

Legislators Move Closer to Adjournment – But not quite

The Legislative Assembly is moving toward adjournment. There are only a handful of conference committees left, which means Friday night is not out of the question. However, a few contentious issues remain, which could send the session into Saturday or possibly early next week. Best guess is a Saturday “Sine Die.”

FYI – Sine Die is from Latin meaning “without assigning a day for a further meeting or hearing”. A legislative body adjourns “sine die” when it adjourns without appointing a day on which to appear or assemble again.

What Happened this Week?

HB 1407 – relates to how a transferee may obtain a new certificate of title upon inability to obtain an old certificate. The Conference Committee, made up of Representatives Weisz, Grueneich and Hanson and Senators Rust, Clemens and Bakke, met after the House rejected the first conference committee report and sent the bill back to committee. After two meetings, the conference committee adopted amendments proposed by NDBA and the Department of Transportation to allow the Department to issue a new title for a transferee when the original title can’t be produced. In such cases where there is a valid lien, a new certificate will be issued with the valid lien recorded on the title. The Conference Committee gave the bill a do pass recommendation and, on Tuesday, the House and Senate passed the bill and sent it to the Governor for his signature.

HB 1014 – Industrial Commission Bill, including BND Appropriation, Housing Finance Agency and the Housing Incentive Fund. House conferees Brandenburg, Vigasaa and Mock held several meetings with Senate conferees Sorvaag, Holmberg and Mathern. Being a more expansive/multi-agency complex bill, a number of amendments were added to address issues that arose during the session. Notably, regarding BND, \$3,750,000 was provided to the Rebuilders Loan Program to

address flooding issues. In addition to \$20 million dollars in profits, BND will provide an \$80 million line of credit to the statewide interoperable radio network. In addition, BND shall conduct a study on the use of various hedging strategies to protect the state from volatile swings in oil prices. Regarding the Housing incentive Fund, the Committee removed the language regarding essential service workers from the program and reduced the General Fund Appropriation from \$20 million to \$7.5 million. The Committee gave the bill a Do Pass recommendation and the House and Senate have passed the bill. It is now on its way to the Governor.

SB 2346 – relating to warehouse, grain buyer and indemnity fund. The conference committee consisting of Senators Klein, Myrdal and Hogan and Representatives Dennis Johnson, Satrom and Headland met several times to discuss who should have jurisdiction over the licensing of the warehouses, grain buyers and roving grain dealers. The House believes it should be moved to the Department of Agriculture and the Senate believes it should stay with the Public Service Commission. In the end, the Committee agreed with the House position and sent the bill to the Senate with the jurisdiction being moved to the Ag Department. On Wednesday, after lengthy floor debate, the full Senate overwhelmingly defeated the bill 3 – 44. This angered the House, which has now dug in its heels and is insisting that either the PSC’s or the Ag Department’s appropriation be amended to move the jurisdiction. As of Thursday afternoon, House and Senate leadership were behind closed doors trying to work out a deal. With the level of anger and frustration surrounding this issue, it could be the last action of the session before adjournment and could possibly delay it into next week.

*2019 North Dakota
Legislative Session*

What Comes Next?

Interim Studies

Shortly after adjournment, proposed interim studies will be reviewed and selected. However, there are at least two mandated interim studies of interest to NDBA and North Dakota bankers. Over the next two years, the Legislature will be conducting an extensive study of Title 60, including the indemnity fund, grain buyers, roving grain buyers, grain brokers, and grain handling facilities. The second study will determine how the Secretary of State Central Filing System could be updated to provide automatic notice to the lien holder of record if someone files a priority lien ahead of them.

Comprehensive Legislative Report

Once the session has concluded, NDBA will create a comprehensive report of legislation passed or failed. This publication is usually distributed to member banks during the summer because most bills take effect on August 1. However, if you're interested in a particular piece of legislation, let Rick or Tracy know and they'll provide you with the final, enacted bill.

