as the primary vehicle (along with HB 1505 and HB 1506). \$571 million was allocated to infrastructure and one-time projects, \$150 million was allocated to build a natural gas pipeline from West to East along the Highway 2 corridor. About \$400 million was allocated to commitments made by the 2021 legislature but which were unfunded. As you can imagine, there were lots of special interest groups with their “hands out” hoping to commandeer some of the funding. Appropriations’ Committees fielded over \$9 billion of requests prior to the Special Session.

INCOME TAX RELIEF – Governor Burgum had pushed for temporary income tax relief this Special Session. HB 1515 was introduced on the House Floor and received the necessary two-thirds support. The Senate concurred and the bill provides a credit of up to \$350, or \$700 for individuals filing jointly, for tax years 2021 and 2022.

VACCINES – this was a significant item of debate during the special session. When the dust settled, HB 1511 survived and institutes new requirements on businesses related to Covid-19 vaccines. The bill bans government entities and political subdivision from mandating Covid-19 vaccines. However, the legislation expands exceptions for employees to opt-out of a vaccine including allowing for antibodies proof, regular testing, or by claiming medical, religious, philosophical or moral exemptions. It also prohibits government and business entities from requiring disclosure of their vaccination or antibody status. We are working with the Greater North Dakota Chamber and others to assess the direct impacts to business and how it interplays with President Biden’s vaccine mandate which has currently been stayed.

LEGACY AND BUDGET STABILIZATION ADVISORY BOARD – if you recall, a bill was passed (HB 1425) during the 2021 Regular Session that allocated a portion of the Legacy Fund be invested in or through entities with a presence in North Dakota. HB 1412 adds members to the Legacy and Budget Stabilization Advisory Board that hopefully ensures that needed guidelines are completed that would allow access to these funds. No such guidance exists today unfortunately.

And last but not least, a turkey named Ben was pardoned by Governor Burgum yesterday. So, there's that. Happy Holidays to Ben and to you all!

Sincerely,



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ICBND BILL TRACKING LIST

Bill	Status	Title
<u>HB 1504</u>	House: PASSED Senate: PASSED 11/11 H Signed by Speaker 11/11 H Sent to Governor	Relating to legislative redistricting and staggering of terms of members of the legislative assembly; to repeal sections 54-03-01.12 and 54-03-01.13 of the North Dakota Century Code, relating to legislative districts and staggering of terms of members of the legislative assembly; to provide a statement of legislative intent; and to provide an effective date.
<u>HB 1505</u>	House: PASSED Senate: PASSED 11/11 H Concurred 11/11 H Second reading, passed, yeas 83 nays 10	Relating to the federal coronavirus capital projects fund and federal state fiscal recovery fund; to identify department of transportation funding sources; to provide an appropriation; to provide for a transfer; to provide for a report; and to provide an effective date.
<u>HB 1506</u>	House: PASSED Senate: PASSED 11/11 H Concurred 11/11 H Second reading, passed, yeas 82 nays 11	Relating to the beyond visual line of sight unmanned aircraft system program; to provide an exemption; to provide for a report; and to provide an effective date.
<u>HB 1507</u>	House: PASSED Senate: PASSED 11/11 H Signed by Speaker 11/11 H Sent to Governor	Relating to the duties of the superintendent of public instruction to report to the legislative management regarding contemplated curriculum in computer science and cybersecurity; and to provide an effective date.
<u>HB 1508</u>	House: PASSED Senate: INTRODUCED 11/11 S Introduced, first reading, referred Joint Technical Corrections Committee 11/11 S Reported back amended, do pass, amendment placed on calendar 12 4 0	Relating to prohibiting the teaching of critical race theory in public schools; and to provide an effective date.
<u>HB 1509</u>	House: PASSED Senate: INTRODUCED 11/11 S Introduced, first reading, referred Joint Technical Corrections Committee 11/11 S Reported back amended, do pass, amendment placed on calendar 16 0 0	Relating to charitable gaming tax; to provide for retroactive application; and to provide an effective date.
<u>HB 1510</u>	House: DEFEATED 11/11 H Reported back, do not pass, placed on calendar 16 0 0 11/11 H Second reading, failed to pass, yeas 38 nays 54	Relating to discrimination based on vaccination status or possession of an immunity passport; to amend and reenact section 23-07-17.1 of the North Dakota Century Code, relating to childhood immunizations; and to provide an effective date.
<u>HB 1511</u>	House: PASSED Senate: INTRODUCED 11/11 S Received from House 11/11 S Introduced, first reading,	Relating to employer-required COVID-19 vaccinations; to amend and reenact sections 23-01-05.3 and 23-12-20 of the North Dakota Century Code, relating to vaccine passports and limitations on requiring documentation of COVID-19 vaccinations, antibodies, and post-

