

This Week at the Legislature

Today is day 67 of 80 that the Legislature can meet during the 2021 North Dakota Legislative Session. As we have mentioned before, since the Legislature is restricted to 80 days, House and Senate leaders are trying to save some days so they can call themselves back into special session at the end of the year to address Legislative redistricting and federal stimulus money. If they don't save days, only the Governor may call them back into session.

This point of the legislative session is best characterized by the phrase "hurry up and wait." Legislators will hurry into an 8 a.m. full legislative sessions that are relatively brief. Those sessions then adjourn for a few hours while many conference committees meet to try to resolve differences between the House and the Senate. The members of those conference committees are blessedly busy, but the many other legislators who are not on a conference committee pretty much sit and wait. This is particularly true of the newer members who are less likely to be appointed to conference committees. Then they will all get together at 1 p.m. for another general session for an hour or so. Then it is back into various conference committees for some legislators. Yup, hurry up and wait.

However, this all means we are getting close to the end!

Conference Committee Hearings

SB 2130 – Health Insurance Cost-benefit Analysis –CONFERENCE COMMITTEE

The Conference Committee on SB 2130 met Tuesday afternoon. SB 2130 requires a cost-benefit analysis for mandated health insurance coverage legislation. The House added an amendment on behalf of NDBA that states if a mandate would cause a policy to fail to qualify as a high deductible plan under federal law, then that mandate would not apply to the high deductible plan. The conference committee heard from NDBA's Rick Clayburgh and the ND Insurance Department's Chrystal Bartuska regarding the Insurance Department's request that an effective date of January 1, 2022, be added to NDBA's amendment. Clayburgh expressed concern of waiting until the end of the year. The committee agreed and unanimously adopted an effective date of May 1, 2021. The Senate adopted the conference committee's action and passed the bill 46-1 on Thursday morning. This morning the House agreed and passed the bill 91-0. The bill is now headed to the Governor for his signature.

SB 2008 – DFI Appropriation – CONFERENCE COMMITTEE

The Conference Committee on SB 2008 met Tuesday morning. SB 2008 is the appropriations bill for the Department of Financial Institutions. The Senate had added budget transfer authority, allowing the Commissioner the ability to transfer funds between budget line items. Commissioner Kruse had requested this authority to address possible expenses associated with a pending lawsuit. The House did not agree with the transfer authority and removed it. The difference between the House and Senate is whether to give the Commissioner the transfer authority or provide a contingency fund line item. The conference committee adjourned without taking action. There appears to be support by House members to provide transfer authority, but to sunset it after two years. The Conference Committee will meet again next week.

NDBA's High Priorities to Date

Bill	Status	Title
HB 1026	House: PASSED House 89 – 0 Senate: PASSED Senate 46 – 0 Governor: SIGNED NDBA Supports	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	House: PASSED House 90 – 0 Senate: PASSED Senate 47 – 0 Governor: SIGNED NDBA Supports	Relating to definitions relating to business incentives, agreements, and reports. Bill exempts BND's interest rate buy down programs (PACE programs) from the reporting requirements of 54-60.1-01.
HB 1077	House: PASSED House 92 – 1 Senate: PASSED Senate 47 -0 Governor: SIGNED NDBA Supports	Relating to the Uniform Electronic Wills Act; and to provide for application.
HB 1154	House: PASSED House 60 – 34 Senate: PASSED Senate 45 – 1 Governor SIGNED NDBA Neutral	Relating to transparency in dental benefits contracting; and to provide a penalty.
HB 1172	House: DEFEATED House 5 – 89 NDBA Opposed	Relating to agricultural mediation and negotiation services.
HB 1175	House: PASSED House 77 – 17 Senate: PASSED Senate 41 – 6 NDBA Supports	Relating to business immunity from COVID-19 liability claims; to provide for retroactive application; to provide an expiration date; and to declare an emergency.
HB 1187	House: PASSED House 93 – 1 Senate: PASSED Senate 47 – 0 Governor SIGNED NDBA Supports	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	House: DEFEATED House 19 – 74 NDBA Neutral	Relating to limitations on requirements to wear a mask at work; to provide an expiration date; and to declare an emergency.
HB 1222	House: PASSED House 87 – 6 Senate: Failed Senate 16 – 29 NDBA Neutral	Relating to repairing, replacing, or improving a residential structure that is nonconforming due to zoning changes.
HB 1231	House: PASSED House 94 – 0 Senate: PASSED Senate 42 – 5 Governor NDBA Supports	Relating to duty of the investment director to consider investing locally. Amended to provide for a legislative management study regarding the benefits of investing legacy fund moneys locally.
HB 1251	House: PASSED House 92- 2 Senate PASSED Senate 46 – 1 Governor SIGNED NDBA Neutral	Relating to actions having twenty-year limitations, docketing judgments, renewal of judgments by affidavit, and cancellation of judgment of record. Bill eliminates 10-year judgment renewal requirement and creates a 20-year judgment.
HB 1267	House: DEFEATED House 19 – 75 NDBA Neutral	Relating to the Bank of North Dakota providing custodian services for digital currency and may implement a digital currency exchange. Relating to BND studying the feasibility and desirability of providing digital currency custodian services and of implementing a digital currency exchange.
HB 1268	House: DEFEATED House 36 – 56 NDBA Opposed	Relating to a financial technology sandbox program for innovative financial products and services and criminal history background checks.
HB 1321	House: WITHDRAWN NDBA Neutral	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	House: DEFEATED House 19 – 75 NDBA Neutral	Relating to prohibiting covered entities from selling users' protected data without consent; and to provide a penalty. Not a direct impact on Financial Institutions
HB 1339	House: PASSED House 65 – 28 Senate: PASSED Senate 41 – 4 Governor SIGNED NDBA Neutral	Relating to the definition of dangerous weapons. Amended to provide for a legislative management study of the definitions of "dangerous weapon" and "public gathering." NDBA Neutral to the study

