



1-15-21

Legislative Update

The 67th Legislative session is beginning to pick up steam. The three Associations are currently tracking about 70 bills right now.

This past week, the key bill of note for the Association was [SB 2156](#). This was the bill to raise the legal age for purchasing tobacco products in ND to 21. [NDPMA testified in support of the bill](#). The bill received a 5-2 "Do Pass" recommendation and will be on the Senate floor for full vote next week.

The week of January 18-22 will be a busy week for the Association. There are over 20 bills on the committee hearing schedules we will be tracking and/or testifying on as the week progresses. Key bills include:

[SB 2166](#): Enhancing retail theft penalties

[SB 2188](#): Relating to the authority of local government to regulate sales of consumer merchandise

[SB 2189](#): Imposing a tax on electronic smoking devices

[SB 2190](#): Relating to on-line sales of tobacco products

[HB 1204](#): Limitations on requirements to wear a face mask at work

[HB 1299](#): Prohibiting a retail establishment from refusing to accept cash as payment

You can click [here](#) to view all bills NDPMA/NDRA/NDPGA are following at this time. You will also find a hearing schedule for the upcoming week.

Please take the time to regularly and carefully review this very important document.

Please be ready and willing to contact your local legislators should it be needed. As I stated before, your voices are going to be more important than ever during this legislative session as procedures have been altered due to the pandemic. The Association will be front and center doing its best to represent and protect the business interests of all ND retailers. That being said, don't be afraid TO MAKE YOUR VOICES HEARD! If you wish to testify on a bill, the association office will be glad to help you figure out how the process works. If you are going to testify, please let the association office know so we can work with the chairperson of the committees to get you on the docket.

NDPMA/NDRA/NDPGA Positions on Key Issues.

Below are general statements regarding some of the issues which the three Associations working on during the session. It is by no means a complete list or a complete description of our positions.

Biofuels/Ethanol: NDPMA will continue to oppose all funded or unfunded ethanol mandates, including any legislation to repeal the state's ethanol labeling laws. After several meetings over the course of the last year with the several of the state's ethanol groups, NDPMA believes the following legislation will be brought forward:

- **Amend statutory language from current labeling requirement of ethanol blends over 1 percent to anything over 10 percent**

Below is the current ND law:

23.1-13-04. Retail sale of alcohol-blended gasoline - Label requirements.

A dealer may not sell at retail alcohol-blended gasoline unless the dispensing unit and any price advertising bear the name of the alcohol blended with the gasoline if the alcohol-blended gasoline consists of one percent or more by volume of any alcohol. The disclosure must be in letters at least the same size as those used for the label of the basic grade of gasoline and must be next to the gasoline grade label. A producer of alcohol-blended gasoline may provide a retailer with a label promoting the benefits of alcohol-blended gasoline, if the label at least meets the requirements of this section.

23.1-13-06. Retail sale of alternative fuels - Notice required.

A dealer may not sell at retail alternative fuel unless the dispensing unit and price advertising contains the name and main components of the alternative fuel or alternative fuel blend. The disclosure must follow the same labeling specifications that apply for petroleum-based fuels. The department shall adopt rules under chapter 28-32 for labeling of petroleum products and alternative fuels. A producer of alternative fuels or alternative fuel blends may provide a retailer with a label promoting the benefits of the alternative fuel if the label meets the requirements of this section.

- **Permit the use of blends up to 15% ethanol in retail fuel infrastructure with year-round sales of E15**
- **Address statutory or administrative labeling requirements that inhibit Unleaded88 (E15) marketing**

While NDPMA continues to support the research and development of alternative fuels, NDPMA will vigorously oppose any changes to the State's Century Code which do not provide consumer protection, fairness in the marketplace and that could jeopardize public and environmental safety.

PTRCF & Tanks. NDPMA is dedicated to protecting and ensuring the continuity, financial security and stability, independence, and longevity of the Petroleum Tank Release Compensation Fund (PTRCF). NDPMA continues to work with the Department of Environmental Quality on the revamping/restructuring of the PTRCF rules.

Electric Vehicles (EVs). NDPMA is keeping an eye on EVs and other so-called "new" fuels and how they impact liquid motor fuels. EVs must be taxed and regulated exactly like other motor vehicles and other motor fuels.

Tobacco: NDPMA will continue to oppose tobacco tax increases and unreasonable regulations. NDPMA is championing legislation for state preemption of the sale of consumer merchandise. This legislation will stop local government from passing ordinances that prohibit the sale of certain products. Government should tell any business owner what they have the right to legally sell.

Transportation Funding. NDPMA will be monitor and most likely oppose any potential legislation related to gas and diesel fuel tax increases.

NDPGA will also be monitoring all pieces of legislation related any potential state funding of natural gas expansion.

NDPGA will also be monitoring any pieces of legislation that might give the electrical industry a competitive advantage in the marketplace over the propane industry

NDRA championing legislation to increase retail theft/shoplifting penalties in ND. This bill was developed from discussions between the ND Attorney General's Office and NDRA retailers. In particular this language seeks to severely punish repeat offenders.

NDRA is one of a large group of business associations pushing for limited liability protection for all businesses due to the Covid-19 pandemic. This bill is being spearhead by GNDC.

State Budget. Money will be very tight in the 2021-2023 biennium. **All three Associations** will need to be extra vigilant for fee and tax increases.