2021 Will Be Upon Us Sooner Than We Think

Finally, as this legislative session winds down, bankers need to think about 2021. The NDBA legislative preparation process will begin in earnest during the first quarter of 2020, with a Legislative Committee meeting in May or early June to start sorting through ideas. If you have a recommendation for possible NDBA-sponsored legislation, please contact Rick or Tracy any time. Likewise, if you know a banker who would be a good addition to the Legislative Committee, please let committee chair Vaune Johnson or Rick or Tracy know. The best ideas for legislation come directly from our member banks and bankers.

THANK YOU FOR YOUR PARTICIPATION AND SUPPORT!

Rick and Tracy thank each and every one of you for your interest and participation with NDBA in the legislative process. We couldn't be effective and credible bank industry representatives without you!

NDBA Priority Legislation Tracking List

Bill	Status	Title
<u>HB 1008</u>	House: PASSED 78 – 14 Senate: PASSED 43 – 2 House: PASSED 65 – 25 Governor: SIGNED NDBA Supports	A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.
<u>HB 1014</u>	House: PASSED 86 – 7 Senate: PASSED 42 – 5 House: PASSED 74 – 16 Senate: PASSED 47 – 0 Bill is on its way to the Governor NDBA Supports	A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; and to provide for a transfer. Includes BND and Housing Finance and HIF.
<u>HB 1106</u>	House: PASSED 93 – 0 Senate: PASSED 46 – 1 Governor: SIGNED NDBA Supports with Amendments	Relating to the establishment of an invisible reinsurance pool for the individual health insurance market; to amend and reenact subsection 2 of section 26.1-03-17 of the North Dakota Century Code, relating to premium taxes and credits for insurance companies; to provide for a legislative management study; and to declare an emergency.
<u>HB 1110</u>	House: PASSED 92 – 0 Senate: PASSED 31-14 Governor: SIGNED NDBA Supports	Relating to the adoption of the Revised Uniform Law on Notarial Acts; and to amend and reenact sections 11-18-15, 44-06.1-01, 44-06.1-03, 44-06.1-18, and 47-19-26 of the North Dakota Century Code, relating to the adoption of the Revised Uniform Law on Notarial Acts.

Bill	Status	Title
HB 1217	House: DEFEATED 24 - 67 NDBA Opposed	Relating to competition between the government and private industry and to require a report to the legislative management.
HB 1220	House: PASSED 89 – 0 Senate: PASSED 44 – 1 Governor: SIGNED NDBA Supports w/amendments	Relating to priority of agricultural supplier liens; and to provide for application. Amended in committee to study notice on SOS central filing system.
HB 1263	House: PASSED 86 – 5 Senate: PASSED 46 – 0 Governor: SIGNED NDBA Neutral	Relating to right of an owner to reclaim an abandoned vehicle; to amend and reenact sections 23.1-15-01, 23.1-15-03, 23.1-15-05, 23.1-15-06, 23.1-15-07, 39-26-02, and 39-26-06 of the North Dakota Century Code, relating to custody and disposition of abandoned motor vehicles; to provide a penalty; and to declare an emergency.
HB 1467	House: PASSED 85 – 8 Senate: PASSED 45 - 0 House: PASSED 83 – 8 Governor: SIGNED NDBA Neutral – in Support of the study	Relating to the definition of agriculture commissioner; and relating to moving the authority over grain, grain buyers, warehousing, deposits, and warehousemen from the public service commission to the agriculture commissioner; to provide a penalty; and to provide a continuing appropriation. Amended into a study by Senate.
HB 1485	House: PASSED 93 – 0 Senate: PASSED 43 – 2 Governor: SIGNED NDBA Neutral as amended	Relating to protection against the disclosure of personal information; and to provide a penalty. <u>Amended into a Study Resolution – NDBA now Neutral</u>
HB 1524	House: PASSED 93 – 0 Senate: DEFEATED 46 - 1 NDBA Neutral as amended	Relating to the regulation of data brokers; and to provide a penalty. <u>Amended into a Study Resolution</u>
SB 2093	Senate: PASSED 47 - 0 House: PASSED 90 – 0 Governor: SIGNED NDBA Supports	Relating to the examination of technology service providers, the capital requirement for trust companies, the examination of trust companies, the definition of a financial institution, surety bond requirements for money brokers and collection agencies, notice requirement for deferred presentment service providers, fees for money transmitters, and reporting requirements for debt-settlement providers; and to repeal sections 13-04.1-05.1, 13-05-05.2, 13-08-05.2, and 13-09-10.1 of the North Dakota Century Code, relating to automatic renewal of license in 2009 for money brokers, automatic renewal of license in 2014 for collection agencies, deferred presentment service providers, and money transmitters.
SB 2098	Senate: PASSED 47 - 0 House: PASSED 62 – 27 Governor: SIGNED NDBA Supports	Relating to the Bank of North Dakota residential mortgage loan program; and to declare an emergency.
SB 2179	Senate: PASSED 47 - 0 House: PASSED 86 – 0 Governor: SIGNED NDBA Supports	Relating to the prevention of financial exploitation; and to amend and reenact section 6-08.1-03 of the North Dakota Century Code, relating to a financial institution's duty of confidentiality.

