

Where was the Action this Week?

This past Monday was the big introduction deadline for the Senate. This week, Senators can only introduce three more bills before next Monday's final bill deadline. The House has already met its final bill deadline. After Monday, January 21, delayed bills must be approved by the Senate Procedural Committee in order to be introduced.

Bill introductions are tracking ahead of last Legislative session. In the House (as of writing) there have been 546 bills introduced and 21 concurrent resolutions. In the Senate, there are 315 bills introduced and 6 concurrent resolutions.

NDBA's High Priorities to Date

Since last Friday, NDBA has added several newly-introduced bills to its tracking lists:

| Bill | Title |
|-------------------------|--|
| HB 1008 | A BILL for an Act to provide an appropriation for defraying the expenses of the Department of Financial Institutions. |
| HB 1014 | A BILL for an Act to provide for an appropriation for defraying the expenses of the Industrial Commission and the agencies under the management of the Industrial Commission; and to provide for a transfer. |
| HB 1106 | Relating to the establishment of an invisible reinsurance pool for the individual health insurance market; and to declare an emergency. |
| HB 1110 | Relating to the adoption of the Revised Uniform Law on Notarial Acts; and to amend and reenact sections 44-06.1-01, 44-06.1-03, and 44-06.1-18 of the North Dakota Century Code, relating to the adoption of the Revised Uniform Law on Notarial Acts. |
| HB 1220 | Relating to priority of agricultural supplier liens; and to provide for application. |
| HB 1263 | Relating to custody and disposition of abandoned motor vehicles; to provide a penalty; and to declare an emergency. |

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| HB 1467 | Relating to the definition of agriculture commissioner and relating to moving the authority over grain, grain buyers, warehousing, deposits, and warehousemen from the public service commission to the agriculture commissioner; to provide a penalty; and to provide a continuing appropriation. |
| HB 1485 | Relating to protection against the disclosure of personal information; and to provide a penalty. |
| HB 1524 | Relating to the regulation of data brokers; and to provide a penalty. |
| SB 2093 | Relating to the examination of technology service providers, the capital requirement for trust companies, the examination of trust companies, the definition of a financial institution, surety bond requirements for money brokers and collection agencies, notice requirement for deferred presentment service providers, fees for money transmitters, and reporting requirements for debt-settlement providers; and to repeal sections 13-04.1-05.1, 13-05-05.2, 13-08-05.2, and 13-09-10.1 of the North Dakota Century Code, relating to automatic renewal of license in 2009 for money brokers, automatic renewal of license in 2014 for collection agencies, deferred presentment service providers, and money transmitters. |
| SB 2098 | Relating to the Bank of North Dakota residential mortgage loan program; and to declare an emergency. |
| SB 2099 | Relating to the medical facility infrastructure loan fund; and to declare an emergency. |
| SB 2179 | Relating to the prevention of financial exploitation; and to amend and reenact section 6-08.1-03 of the North Dakota Century Code, relating to a financial institution's duty of confidentiality. |
| SB 2262 | Relating to the use and possession of re-encoders and scanning devices; to amend and reenact section 12.1-23-11 of the North Dakota Century Code, relating to the unauthorized use of personal identifying information; to repeal section 12.1-23-17 of the North Dakota Century Code, relating to the unlawful skimming of credit, debit, or other electronic payment cards; and to provide a penalty. |

2019 North Dakota
Legislative Session

Bills of NDBA Interest

NDBA testified on the following bills:

SB 2179 – Relating to the prevention of financial exploitation; and to a financial institution’s duty of confidentiality

The Senate Industry Business and Labor Committee heard HB 2179 Monday, January 14. Senator Judy Lee introduced the bill. The purpose of the bill is to provide new voluntary rules for a bank to report and prevent financial exploitation of vulnerable adults and adults over the age of 65. Senator Lee has introduced similar legislation the past few sessions with a mandatory reporting requirement. NDBA’s Rick Clayburgh testified in general support of the legislation with some proposed amendments. Clayburgh explained the legislation is modeled after a Tennessee law, which was written by the Tennessee Bankers Association. Clayburgh explained he had reached out to members of the NDBA Legislative Committee and received favorable comments. Clayburgh requested amendments to the legislation to change the wording “reasonable belief” to “good faith belief” to make the language consistent to existing North Dakota law. He explained he had discussed the amendment with Senator Lee and the Attorney General’s Office. The hearing was closed and the committee took no action on the bill. Chairman Klein did request Parrell Grossman of the Attorney General’s Office to work with Senator Lee and the bankers to address a couple of concerns regarding Gramm-Leach-Bliley and a provision related to a financial institution’s ability to refuse or hold a financial transaction to prevent financial exploitation.

