



3-12-21

Legislative Update

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

Your voices are 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.

Several business protection bills highlighted this week's activity at the State Legislative Assembly.

[SB 2166](#) which enhances the state's **retail theft penalties** and in particular, goes after repeat offenders, was heard in House Judiciary. Please see the [attached](#) marketer alert regarding SB 2166. The bill is still in committee. Help us push the legislation through by **contacting your local Representatives** and the House Judiciary Committee Members.

[HB 1175](#): the **Covid liability protection** bill for businesses was heard in Senate IBL. This bill was amended and passed out of the Senate IBL unanimously. HB 1175 should be on the Senate floor for full vote early next week.

Bills the Associations addressed the week of March 8-12:

[HB 1398](#): relating to prohibitions on political subdivisions regulating **paid family leave**. This bill would stop any cities or counties from mandating private employers provide paid family leave. NDPMA/NDRA and NDPGA testified in support of this bill. HB 1398 passed the Senate this week by a 39-7 vote. It's on the way to Governor for signing.

[SB 2189](#): relating to licensing requirements for **electronic smoking device** dealers and distributors. NDPMA supports the reduced harm study language in the bill. NDPMA is working with committee to get all additional reporting and licensing requirements removed from the bill. Bill is still in House Finance and Tax Committee. SB 2189 was amended. It stripped out all reporting requirements related to sale of vaping products. It passed on the House floor by a 78-13 vote. If the Senate concurs with the amendments, it will be on the way to the Governor's desk for signing.

[HB 1374](#): Relating to **income tax deductions** for COVID-19 benefits. HB 1374 was heard in Senate Finance and Tax Committee. Association supports this bill. Bill is still in Senate Finance and Tax Committee.

[SB 2070](#): relating to the regulated substance response by DEQ. This is the mini superfund cleanup bill the DEQ is seeking. NDPMA Tank Fund Advisory Board Members met with the DEQ officials during first half of session and had all concerns addressed regarding the bill's language. SB 2070 was Heard in House Energy and Natural Resources this week. Bill passed out of House Energy and Natural resources by a 13-0-1 vote. SB 2070 should be on the floor of the House next week.

[SB 2065](#): relating to the authority of the board of university and school lands to lease lands under its control for the underground storage of oil or gas and the jurisdiction of the industrial commission to regulate the permitting and amalgamation of the underground storage of oil or gas. In a nutshell, this

bill has the potential to allow for the development of some **underground PROPANE storage caverns** in western ND. SB 2065 was heard in House Energy and Natural Resources. NDPGA testified in support of this bill. The bill is still in committee.

[SB 2091](#): This bill is relating to an exclusion from the definition of public utility and rural electric cooperative. In a nutshell, this bill would **allow a retail business to resell electricity to a consumer** at their stores. In other words, if a retailer opts to set up recharging stations for EVS they would be able to charge a fee for the electricity. This bill was heard in House Energy and Natural Resources. NDPMA testified in support of this bill. NDPMA stressed the need for these recharging stations preferably be located at convenience store sites. Bill is still in committee.

[HB 1148](#): This bill relates to E-bikes distributed, manufactured and operated in the state. NDRA supports this bill. The bill is still in committee.

[HB 1441](#): Provide for legislative management study regarding paid family leave medical program. NDRA/NDPMA testified in opposition to this bill. Failed on the full Senate floor by 22-25 vote.

Bills the Associations will be testifying/monitoring the week of March 15-19:

[SB 2156](#): ND Tobacco 21

[HB 1420](#): Legalization of marijuana

[HB 1105](#): Breastfeeding

[SB 2018](#): Department of Commerce Budget

[SB 2024](#): Department of Environmental Quality Budget

[HB 1412](#): Exemption from the coal conversion facilities privilege tax and the imposition of a lignite research tax

[HB 1380](#): Legacy Fund Streams

[HB 1452](#): Clean sustainable energy authority and a clean sustainable energy fund

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.

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.