

This Week at the Legislature

An even 500 is the number! The deadline for introducing bills in the House of Representatives has now passed and the final bill was HB 1500. The number of bills in the Senate is just over half that number, but their final introduction deadline is not until Monday at 5:00 p.m. Floor sessions will get busier and busier now as the bills are heard and sent out of committee with a recommendation. As you can see, the list of bills of interest is getting bigger and bigger. All kinds of ideas from all kinds of legislators out there!

NDBA's High Priorities to Date

Bill	Title
HB 1026	Relating to financial criteria for grain buyer, grain broker, grain processor, and warehousemen licenses, and licensing and bonding for grain brokers and grain processors; to amend and reenact sections 60-02-01, 60-02-07, 60-02-09, 60-02-11, 60-02-12, 60-02-19.1, 60-02-24, 60-02.1-01, 60-02.1-07, 60-02.1-08, 60-02.1-10, 60-02.1-11, 60-02.1-13, 60-02.1-14, 60-02.1-15, 60-02.1-17, 60-02.1-19, 60-02.1-21, 60-02.1-23, 60-02.1-29, 60-02.1-32, and 60-02.1-41, subsection 2 of section 60-04-01, and sections 60-04-03 and 60-10-16 of the North Dakota Century Code, relating to definitions of grain brokers and processors, the duties and powers of the commissioner, confidentiality records, scale ticket contents, credit-sale contracts, reports, annual licenses, fees, and bonds for grain buyers, grain brokers, grain processors, and warehousemen; to repeal sections 60-02.1-06, 60-02.1-07.1, 60-02.1-26, 60-02.1-27, 60-04-09, and 60-10-15; and to provide a penalty.
HB 1050	Relating to definitions relating to business incentives, agreements, and reports.
HB 1077	Relating to the Uniform Electronic Wills Act; and to provide for application.
HB 1154	Relating to transparency in dental benefits contracting; and to provide a penalty.
HB 1175	Relating to business immunity from COVID-19 liability claims; to provide for retroactive application; and to declare an emergency.
HB 1187	Relating to creation of a Bank of North Dakota rebuilders loan program and a rebuilders permanent loan fund; to repeal sections 6-09-46 and 6-09-46.1 of the North Dakota Century Code, relating to a rebuilders loan program, a rebuilders home loan program, and a rebuilders home loan fund; to provide a continuing appropriation; and to provide for a transfer.
HB 1204	Relating to limitations on requirements to wear a mask at work; to provide an expiration date; and to declare an emergency.
HB 1222	Relating to nonconforming structures.
HB 1231	Relating to duty of the investment director to consider investing locally.
HB 1251	Relating to actions having twenty-year limitations, docketing judgments, renewal of judgments by affidavit, and cancellation of judgment of record; to repeal sections 28-20-21, 28-20-22, and 28-20-23 of the North Dakota Century Code, relating to renewal of judgments by affidavit; and to provide an effective date.
HB 1267	Relating to cryptocurrency custodian services and exchanges; and to provide for a legislative management report.
HB 1268	Relating to a financial technology sandbox program for innovative financial products and services and criminal history background checks.

