

Special Legislature Session Report

The North Dakota Special Session adjourned sine die at 12:30 pm on Friday, November 12, after just a week of action. The five days do not count against the Legislature's constitutional 80-day limit, as the special session was called by the Governor.

As expected, both the redistricting bill and ARPA funding negotiations were carefully negotiated and agreed to, moving on to the Governor's desk for his expected signature—both with somewhat limited disagreement.

Of 26 policy bills that were floated, 8 were introduced by approval of the Delayed Bills Committee, which were ultimately advanced to the Joint Technical Corrections Committee for hearing and committee work. After several late-night hearings and floor sessions, members had their say on legislation about ARPA dollars, redistricting, critical race theory, vaccination status information, mandates, and passports, as well as income tax relief.

- **Redistricting** – HB 1504 was the reapportionment bill and main purpose for the special session. The Interim Redistricting Committee had worked since late summer to draw district lines given the final census numbers, to account for record state population growth and shifting population centers. The lines were kept mostly to county boundaries and the final map included two subdivided House districts for Districts 4 and 9 around two Native American reservations, which were held intact despite lengthy debate. The 47 redrawn districts will hold approximately

16,500 residents each, an increase from the 14,500 residents of the past decade. The bill was overwhelmingly supported in both chambers and signed by Governor Burgum on Thursday, Nov. 11.

- **ARPA Funding** – SB 2345 served as the vehicle for appropriating nearly \$1 billion in federal American Rescue Plan Act dollars this session. The final bill allocated \$571 million to mainly infrastructure and one-time spending projects, including higher education buildings, agriculture projects, long term care and behavioral health services, water infrastructure, and \$150 million to build a natural gas pipeline crossing the state from west to east. Nearly \$400M more is allocated to unfunded commitments made by the 2021 legislature, leaving roughly \$63 million unspent. The chambers' Appropriations committees had worked for several weeks in October to whittle over \$9 billion in legislative and executive branch requests down to the \$1.1 billion.
- **Income Tax Relief** – HB 1515 was introduced from the House floor by Bismarck Representative Pat Heinert. The bill provides a \$350 income tax credit for each North Dakota resident filing a return for 2021 and 2022. The Governor had also supported using the state's higher-than-expected general ending fund balance to provide individual income tax relief, a proposal that was initially rejected. When the bill received a 2/3 vote of support in the House, there was no stopping it across the hall either. The senate concurred and the Governor announced Friday that he will sign the bill.

- **Critical Race Theory** – HB 1508, sponsored by Rep. Jim Kasper, R-Fargo, was introduced as preemptive legislation, prohibiting the teaching of critical race theory in public schools. It passed the House by a vote of 76-16, and the Senate 38-9. While many lawmakers argued that critical race theory is not currently present in ND curriculum and could stifle teaching and learning in the classroom, the bill was considered a proactive measure to prevent it from entering state schools. The Governor has not indicated how he will act on the bill.
- **Vaccine Mandate** – HB 1511 became one of the lengthier debates of the session, relating to employer-required COVID-19 vaccinations, vaccine passports, and limitations on requiring vaccination documentation. The bill not only bans government entities and political subdivisions from mandating COVID-19 vaccinations, but also expands exceptions for employees to opt-out of a COVID-19 vaccine, including allowing for proof of antibodies,

regular testing for COVID-19, or by claiming medical, religious, or philosophical and moral exemptions. The bill also prohibits government and business entities from requiring individuals to disclose their vaccination or antibody status. The bill passed the House 80-11 and the Senate 33-14.

Another big takeaway from the special session was the surprise announcement from Senator Nicole Poolman of District 7 in Bismarck that she would not seek re-election, given from the Senate floor on Thursday. Poolman cited the erosion of civility in politics, as well as personal and family reasons, for her decision. A respected lawmaker, Poolman is a high school English teacher and strong education and healthcare advocate. Her thoughtful, professional, and classy presence on appropriations and in the Senate will be missed by many.

The Governor now has 15 days to veto legislation he receives now that the legislature has adjourned, which gives him to December 2nd to act.

2021 Special Session Legislation

Bill	Status	Title
<u>HB 1504</u>	House: PASSED 73-18 Senate: PASSED 40-7 Sent to Governor	Relating to legislative redistricting and staggering of terms of members of the legislative assembly; to repeal sections 54-03-01.12 and 54-03-01.13 of the North Dakota Century Code, relating to legislative districts and staggering of terms of members of the legislative assembly; to provide a statement of legislative intent; and to provide an effective date.
<u>HB 1505</u>	House: PASSED 77-13 Senate: PASSED 47-0 House PASSED 83-10 Sent to Governor	Relating to the federal coronavirus capital projects fund and federal state fiscal recovery fund; to identify department of transportation funding sources; to provide an appropriation; to provide for a transfer; to provide for a report; and to provide an effective date.
<u>HB 1506</u>	House: PASSED 77-11 Senate: PASSED 47-0 House PASSED 82-11 Sent to Governor	A BILL for an Act to provide an appropriation; to provide for a transfer; to authorize full-time equivalent positions; to provide an exemption; to provide for a report; and to provide an effective date.

