

This Week at the Legislature

“Is That All There is?” One of the great hits of legendary and iconic jazz singer and songwriter Peggy Lee was a song called “Is That All There Is?” Miss Lee was a native of Wimbledon, ND, and would have recently celebrated her 100th birthday. (If you are in the area, the Peggy Lee Museum in Wimbledon is one of a kind and open for a visit!)

Filing deadlines have now passed, which may leave one asking, “Is That All There Is?” Well, pretty much, but probably not all! 500 bills were introduced in the House, compared to 546 in 2019; and 344 were introduced in the Senate, compared to 361 in 2019. The deadline for resolutions filed is also now past with an exception for constitutional amendments and study resolutions. The Delayed Bills Committee can approve late filed bills but does it rarely. Of course, experienced strategists know that many future changes can be made by way of amendment. And that is why we will continue to follow the process closely. But 844 bills are in the hopper and the table is set. The bills will inevitably shrink in number, but the scale of the issues will continue to crescendo in the coming weeks.

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.

<u>HB 1268</u>	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 2203</u>	Relating to surcharges paid by employers for employees who receive unemployment insurance benefits; and to provide an effective date.
<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.
<u>SB 2292</u>	Relating to mortgage modifications; and to amend and reenact sections 35-03-14 and 35-03-15 of the North Dakota Century Code, relating to the expiration and extension of real estate mortgages.
<u>HB 1026</u>	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.

Hearings and Other Action this Week

HB 1169 – Competition Between the State and Private Industry

The House Industry Business and Labor Committee heard HB 1169 Tuesday morning. The bill allows an individual to file a complaint with the Public Service Commission that a state agency or institution is in competition with a private enterprise. If the Commission determines the government is in competition with a private enterprise, it may direct the agency to terminate activity unless, among other things, doing so creates an emergency or the private enterprise cannot adequately provide the service. This is the third session this bill has brought before the Legislature. The bill sponsor and the head of the ND Watchdog Network spoke in favor of the bill. Representatives of Roughrider Industries, Economic Development Association, ND Office of Management and Budget and the City of Minot testified in opposition. NDBA's Rick Clayburgh testified in a neutral position, asking the committee to ensure the bill does not create any unintended consequences to the Bank of North Dakota and its relationship with North Dakota banks. The bill received a 13-0-1 do not pass recommendation and is now headed to the full House for its action.

HB 1267 – BND Cryptocurrency Custodian Services

The House Industry Business and Labor Committee also heard HB 1267 Tuesday morning. Introduced by Representative Toman, HB 1267 would allow the Bank of North Dakota to provide custodian services for digital currency and allow the bank to implement a digital currency exchange. In addition, the bill directs BND to study the feasibility and desirability of providing digital currency custodian services and implementation of a digital currency exchange. BND President Eric Hardmeyer testified in support of the bill's provision allowing the bank to study digital currency custodian services. ND Dept. of Financial Institutions Commissioner Lise Kruse testified from a neutral position as the Bank's regulator. Her testimony as BND's regulator did go into regulatory and safety and soundness considerations regarding cryptocurrency. Although there was Committee support for BND to conduct the study, members felt that could be done without legislation. The bill received a 13-1-0 do not pass recommendation and is now headed to the full House for its action.

SB 2261 – Irrevocable Funeral Contracts

The Senate Industry Business and Labor Committee heard SB 2261 Tuesday morning. SB 2261 was introduced at the request of NDBA. The bill is intended to clear up confusion regarding how a bank creates an irrevocable deposit account for its customer. NDBA's Rick Clayburgh testified in support of the bill, explaining that last legislative session, a law was passed governing the way in which Medicaid applicants and recipients can designate certain funds as funeral or burial expenses (and thereby exclude them from consideration as assets). He explained the new law requires that funds be placed in an "irrevocable itemized funeral contract," but does not contemplate how individuals can work with their bank to comply with the requirements. Clayburgh testified that he worked with the ND Funeral Home Directors Association and the Department of Human Services on amendments that address bankers concerns while ensuring accounts can be set up in a manner that complies with the Medicaid requirements. The ND Funeral Directors Association and the Department of Human Services testified in support of amendments. The committee accepted the proposed amendments and gave the amended bill a 6-0 do pass recommendation. The bill is headed to the full Senate for its 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 committee originally heard the bill on January 6.

As reported previously, the committee has had numerous work sessions 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. The IB&L Committee brought SB 2048 up for consideration Wednesday morning. NDBA's Rick Clayburgh explained to the committee there was one problem with the amendments he and the Land Department had agreed to. He noted he had presented a fix to the issue which the Department agreed to and that all proposed amendments were in order. The committee accepted the proposed amendments and gave the amended bill a 6-0 do pass recommendation. The bill is headed to the full Senate for its action.

