



2-5-21

Legislative Update

It was another busy week for NDRA, NDPMA and NDPGA in Bismarck. Thanks to all of you who have reached out to your local Representatives on [HB 1464](#). This bill would raise the state gas tax 6 cents. I would expect this bill to be on the House Floor for a full vote early next week. If you haven't contacted your local [Representatives](#), you still have time to do so. Bottom line: This bill is a [45 Million Dollar Tax](#) on the driving public in ND. **Tell Them to VOTE NO on HB 1464.**

Please be ready and willing to contact your local legislators should it be needed. 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 there are any bills you need more information please contact the association office. We are here to help you.

[HB 1159](#): This bill is designed to take 100 Million Dollars out of Legacy Fund earnings to support natural gas development grants in ND. NDPGA testified in opposition to the bill. HB 1159 has been turned into a study bill. The same has been done to [HB 1149](#) (Liquefaction bill). Both Bills should get a full floor vote in the next few days.

[SB 2188](#): SB 2188 passed out of Senate Political Subdivisions this past Thursday with a 6-1 "DO NOT PASS" recommendation. My guess is it will be on the Senate Floor for a full vote early next week. The bill sponsor, Senator Scott Meyer (R-Grand Forks) plans on introducing a floor amendment to try to keep the bill alive. The Association will work with him on this issue.

[HB 1419](#): This is another attempt at charging **an infrastructure fee** in lieu of special assessments. It's supposed to be more business friendly to larger retail properties. NDRA/NDPMA and NDPGA will continue to monitor this bill.

[HB 1374](#): Relating to an income tax deduction for COVID-19 relief benefits - NDRA/NDPMA submitted written testimony in support of businesses. Bill is still in committee.

[SB 2070](#): This is the "mini superfund" bill being sought by the Department of Environmental Quality for cleaning up spills of hazardous materials. NDPMA had some concerns with the bill in its original form. NDPMA and DEQ worked on possible solutions which were agreed to in January. The bill passed out of Senate Energy and Natural Resources and should be on the Senate floor next week.

[SB 2189](#): Imposing a tax on electronic smoking devices. This bill has been in committee for several weeks. Amendments were adopted to remove any taxes and take fees and reporting requirements back to current status. SB 2189 passed as amended by a 5-2 vote out of Senate Taxation. Should be on the floor next week for full Senate vote.

[HB 1341](#): State minimum wage increase. NDRA/NDPMA Testified in opposition to a bill with minimum wage step increases in it. Bill received a 12-2 "DO NOT PASS" out of House IBL.

[HB 1434](#): Relating to compensation history of prospective employee. This bill would have restricted an employer's rights when it comes to gathering information about a prospective employee's salary history. NDPMA/NDRA testified in opposition. Received 12-2 DO NOT PASS House IBL committee recommendation.

Bills of note that received full House and Senate Votes the week of February 1-5:

[HB 1175](#): **Covid-19 liability protection** for businesses. NDRA/NDPMA and NDPGA testified in support. This bill passed favorably out of committee by a 9-4 vote. HB 1175 passed the House by a 77-17 vote.

[HB 1414](#): Relating to a deduction of **retailer sales tax** remitted. Retailers with 16 employees or less would be allowed to keep all state sales taxes collected on their first \$100,000 of sales during this current year. NDRA/NDPMA and NDPGA monitored this bill. It carried a fiscal note to the state of 15-20 Million Dollars. It failed on the House Floor by a wide margin, 72-22.

[HB 1307](#) & [HB 1320](#) & [HB 1301](#) : These were all bills dealing with Covid 19 vaccinations and employer rights. NDRA/NDPMA and NDPGA were opposed to all the bills. HB 1307 failed on the House Floor by a 68-24-2 vote. HB 1320 also failed by an 84-8-2 vote. HB 1301 was divided into two divisions. Both Divisions were defeated on the House floor by wide margins.

Bills the Associations will be working on and monitoring the week of February 1-5:

[HB 1403](#): Relating to tax increase on cigarettes

[HB 1422](#): Relating to tax imposed on cigarettes and Tobacco products

[HB 1330](#): Data privacy Bill

[SB 2203](#): Relating to surcharges paid by employers for employees receiving UI benefits

*There are several gun bills the Association will be monitoring as well.

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.

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. 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.