<u>HB 1321</u>	Relating to exemption of recognition of daylight saving time; and to repeal section 40-01-20 of the North Dakota Century Code, relating to daylight saving time.
<u>HB 1330</u>	Relating to prohibiting covered entities from selling users' protected data without consent; and to provide a penalty.
<u>HB 1363</u>	Relating to ante-mortem probate of wills.
<u>HB 1364</u>	Relating to the duties of a personal representative and actions against a trustee.
<u>HB 1366</u>	Relating to the sale of property subject to a repairman's lien and sale proceeds; and to amend and reenact sections 35-13-01, 35-13-05, and 35-13-06 of the North Dakota Century Code, relating to repairman's liens, notice requirements, and assignments.
<u>SB 2008</u>	A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.
<u>SB 2014</u>	A BILL for an Act to provide an appropriation for defraying the expenses of the industrial commission and the agencies under its control; to provide contingent funding; to provide for a transfer; and to provide an exemption.
<u>SB 2020</u>	A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota state university extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm; to provide for a report; and to provide an exemption.
<u>SB 2048</u>	Relating to the Revised Uniform Unclaimed Property Act; to amend and reenact sections 9-12-29, 10-19.1-123, 10-33-114, and 15-02-05.2, subsection 3 of section 23.1-15-07, subsections 8 and 9 of section 26.1-55-02, sections 26.1-55-04, 27-05.2-04, and 30.1-20-14, subsection 3 of section 35-20-17, sections 35-36-05, 38-13.1-03, 38-18.1-03, and 44-04-18.25, subsection 3 of section 47-16-07.1, section 54-27-15.1, subsection 6 of section 57-38-57, subsection 8 of section 57-39.2-23, and section 60-01-34 of the North Dakota Century Code, relating to abandoned and unclaimed property; to repeal chapter 47-30.1 of the North Dakota Century Code, relating to the uniform unclaimed property act; to provide for a report; to provide a penalty; and to provide a continuing appropriation.
<u>SB 2098</u>	Relating to abandoned vehicles.
<u>SB 2101</u>	Relating to credit union loans; to amend and reenact subsection 3 of section 6-01-01.1, sections 6-01-04.3, 6-01-09, and 6-01-17, subsection 1 of section 6-03-05, sections 6-03-11, 6-03-13.3, and 6-03-15.1, subsection 1 of section 6-03-47.2, sections 6-03-49.1, 6-05-15.4, and 6-06-06, subsection 4 of section 6-06-08, and sections 6-06-11 and 6-08-08.1 of the North Dakota Century Code, relating to the regulatory fund, assessment of civil money penalties, appointment of receivers, supervision and examinations, assessments, real estate loans, bank mergers, bank branches, bank investments, trust branches, credit union powers, credit union board notice, and sale or purchase of banking institutions or holding companies; to repeal section 6-06-14 of the North Dakota Century Code, relating to credit union loans; and to provide a penalty.
<u>SB 2102</u>	Relating to dissolution, insolvency, suspension, emergency receivership, and liquidation of institutions under the department of financial institutions' supervision; to amend and reenact subsection 4 of section 6-01-04.2 and sections 6-01-04.4, 6-02-05, 6-03-12, 6-03-57, 6-03-67, 6-05-34, and 6-06-08.4 of the North Dakota Century Code, relating to financial institutions cross references, cease and desist orders, and prompt corrective action; and to repeal chapter 6-07 of the North Dakota Century Code, relating to dissolution, insolvency, suspension, emergency receivership, and liquidation of institutions under the department of financial institutions' supervision.
<u>SB 2191</u>	Relating to the disposal of abandoned personal property.
<u>SB 2197</u>	Relating to confidentiality of facts and information obtained or created by the commissioner of financial institutions and the department of financial institutions.
<u>SB 2223</u>	Relating to a deed in lieu of foreclosure.
<u>SB 2261</u>	Relating to irrevocable itemized funeral contracts and Medicaid assets exempt for funeral expenses.

Hearings and Other Action this Week

HB 1077 – Uniform Electronic Will Act

The House Judiciary Committee heard HB 1077 Tuesday morning. The bill was introduced at the request of the Commission on Uniform State Laws. HB 1077 is a model Uniform Law allowing electronic wills. Brad Meyers, Professor, UND School of Law, and a North Dakota Commissioner of Uniform State Laws, testified in support of the legislation. Traditionally a will was only recognized as valid if it was signed by two witnesses. Since 2009, North Dakota has also recognized wills acknowledged by a licensed notary. Witnesses or a notary can verify that the testator was of sound mind, signed the document willingly, without coercion or undue influence. The bill allows a testator to create a will using a computer and store it as a digital file. The testator must still sign the document electronically and it still must be acknowledged by two witnesses or a notary. The ongoing pandemic has created a greater need for online services. The bill differs from the Uniform law with two changes—1) it does not contain the optional “harmless error” provision that allows a court to treat an electronic will that was not properly executed as valid upon a clear and convincing standard; 2) the second difference concerns the question of whether witnesses must be physically present when the testator signs or acknowledges a will or whether they may be electronically present. Because the Uniform Probate Code as adopted in North Dakota does not similarly provide guidance for witnesses for non-electronic wills, the language regarding physical and/or electronic presence is omitted to maintain consistency under North Dakota law. There was no opposition. The bill received a 10-0-2 do pass recommendation and passed the full House 92-1 on Thursday afternoon.

SB 2197 – DFI Confidential Information

The Senate Industry Business and Labor Committee heard SB 2197 Tuesday morning, which was introduced by Senators Jerry Klein and Ray Holmberg and Representative Mike Lefor on behalf of NDBA. SB 2197 is a bill to expand the definition of confidential information obtained or created by the ND Department of Financial Institutions to include a complaint or comment from the public regarding a financial institution, credit union, or other licensed entity under the supervision of the commissioner, unless the commissioner is providing aggregate, nonspecific information. The bill also restricts bank information available to the State Auditor. NDBA’s Rick Clayburgh introduced the bill and explained its provisions to the committee. He noted North Dakota Financial institutions are highly regulated by federal and state agencies. The ND DFI is responsible for chartering, regulating, and examining North Dakota state-chartered banks, credit unions, and trust companies. As a result, DFI obtains and maintains information about banking data and customer information. Clayburgh noted the confidentiality of customer records at financial institutions are guarded by several federal and state laws. The bill will more strongly protect confidential bank information obtained by DFI, and thereby protect confidential banking information and customer data. ICBND testified in support. Lise Kruse answered committee questions. The bill received a 6-0 do pass recommendation and passed the full Senate 47-0 on Thursday afternoon.