Bill	Status	Title
<u>SB 2197</u>	Senate: PASSED 45 - 0 House: PASSED 81 - 5 Governor: SIGNED NDBA Supports	Relating to BND's beginning famer and family farmers loan program.
<u>SB 2205</u>	Senate: PASSED 43 - 2 House: PASSED 61 - 29 Governor: SIGNED NDBA Supports	Relating to abandoned property; and to amend and reenact sections 28-23-11, 32-19-18, 32-19-19, 32-19-23, and 32-19-27 of the North Dakota Century Code, relating to foreclosure of real estate.
<u>SB 2233</u>	Senate: DEFEATED 11 - 35 NDBA Opposed without Amendments	Relating to health insurance coverage for infertility treatment; and to provide for application.
<u>SB 2262</u>	Senate: PASSED 47 - 0 House: PASSED 83 - 7 Governor: SIGNED NDBA's Bill	Relating to the use and possession of re-encoders and scanning devices; to amend and reenact section 12.1-23-11 of the North Dakota Century Code, relating to the unauthorized use of personal identifying information; to repeal section 12.1-23-17 of the North Dakota Century Code, relating to the unlawful skimming of credit, debit, or other electronic payment cards; and to provide a penalty.
<u>SB 2271</u>	Senate: PASSED 44 - 3 House: DEFEATED 17 - 74. NDBA Supports	Relating to the housing incentive fund; to provide a transfer; and to provide an appropriation. <u>Housing Incentive Fund has been amended into HB 1014.</u>
<u>SB 2346</u>	Senate: PASSED 46 - 0 House: PASSED 80 - 13 Senate: DEFEATED 3 - 44 NDBA Supports with NDBA Amendments	Relating to records confidentiality for warehousemen and grain buyers and assessment refunds for grain producers; and relating to ware and grain buyer licensing, scale ticket conversions, claims distributions, assessments and refunds, subrogation, and unlicensed grain buyers; to provide a penalty; to provide a continuing appropriation; and to provide for reports.
<u>SB 2357</u>	Senate: PASSED 41 - 4 House: DEFEATED 18 - 71 NDBA Supports with BND Amendments	A BILL for an Act to provide for a Bank of North Dakota loan guarantee program for federal workers affected by the federal shutdown; and to declare an emergency.
<u>HCR 3026</u>	House: PASSED 88 - 0 Senate: PASSED Voice Vote NDBA Supports	A concurrent resolution urging Congress and the Internal Revenue Service to allow states to determine health benefit coverage requirements without jeopardizing health savings account eligibility.
<u>SCR 4006</u>	Senate: PASSED Voice Vote House: PASSED Voice Vote NDBA Supports	A concurrent resolution to recognize Monday, February 25, 2019, as "Bank of North Dakota Day" and to congratulate the Bank of North Dakota on its 100th anniversary.

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)

<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!