HB 1363	House: DEFEATED House 7 - 85	Relating to ante-mortem probate of wills. Ante-mortem is currently used by testators to have their wills declared valid. Bill would allow other persons to challenge the validity of the will. NDBA had concerns with the bill.
HB 1364	House: PASSED House 79 - 15 Senate: Defeated Senate 3 - 42 NDBA Opposed	Relating to the duties of a personal representative.
HB 1366	House: PASSED House 94 - 0 Senate: PASSED Senate 47 - 0 Governor SIGNED NDBA Opposed in part.	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. Adopted NDBA amendments regarding UCC Article 9 - NDBA has concerns with storage fees addition.
HB 1380	House: PASSED House 71 - 22 Senate: PASSED Senate 47 - 0 NDBA Supports	Relating to a legacy sinking and interest fund, a legacy earnings fund, and an income tax relief fund; to amend and reenact section 21-10-12 of the North Dakota Century Code, relating to legacy fund definitions. The bill creates a new legacy earnings fund to receive all of the constitutionally mandated legacy fund earnings transfers. It then stipulates the amount available for appropriation out of the new fund and directs the transfer of funding to multiple funds.
HB 1425	House: PASSED House 85 - 8 Senate: PASSED Senate 47 - 0 Governor SIGNED NDBA Supports	Relating to the legacy infrastructure loan program 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. The bill includes a requirement that the state investment board (SIB) give preference to qualified investment firms with a presence in the state when investing Legacy Fund assets. It also sets specific targets for investing Legacy Fund assets within the state and within specified asset classes.
HB 1431	House: PASSED House 74 - 17 Senate: PASSED Senate 46 - 0 Governor NDBA Supports	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.
HB 1499	House: DEFEATED House 9 - 84 NDBA Opposed	Relating to election requirements for bonds. The bill provided that the state may not issue bonds without first being authorized to do so by a vote of two - thirds of the qualified electors in the state. The bill would have restricted the ability of the Housing Finance Agency from issuing bonds on a timely basis without a public vote.

<u>SB 2008</u>	Senate: PASSED Senate 47 – 0 House: PASSED House 90 – 3 NDBA Supports	A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions. DFI's Budget
<u>SB 2014</u>	Senate: PASSED Senate 47 – 0 House: PASSED House 84 – 10 NDBA Supports	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. BND's and Housing Finance's Budget
<u>SB 2020</u>	Senate: PASSED Senate 47 – 0 House: PASSED House 81 – 13 NDBA Supports	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>	Senate: PASSED Senate 47 – 0 House: PASSED House 93 – 0 Senate: PASSED Senate 46 – 0 Governor NDBA Supports	Relating to North Dakota adopting the Revised Uniform Unclaimed Property Act. NDBA Amendments adopted – NDBA supports
<u>SB 2098</u>	Senate: PASSED Senate 47 – 0 House: PASSED House 90 – 3 Governor SIGNED NDBA Neutral	Relating to abandoned vehicles. Bill introduced by the Highway Patrol – intended to streamline their administrative process.
<u>SB 2101</u>	Senate: PASSED Senate 47 – 0 House: PASSED House 92 – 1 Senate PASSED Senate 47 – 0 Governor SIGNED NDBA Supports	DFI Bill relating to 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 & sale or purchase of banking institutions.
<u>SB 2102</u>	Senate: PASSED Senate 47 – 0 House: PASSED House 94 – 0 Governor SIGNED NDBA Supports	DFI Bill relating to dissolution, insolvency, suspension, emergency receivership, and liquidation of institutions under the department of financial institutions' supervision & financial institutions cross references, cease & desist orders prompt corrective action.

<u>SB 2191</u>	Senate: PASSED Senate 46 – 0 House: PASSED House 86 – 6 Governor: SIGNED NDBA Supports	Relating to the disposal of abandoned personal property.
<u>SB 2197</u>	Senate: PASSED Senate 47 – 0 House: PASSED House 91 – 3 Governor SIGNED NDBA Supports	Relating to confidentiality of facts and information obtained or created by the commissioner of financial institutions and the department of financial institutions. NDBA's Bill
<u>SB 2203</u>	Senate: DEFEATED Senate 8 – 39 NDBA Opposed	Relating to surcharges paid by employers for employees who receive unemployment insurance benefits; and to provide an effective date.
<u>SB 2223</u>	Senate: DEFEATED Senate 2 – 45 NDBA Opposed	Relating to a deed in lieu of foreclosure.
<u>SB 2261</u>	Senate: PASSED Senate 46 – 0 House: PASSED House 93 – 0 Senate PASSED Senate 46 – 0 Governor NDBA 's Bill	Relating to irrevocable itemized funeral contracts and Medicaid assets exempt for funeral expenses; and to declare an emergency. NDBA's Bill
<u>SB 2292</u>	Senate: PASSED Senate 47 – 0 House: 89 – 1 Governor SIGNED NDBA's Bill	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. NDBA's Bill

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!