SB 2020 – NDSU Extension & Ag Research Appropriation

The Senate Appropriation Committee on Tuesday began the hearing process on SB 2020, which is the appropriation bill for the North Dakota State University Extension Service, Northern Crops Institute, Upper Great Plains Transportation Institute, main research center, branch research centers, and the agronomy seed farm. The Governor’s budget recommendation proposes a 15% budget cut to NDSU Extension and the Agricultural Experiment Station. NDBA is communicating with committee members how vital agricultural research and extension services have been to the success of North Dakota farmers and ranchers and the important programs Extension provides for leadership training, personal wellness and food safety and nutrition. As is the norm, the Committee took no action on the bill, which will be reviewed in detail in subcommittee.

HB 1258 – Real Estate Commission & Trust Accounts

The House Industry Business and Labor Committee heard HB 1258 Tuesday morning. The bill is the product of a complete review of the real estate licensing law as well as rules and regulation governing real estate by the North Dakota Real Estate Commission. The purpose of the review was to identify how to modernize and clarify the law and to eliminate provisions no longer needed. The part of the legislation important to bankers is the repeal of NDCC 43-23.4 dealing with Real Estate Broker Trust Accounts. This section was created in 1991 and was modeled after the interest on Lawyers Trust Accounts. It requires that real estate brokers trust accounts be interest-bearing and that banks send that interest amount to the ND Association of REALTORS who manages the program. The amount of interest being remitted from brokers trust accounts by banks is now very nominal. If the bill becomes law, Real Estate Trust Accounts must be placed in non-interest-bearing accounts. The bill was amended to address a non-related issue and received a 13-0-1 do pass recommendation. The bill is now on the House calendar waiting final action.

HB 1187 – BND Rebuilder Loan Program

The House Industry Business and Labor Committee heard HB 1187 Tuesday afternoon. BND's Todd Steinwand introduced the bill to the committee. The purpose of the bill is to create a permanent Rebuilders Loan Fund program at the bank. The Rebuilders Loan Program was created in 2011 to provide low-interest loans to North Dakota residents affected by flooding. The bill transfers the existing Rebuilders program loans and diverts future General Fund repayments of \$15 million into the Rebuilders Permanent Loan Fund. By making these loan transfers and directing repayments, a permanent revolving loan fund of \$65 million is created which will allow the bank to respond quicker during future disasters. The bill received a 13-0-1 do pass recommendation and is now on the House calendar waiting final action.
















SB 2048 – Uniform Unclaimed Property Act










The Senate Industry Business and Labor Committee held its second hearing of SB 2048. The bill, which was introduced at the request of the Commission on Uniform State Laws enacts the 2016 Revised Uniform Unclaimed Property Act. The State Land Commissioner, which oversees the state's unclaimed property division, worked closely with North Dakota's uniform law commissioners to introduce SB 2048, which seeks to modernize and update the state's law. SB 2048 is a long, complicated bill that has implications for many industries, including banking. The original hearing of the bill was two weeks ago, and since then, the committee has had numerous work session to address amendments from NDBA, the life insurance industry, and the livestock industry. NDBA's amendments have been agreed to by the Land Commissioner and have the support of the committee, which will likely act on the bill next week.

SB 2191 – Disposal of Abandoned Personal Property

The Senate Political Subdivisions Committee heard SB 2191 on Friday morning. SB 2191 addresses the disposal of abandoned personal property that is left behind in abandoned real property. Last session, the legislature streamlined the foreclosure process for abandoned property without negatively affecting consumers or the integrity of title. The Legislature inadvertently missed addressing personal property left abandoned on the real property. The oversight has been causing some delays in the foreclosure of the real property that has been abandoned. The Unclaimed Property Division of the Department of Trust Lands presented amendments to clarify that if the record title owner cannot be located, any remainder from the proceeds of a sale of the personal property be delivered to the administrator of the state abandoned property office in accordance with chapter 47-30.1. There was no opposition to the amendments. NDBA and ICBND testified in support of the bill and did not have an objection to the amendment. The bill was amended and received a 7-0 do pass recommendation and is now headed to the full Senate for its approval.