<u>HB 1507</u>	House: PASSED 86-6 Senate: PASSED 45-2 Sent to Governor	Relating to the duties of the superintendent of public instruction to report to the legislative management regarding contemplated curriculum in computer science and cybersecurity; and to provide an effective date.
<u>HB 1508</u>	House: PASSED 76-16 Senate: PASSED 38-9 Sent to Governor	Relating to prohibiting the teaching of critical race theory in public schools; and to provide an effective date.
<u>HB 1509</u>	House: PASSED 88-3 Senate: PASSED 47-0 Sent to Governor	Relating to charitable gaming tax; and to provide an effective date.
<u>HB 1510</u>	House: FAILED 38-54	Relating to discrimination based on vaccination status or possession of an immunity passport; to amend and reenact section 23-07-17.1 of the North Dakota Century Code, relating to childhood immunizations; and to provide an effective date.
<u>HB 1511</u>	House: PASSED 80-11 Senate: PASSED 33-14 Sent to Governor	Relating to employer-required COVID-19 vaccinations; to amend and reenact section 23-12-20 of the North Dakota Century Code, relating to limitations on requiring documentation of COVID-19 vaccinations, antibodies, and post-transmission recovery status; to repeal section 23-12-20 of the North Dakota Century Code and section 2 of this Act, relating to limitations on requiring documentation of COVID-19 vaccinations, antibodies, and post-transmission recovery status and employer-required COVID-19 vaccinations; and to provide an effective date.
<u>HB 1512</u>	House: PASSED 89-3 Senate: PASSED 46-1 Sent to Governor	Relating to the asset allocation plan of the legacy fund; and to provide an effective date.
<u>HB 1513</u>	House: PASSED 85-6 Senate: PASSED 46-1 Sent to Governor	Relating to district party organization; to amend and reenact section 16.1-03-17 of the North Dakota Century Code, relating to political party reorganization after redistricting; and to provide an effective date.
<u>HB 1514</u>	House: PASSED 81-11 Senate: PASSED 38-9 Sent to Governor	Relating to a hospital patient's right to try off-label use drugs, a hospital ban on discrimination based on vaccine status, pharmacist fulfillment of off-label drug use prescriptions, and the board of medicine's authority to bring disciplinary actions; and to provide an effective date.
<u>HB 1515</u>	House: PASSED 92-0 Senate: PASSED 40-7 Sent to Governor	Relating to an individual income tax credit; to provide an effective date; to provide an expiration date; and to declare an emergency.
<u>HB 1516</u>	House: Withdrawn from further consideration	Relating to the marriage penalty credit and an income tax exclusion for social security benefits; and to provide an effective date.

<u>SB 2345</u>	Senate: PASSED 41-6 House: PASSED 79-14 Senate: PASSED 39-7 Sent to Governor	ARPA Funding Legislation. Relating to records and cooperative agreements to provide services to juveniles adjudicated in tribal court; to amend and reenact section 27-20.2-21 of the North Dakota Century Code, relating to the inspection of juvenile court files; to provide appropriations to various state agencies; to provide for a transfer; to provide for a legislative management study; to provide for a report; to provide a limitation; to provide an exemption; to provide an effective date; and to provide an expiration date.
<u>SB 2346</u>	Senate: PASSED 44-3 House: PASSED 86-6 Sent to Governor	A BILL for an Act to authorize the department of public instruction to withhold state school aid for information technology project upgrades to the state automated reporting system and the statewide longitudinal data system; to provide a statement of legislative intent; and to provide an effective date.
<u>SB 2347</u>	Senate: PASSED 47-0 House: PASSED 90-2 Sent to Governor	Relating to printing legislative materials; and to provide an effective date.
<u>SB 2348</u>	Senate: PASSED 47-0 House: PASSED 91-1 Sent to Governor	Relating to criminal history record checks; to amend and reenact sections 12-60-24 and 50-06-41.3 of the North Dakota Century Code, relating to criminal history records checks and the behavioral health bed management system; and to provide an effective date.
<u>SB 2349</u>	Senate: PASSED 47-0 House: PASSED 92-0 Sent to Governor	Relating to the use of legislative assembly rooms; and to provide an effective date.
<u>SB 2350</u>	Senate: PASSED 47-0 House: PASSED 86-1 Sent to Governor	Relating to career and technical education scholarship eligibility requirements; and to provide an effective date.
<u>SB 2351</u>	Senate: PASSED 46-1 House: PASSED 88-0 Sent to Governor	Relating to the marriage penalty credit and an income tax exclusion for social security benefits; and to provide an effective date.
<u>HCR 3049</u>	House: PASSED 92-0 Senate: PASSED Voice vote Sent to Governor	A concurrent resolution recognizing parents as the chief stakeholders of the future and education of their children.

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!