

This Week at the Legislature

This tale of frustration comes to mind this week in the North Dakota House: “The faster I go, the behinder I get!” As the crossover deadline approaches, the House calendar of bills that need to get yay or nay votes is getting bigger and bigger. As of this morning, there are 112 bills on the amendment and final action calendar in the House. The Senate is doing just fine, thank you, and likely will get done with its first-half schedule tomorrow morning. The House sessions will get longer and longer as they scramble to finish action on their bills so they can head out of the Capital City by Thursday evening for the crossover break.

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 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.
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 1172	Relating to agricultural mediation and negotiation services.
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.
HB 1321	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.
HB 1330	Relating to prohibiting covered entities from selling users' protected data without consent; and to provide a penalty.

<u>HB 1339</u>	Relating to dangerous weapons.
<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>HB 1380</u>	Relating to an economic diversification research fund, a legacy sinking and interest fund, a career and technical education support fund, a legacy earnings fund, a behavioral health support fund, a legacy infrastructure project fund, a state building maintenance and project fund, and an information technology cybersecurity fund; to amend and reenact subsection 1 of section 21-10-06 and section 21-10-12 of the North Dakota Century Code, relating to funds invested by the state investment board and legacy fund definitions; to provide for a transfer; and to provide a report.
<u>HB 1425</u>	Relating to the legacy infrastructure revolving loan fund and the state investment board; to amend and reenact sections 21-10-02 and 21-10-11 of the North Dakota Century Code, relating to the state investment board and the legacy and budget stabilization fund advisory board; and to provide a continuing appropriation.
<u>HB 1499</u>	Relating to election requirements for bonds.
<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.

Hearings and Other Action this Week

HB 1026 – Licensing, Bonding and Financial Criteria for the Grain Industry

The Senate Agriculture Committee heard HB 1026 last Thursday morning. The bill relates to the financial criteria for grain buyer, grain broker, grain processor, and warehousemen licenses, and licensing and bonding for grain brokers and grain processors. It also relates to the duties and powers of the ag commissioner, confidentiality records, scale ticket contents, credit-sale contracts, reports, annual licenses, fees, and bonds for grain buyers, grain brokers, grain processors, and warehousemen. Representative Dennis Johnson introduced the bill. He explained it was the product of the interim Agriculture and Transportation Committee and was crafted with input and collaboration with all industries, including North Dakota lenders. Doug Goehring, ND Agricultural Commissioner, testified in support of the bill. He explained the bill helps identify and license all grain buyers; puts all licensing into one section of the law; allows more ability to accurately review businesses and ensure adequate bonding to protect grain producers. Goehring stated the need to license grain brokers to address insolvency. He also explained the bill removes the requirement to get District Court approval in an insolvency proceeding so his Department can work more quickly and efficiently to protect all interested parties. Stu Letcher, ND Grain Dealers Association, and David Spickler, Lighthouse Commodities, spoke in favor of the bill. There was no opposition and the committee gave the bill a 6-0 do pass recommendation. The bill now goes to the Senate floor for final action, which will occur after cross-over recess.

HB 1366 – Repairman's Lien

The House Transportation Committee reopened the hearing on HB 1366 Thursday morning. The bill relates to the sale of property subject to a repairman's lien and sale proceeds. Chairman Ruby opened the hearing explaining the committee held the bill to allow the dealers and lenders to discuss amendments. ICBND's Barry Haugen explained the parties had come together and agreed on some amendments to the bill. He turned the hearing over to NDBA's Tracy Kennedy who walked through the proposed amendments. She explained NDCC 35-13 allows for creation of statutory repairman's lien, outlining how it is obtained and its priority. Kennedy explained that, under the proposed amendments, dealers would now be subject to UCC Article 9 to enforce their lien. Jeff Olson, Dakota Credit Union Association, spoke in favor of the proposed amendments and offered an additional amendment to remove "storage fees" from the original legislation, since reasonable fees would be allowed under UCC. Dana Bohn, Farm Credit Services, also spoke in favor of the amendments.

Matthew Larsgaard, Automobile Dealers Assoc. of ND/ Pioneer Equipment Dealers Assoc., testified in support of the proposed amendments. However, he did not support the removal of storage fees from their proposed bill. In fact, he suggested an amendment that reasonable storage fees begin 15 days after the dealer notifies the owner that their vehicle is ready for pick up. Barry Haugen testified that lenders would oppose, stating the priority created by Chapter 35-13 covers reasonable storage fees when preparing for disposition of the property.

The committee adopted the amendments agreed to by the lenders and auto dealers. The committee further amended the bill, adopting the auto dealers' 15 days amendment for when storage fees may start to accrue. Finally, Representative Robin Weisz moved the notice threshold be increased from \$4,000 to \$6,000 for general repairs and from \$9,000 to \$16,000 for agricultural and construction equipment repairs. No testimony was allowed regarding his motion. The committee adopted Rep. Weisz's amendments and gave the bill a unanimous 13-0-1 do pass recommendation. The bill now awaits final floor action.

There are No Committee Hearings Scheduled this Week.

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!