Hearings Next Week

Date and Time	Bill Number	Short Title	Committee	List
01/25/2021 10:00 AM 	HB 1215	Relating to a low-interest park district loan program; to amend and reenact section 54-17.8-02 of the North Dakota Century Code, relating to a transfer of funds to the park district loan fund; to provide a continuing appropriation; and to provide a transfer.	House Finance and Taxation	Tracking
01/25/2021 10:15 AM 	HB 1328	Relating to vitamin D screening and testing; to amend and reenact section 26.1-36.6-03 of the North Dakota Century Code, relating to self-insurance health plans; to provide for a report; to provide for application; to provide an expiration date; and to declare an emergency.	House Human Services	Tracking
01/25/2021 11:30 AM 	HB 1251	Relating to actions having twenty-year limitations, docketing judgments, renewal of judgments by affidavit, and cancellation of judgment of record; to repeal sections 28-20-21, 28-20-22, and 28-20-23 of the North Dakota Century Code, relating to renewal of judgments by affidavit; and to provide an effective date.	House Judiciary	NDBA Priority
01/25/2021 02:00 PM 	SB 2210	Relating to filing requirements with the secretary of state;	Senate Industry, Business and Labor	Tracking
01/25/2021 02:30 PM 	HB 1196	Relating to sealing criminal records.	House Judiciary	Tracking
01/25/2021 02:45 PM 	HB 1377	Relating to immunization exemptions.	House Human Services	Tracking
01/26/2021 09:00 AM 	HB 1267	Relating to cryptocurrency custodian services and exchanges; and to provide for a legislative management report.	House Industry, Business and Labor	NDBA Priority
01/26/2021 09:30 AM 	SB 2261	Relating to irrevocable itemized funeral contracts and Medicaid assets exempt for funeral expenses.	Senate Industry, Business and Labor	NDBA Priority
01/26/2021 10:00 AM 	HB 1141	A BILL for an Act to provide an appropriation for the innovation loan fund to support technology advancement; and to provide a statement of legislative intent.	House Appropriations	Tracking
01/26/2021 10:00 AM 	HB 1391	Relating to regulating edible medical marijuana products; to amend and reenact section 19-24.1-01 of the North Dakota Century Code, relating to definitions relating to medical marijuana products; and to declare an emergency.	House Human Services	Tracking
01/26/2021 02:30 PM 	HB 1207	Relating to civil actions involving asbestos; to amend and reenact subsection 2 of section 28-01.3-04 of the North Dakota Century Code, relating to liability of nonmanufacturing sellers; and to provide for application.	House Judiciary	Tracking
01/27/2021 09:00 AM 	HB 1175	Relating to business immunity from COVID-19 liability claims; to provide for retroactive application; and to declare an emergency.	House Industry, Business and Labor	NDBA Priority
01/27/2021 09:00 AM 	HB 1376	Relating to employer immunity regarding COVID-19; and to provide for application.	House Industry, Business and Labor	Tracking
01/27/2021 09:30 AM 	SB 2243	Relating to the definition of the practice of land surveying.	Senate Industry, Business and Labor	Tracking
01/27/2021 11:00 AM 	HB 1282	Relating to a joint committee on neutralization of federal laws; and to provide a directive.	House Judiciary	Tracking

01/27/2021 02:00 PM 	HB 1301	Relating to employer immunity for communicable diseases and mandatory communicable disease immunizations; to provide a penalty; to provide for application; and to provide for retroactive application.	House Industry, Business and Labor	Tracking
01/27/2021 03:00 PM 	HB 1311	Relating to possession of a firearm or dangerous weapon at a public gathering.	House Judiciary	Tracking
01/28/2021 08:30 AM 	SB 2262	Relating to the authority of the industrial commission.	Senate Energy and Natural Resources	Tracking
01/28/2021 10:00 AM 	HB 1450	Relating to a license to carry a firearm or dangerous weapon concealed.	House Energy and Natural Resources	Tracking
01/28/2021 10:30 AM 	HB 1463	Relating to possession of a concealed firearm or dangerous weapon.	House Energy and Natural Resources	Tracking
01/28/2021 02:00 PM 	HB 1222	Relating to nonconforming structures.	House Political Subdivisions	Tracking
01/28/2021 02:15 PM 	SB 2223	Relating to a deed in lieu of foreclosure.	Senate Political Subdivisions	NDBA Priority
01/29/2021 09:30 AM 	SB 2247	Relating to property disclosure requirements.	Senate Political Subdivisions	Tracking
01/29/2021 10:00 AM 	SB 2127	Relating to the housing incentive fund; and to provide an appropriation.	Senate Appropriations	Tracking

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>



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!