HB 1106 – Regarding the establishment of invisible reinsurance pool for individual health insurance market

A joint hearing of House and Senate Industry, Business, and Labor Committees heard HB 1106 on Tuesday, January 14. Commissioner Jon Godfreed introduced the bill. The purpose of HB 1106 is to establish an invisible reinsurance pool for the individual health insurance market. The bill is a product of a study by the North Dakota Insurance Department to determine the feasibility and desirability of a North Dakota 1332 Waiver. Section 1332 of the Affordable Care Act permits a state to apply for a State Innovation Waiver to pursue strategies for providing its residents with access to affordable health care while retaining the provisions included in the ACA. To create the reinsurance pool, the state needs to find a funding source to cover the \$20 million in new expenses. The bill as written adds a 1-2% premium assessment to health

carriers and self-funded insurers (including NDBANKS Benefit Trust). Commissioner Godfreed introduced amendments to the bill to remove multiple employer welfare arrangements (MEWA) from the bill, thereby eliminating groups like NDBANKS Benefit Trust from the premium assessment. NDBA’s Rick Clayburgh and ICBND’s Barry Haugen testified in support of the Commissioner’s amendments. The House Committee took no action on the bill.

HB 1235 – Relating to a corporate income tax credit and an employer deduction for reimbursement of employee child care expenditures; and to provide an effective date

The House Finance and Tax Committee heard HB 1235 on Wednesday, January 16. The bill creates a corporate income tax credit and an employer deduction for reimbursement of employee child care expenditures. Representative Alicia Mitskog provided an explanation of the bill on behalf of the bill sponsor Representative Pam Anderson. She explained this was the same bill that was defeated during the last legislative session. The bill creates a new income tax credit or a deduction that can be claimed by a business that reimburses an employee for amounts the employee pays to provide child care for a minor under the legal guardianship of the employee. The bill allows an income tax credit to a corporation equal to the amount paid to reimburse an employee for child care costs. The credit is allowed in the tax year the reimbursement amount is paid. If the credit amount is more than the corporation’s tax liability, the corporation may apply the unused portion against its tax liability in subsequent tax years. The bill also allows an income tax deduction for employers that are not corporations but file as individuals who reimburse employees for child care costs. The deduction is equal to twice the amount paid by the business to reimburse employees for qualified child care expenditures. NDBA’s Rick Clayburgh testified in support of the bill’s purpose, stating the need for quality child care is important in job creation across the state. GNDC also testified in support of the objectives of the legislation. The hearing was closed and no action taken by the committee.

HB 1241 – Relating to an individual income tax deduction for contributions made to a first-time home buyer savings account; and to provide an effective date

The House Finance and Tax Committee heard HB 1241 on Wednesday, January 16. HB 1241 creates a new income tax deduction for North Dakota residents who set up a first-time home buyer savings account for the purpose of paying the

eligible costs of buying a home in the state. Representative Scott Louser (a realtor from Minot) introduced the bill. He explained the bill provides a new income tax deduction for residents equal to the amount of monies deposited into a first-time home buyer savings account during the tax year, up to a maximum deduction of \$2,000, or \$4,000 if filing jointly. If monies deposited into an account exceed the allowable deduction for the year, the taxpayer may claim a deduction in the following tax year for the excess amount up to the maximum annual deduction. A first-time home buyer's savings account and associated income tax deduction are valid for a 10-year period beginning with the year in which the account is established. The maximum amount a taxpayer may deduct over the 10-year period is limited to \$20,000, or \$40,000 if filing jointly. Two local realtors testified in support of the bill. There was no opposition. The committee took no action.

SB 2197 – Regarding BND’s beginning farm loan program.

Friday, January 18, the Senate Agricultural Committee heard SB 2197. Todd Steinwand presented the bill on behalf of the Bank of North Dakota. The bill allows the bank to make a beginning farmer loan at a fixed rate up to 10 years. NDBA and ICBND spoke in favor of the bill. The committee took no action on the bill.

Bankers Day at the Capitol, Bank Management Conference and Legislative Dinner

NDBA’s Bankers’ Day at the Capitol will take place on Wednesday, January 23, starting at 9 a.m. in the Brynhild Haugland hearing room on the ground floor of the Capitol building. Attendees will hear from state officials and have opportunities to attend hearings, and spend time with their local legislators. If you are interested, check out NDBA.com or contact dorothy@ndba.com.