	referred Joint Technical Corrections Committee	transmission recovery status; to repeal section 23-12-20 of the North Dakota Century Code and section 2 of this Act, relating to limitations on requiring documentation of COVID-19 vaccinations, antibodies, and post-transmission recovery status and employer-required COVID-19 vaccinations; and to provide an effective date.
<u>HB 1512</u>	House: PASSED Senate: INTRODUCED 11/11 S Rereferred to Joint Technical Corrections 11/11 S Reported back amended, do pass, amendment placed on calendar 16 0 0	Relating to the legacy and budget stabilization fund advisory board; to provide for the selection of a chairman; and to provide for an effective date.
<u>HB 1513</u>	House: PASSED Senate: PASSED 11/11 H Signed by Speaker 11/11 H Sent to Governor	Relating to district party organization; to amend and reenact section 16.1-03-17 of the North Dakota Century Code, relating to political party reorganization after redistricting; and to provide an effective date.
<u>HB 1514</u>	House: PASSED Senate: INTRODUCED 11/11 S Introduced, first reading, referred Joint Technical Corrections Committee 11/11 S Reported back amended, do pass, amendment placed on calendar 13 3 0	Relating to disciplinary actions by the board of nursing, board of pharmacy, and board of medicine; and to provide an effective date.
<u>HB 1515</u>	House: PASSED Senate: INTRODUCED 11/11 S Introduced, first reading, referred Joint Technical Corrections Committee 11/11 S Reported back amended, without recommendation 16 0 0	Relating to an individual income tax credit; to provide an effective date; and to provide an expiration date.
<u>HB 1516</u>	House: WITHDRAWN 11/10 H Request return from committee 11/10 H Withdrawn from further consideration	Relating to the marriage penalty credit and an income tax exclusion for social security benefits; and to provide an effective date.
<u>SB 2345</u>	Senate: INTRODUCED House: PASSED 11/11 H Second reading, passed as amended, yeas 79 nays 14 11/11 S Returned to Senate (12)	Relating to records and cooperative agreements to provide services to juveniles adjudicated in tribal court and the water projects stabilization fund; to amend and reenact subsection 1 of section 21-10-06 and section 27-20.2-21 of the North Dakota Century Code and section 3 of chapter 20 of the 2021 Session Laws, relating to funds invested by the state investment board, the inspection of juvenile court files, and the appropriation of additional amounts to the state water commission; to provide appropriations to various state agencies; to provide for a transfer; to provide for a report; to provide a limitation; to provide a statement of legislative intent; to provide an exemption; to provide an effective date; and to provide an expiration date.
<u>SB 2346</u>	Senate: PASSED House: PASSED 11/11 S Signed by President 11/11 S Sent to Governor	AN ACT to authorize the department of public instruction to withhold state school aid for information technology project upgrades to the state automated reporting system and the statewide longitudinal data system; to provide a statement of legislative intent; and to provide an effective date.
<u>SB 2347</u>	Senate: PASSED House: PASSED	Relating to printing legislative materials; and to provide an effective date.

	11/11 S Signed by President 11/11 S Sent to Governor	
<u>SB 2348</u>	Senate: PASSED House: PASSED 11/11 S Signed by President 11/11 S Sent to Governor	Relating to criminal history record checks; to amend and reenact sections 12-60-24 and 50-06-41.3 of the North Dakota Century Code, relating to criminal history records checks and the behavioral health bed management system; and to provide an effective date.
<u>SB 2349</u>	Senate: PASSED House: PASSED 11/11 S Signed by President 11/11 S Sent to Governor	Relating to the use of legislative assembly rooms; and to provide an effective date.
<u>SB 2350</u>	Senate: PASSED House: INTRODUCED 11/11 H Introduced, first reading, referred Joint Technical Corrections Committee 11/11 H Reported back, do pass, place on calendar 16 0 0	Relating to career and technical education scholarship eligibility requirements; and to provide an effective date.
<u>SB 2351</u>	Senate: PASSED House: INTRODUCED 11/11 H Introduced, first reading, referred Joint Technical Corrections Committee 11/11 H Reported back, do pass, place on calendar 15 1 0	Relating to the marriage penalty credit and an income tax exclusion for social security benefits; and to provide an effective date.
<u>HCR 3049</u>	House: PASSED Senate: INTRODUCED 11/11 S Introduced, first reading, referred Joint Technical Corrections Committee 11/11 S Reported back amended, do pass, amendment placed on calendar 15 1 0	A concurrent resolution recognizing parents as the chief stakeholders of the future and education of their children.