HB 1175 – Business Immunity from COVID-19 Liability

The House Industry Business and Labor Committee heard HB 1175 Wednesday morning. Introduced by Representative Michael Howe, HB 1175 protects businesses from civil liability lawsuits for their decisions made during the COVID-19 pandemic. According to Rep. Howe, the bill will offer protection from frivolous civil liability lawsuits to business owners, property owners and tenants who acted in good faith and followed COVID-19 applicable laws, regulations and executive orders issued by the federal government and the state; will address health care facilities and providers because they were asked to respond quickly with uncertain guidance and limited resources; and will protect manufacturers that adapted quickly to meet demands during the pandemic. The manufacturers were called to produce personal protective equipment (PPE), ventilators, hand sanitizer, and other health related products they would not normally produce to combat the pandemic. Twenty-six business organizations provided written testimony in support of the legislation, including NDBA and ICBND. AARP of ND, ND ALL-CIO and the ND Trial Lawyers opposed the bill. The committee has not acted on the bill.

SB 2223 – Deed in Lieu of Foreclosure

The Senate Political Subdivisions Committee heard SB 2223 Thursday afternoon. The initial version of the bill introduced prohibited the transfer of title to real property under a deed in lieu of foreclosure unless a judgment of foreclosure was entered. The amendment released on Wednesday requires the approval of the Federal Bankruptcy Court for any transfer of title to any real property subject to a confirmed plan in a bankruptcy case. The amendment further states that any changes to a confirmed bankruptcy plan requires the signature of all of the parties to the plan and is retroactive to all Federal Bankruptcy Court Confirmed Plans in effect on or after January 1, 2006. Former Senator Jim Dotzenrod and John Finstead testified in favor of SB 2223. Nick Hacker of the North Dakota Land Title Association, NDBA's Rick Clayburgh, ICBND's Barry Haugen, and Blaine Johnson of Crowley Fleck testified in opposition. The Committee took no action on the bill.

Hearings Next Week

Date and Time	Bill Number	Short Title	Committee	List
02/01/2021 09:00 AM 	HB 1341	Relating to the state minimum wage rate.	House Industry, Business and Labor	Tracking
02/01/2021 09:00 AM 	HB 1364	Relating to the duties of a personal representative and actions against a trustee.	House Judiciary	Tracking
02/01/2021 10:00 AM 	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
02/01/2021 10:30 AM 	HB 1479	Relating to replacement of the individual, estate, and trust income tax rate schedule with a flat-rate income tax; and to provide an effective date.	House Finance and Taxation	Tracking
02/01/2021 03:15 PM 	HB 1431	Relating to a water infrastructure revolving loan fund and bonded debt repayments; to amend and reenact subsection 1 of section 6-09-49, and sections 6-09.4-06 and 6-09.4-10 of the North Dakota Century Code, relating to interest rates for infrastructure revolving loans, borrowing and lending authority of the public finance authority, and reserve funds associated with bonds; to repeal chapter 6-09.5 and section 61-02-78 of the North Dakota Century Code, relating to a community water development fund and an infrastructure revolving loan fund within the resources trust fund; to provide an appropriation; to provide a continuing appropriation; to provide for a transfer; to provide for a contingent transfer; to provide a bond issue limit; and to provide a loan repayment.	House Appropriations	Tracking
02/02/2021 10:30 AM 	HB 1363	Relating to ante-mortem probate of wills.	House Judiciary	Tracking
02/03/2021 09:00 AM 	HB 1420	Relating to the legalization of marijuana; to provide a statement of legislative intent; to provide for a legislative management report; and to provide a penalty.	House Human Services	Tracking
02/03/2021 09:00 AM 	HB 1154	Relating to transparency in dental benefits contracting; and to provide a penalty.	House Industry, Business and Labor	NDBA Priority
02/03/2021 09:00 AM 	HB 1441	Relating to a paid family medical leave program and an income tax credit for contributions paid into the paid family medical leave fund on behalf of eligible employees; to provide an appropriation; to provide for a transfer; and to provide an effective date.	House Industry, Business and Labor	Tracking
02/04/2021 08:30 AM 	HB 1453	Relating to the powers and duties of the state auditor.	House Appropriations - Government Operations Division	Tracking
02/04/2021 09:30 AM 	SB 2201	Relating to requiring the state to observe daylight saving time year-round; to repeal section 40-01-20 of the North Dakota Century Code, relating to daylight saving time; and to provide an effective date.	Senate Political Subdivisions	Tracking
02/04/2021 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 Energy and Natural Resources	Tracking

02/04/2021 10:00 AM 	HB 1398	Relating to prohibitions on political subdivisions regulating paid family leave.	House Political Subdivisions	Tracking
02/04/2021 11:00 AM 	HB 1172	Relating to agricultural mediation and negotiation services.	House Agriculture	Tracking
02/04/2021 03:00 PM 	HB 1323	Relating to limitations on mask wearing requirements.	House Political Subdivisions	Tracking
02/05/2021 09:30 AM 	SB 2201	Relating to requiring the state to observe daylight saving time year-round; to repeal section 40-01-20 of the North Dakota Century Code, relating to daylight saving time; and to provide an effective date.	Senate Political Subdivisions	Tracking
02/05/2021 10:00 AM 	HB 1371	Relating to requiring the state to observe daylight saving time year-round; to repeal section 40-01-20 of the North Dakota Century Code, relating to daylight saving time; and to provide an effective date.	House Political Subdivisions	Tracking

How to Contact Your Legislators

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



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<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!