Hearings for the Week of January 21

| DATE & TIME | BILL NUMBER | SHORT DESCRIPTION | COMMITTEE |
|------------------------|-------------------------|---|-------------------------------------|
| 01/21/2019 08:00 AM | HB 1106 | Relating to the establishment of an invisible reinsurance pool for the individual health insurance market; and to declare an emergency. | House Industry, Business and Labor |
| 01/21/2019 08:00 AM | HB 1494 | Relating to interest rates set by the Bank of North Dakota. | House Industry, Business and Labor |
| 01/21/2019 02:30 PM | HB 1524 | Relating to the regulation of data brokers; and to provide a penalty. | House Industry, Business and Labor |
| 01/22/2019 09:00 AM | SB 2271 | Relating to the housing incentive fund; to provide a transfer; and to provide an appropriation. | Senate Industry, Business and Labor |
| 01/22/2019 09:15 AM | HB 1371 | Relating to the new hire registry for child support; to provide a penalty; and to provide an effective date. | House Human Services |
| 01/22/2019 09:45 AM | SB 2296 | Relating to the Bank of North Dakota loan guarantee program. | Senate Industry, Business and Labor |
| 01/22/2019 09:45 AM | SB 2302 | Relating to an income tax credit for contributions to the housing incentive fund; and to provide an effective date. | Senate Finance and Taxation |

Hearings for the Week of January 21 continued

| DATE & TIME | BILL NUMBER | SHORT DESCRIPTION | COMMITTEE |
|------------------------|-------------------------|---|---|
| 01/22/2019 10:30 AM | SB 2237 | Relating to a corporate income tax credit and an employer deduction for reimbursement of employee child care expenditures; and to provide an effective date. | Senate Finance and Taxation |
| 01/23/2019 08:30 AM | HB 1014 | A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer. | House Appropriations - Government Operations Division |
| 01/23/2019 10:15 AM | SB 2262 | Relating to the use and possession of re-encoders and scanning devices; to amend and reenact section 12.1-23-11 of the North Dakota Century Code, relating to the unauthorized use of personal identifying information; to repeal section 12.1-23-17 of the North Dakota Century Code, relating to the unlawful skimming of credit, debit, or other electronic payment cards; and to provide a penalty. | Senate Industry, Business and Labor |
| 01/23/2019 11:00 AM | SB 2219 | Relating to the confidentiality of social security numbers; to amend sections 51-22-01, 51-22-02, and 51-22-03 of the North Dakota Century Code, relating to data processing information confidentiality; and to provide a penalty. | Senate Industry, Business and Labor |
| 01/24/2019 08:00 AM | HB 1399 | Relating to annually reconvened sessions of the legislative assembly; and to provide for a legislative management study. | House Government and Veterans Affairs |
| 01/24/2019 08:00 AM | HB 1217 | Relating to competition between the government and private industry and to require a report to the legislative management. | House Government and Veterans Affairs |
| 01/24/2019 08:00 AM | HB 1398 | Relating to annually reconvened sessions of the legislative assembly. | House Government and Veterans Affairs |

How to Contact Your Legislators

During a legislative session, a legislator can be reached at the State Capitol through:



[Contact My Legislators](http://www.legis.nd.gov/contact-my-legislators)

<http://www.legis.nd.gov/contact-my-legislators>



or by leaving a message with the legislative telephone message center at
1-888-NDLEGIS (635-3447)
or **701-328-3373** (local).

Otherwise, a legislator can be reached by mail, telephone or email at the address listed in the legislator's biography, or one of the lists provided below. Individual legislator contact information is listed here:



Senate

<http://www.legis.nd.gov/files/resource/miscellaneous/senateroster.pdf?20150106101229>



House

<http://www.legis.nd.gov/files/resource/miscellaneous/houseroster.pdf?20150106101310>

Over the course of the session, NDBA may ask you to call your Senator or Representative to talk to them about a particular bill or to ask them to support or oppose a particular bill.

Legislator contacts from local bankers are extremely important, so, please, if we ask, contact your legislators!

Also, local legislative forums are great to attend because they inform you about issues beyond banking and let you get to know your legislators at home where they are most responsive to your interests and concerns.

Don't be a stranger; get to know your representatives in Bismarck!