



3-19-21

Legislative Update



It was a great week for ND businesses at the State Legislature. NDRA's hallmark piece of legislation, [SB 2166](#) passed the Full House as amended by a 63-30 vote. SB 2166 which **enhances the state's retail theft penalties** and in particular, goes after repeat offenders. This bill took several turns during the days prior to the floor vote.

Earlier in the week, a House Judiciary subcommittee vote 3-0 to amend the bill placing mandatory notification language by the judge in code. More concerning, the amendments also included taking the Class C Felony out of the language after the third and subsequent convictions.



The Association worked the floor hard over the lunch hour. When the bill went before the full committee after the Monday House floor session, we had secured the votes needed to overturn the subcommittee amendment. The Subcommittee amendments failed by 4-9 vote. Amendments were then offered keeping the notification language in place and changing the 3 year time frame for multiple offenses to 4 years on the Class C Felony. Those amendments passed by a 11-2. The bill passed out of full Judiciary committee by a 10-3 margin.

SB 2166 was deliberated on the Full House floor for about 30 minutes. Opponents of the bill said it went too far in terms of instituting a class C Felony provision. Supporters of the bill including Reps. Terry Jones, Larry Klemin and Pat Heinert did a great job in testifying to why the bill was needed in order to stop the rise in **repeat theft offenses**.

ND Retailers are very grateful and frankly humbled, by the trust legislators put in the concerns shared by the retail community and the work done on the association's behalf to get this bill through the process. Our next steps will be to develop some type of media campaign to make everyone aware of the new statutes. SB 2166 was a bold, but needed a step in the right direction.

Another key business bill, [HB 1175](#), received overwhelming support in the Senate. SB 1175 is the Covid 19 business liability protection bill. It was supported by a large group of business associations from across the state. It passed the Senate by a 41-6 vote.

Bills the Associations addressed the week of March 15-19:

[SB 2156](#): ND Tobacco 21 bill. This bill raises ND's legal age for purchasing tobacco products to 21. This is being done to match the Federal level which took effect in December 2019. NDPMA testified in support of the bill. The bill came out of House Political Subdivisions with a 10-4 "DO PASS" recommendation.

[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. This bill died on the Senate floor by 4-43 vote.

[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. IT was amended in committee to remove the 5 million dollars in Legacy fund earnings that would have served as start up cash for the fund. This bill passed the full House as amended by an 82-12 vote.

[SB 2065](#): This is a bill 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. Full House passed this bill out by an 88-1 vote.

Bills the Associations will be testifying/monitoring the week of March 22-26:

[HB 1464](#): This is the gas tax bill. It contains a 3 cent per gallon one -time tax increase.

[SB 2065](#): subcommittee work on potential natural gas/propane cavern storage bill

[SB 2220](#): Relating to the dispensing and selling of alcoholic beverages on Sunday; and to provide a penalty. Changes legal selling time of alcohol to 8 a.m. on Sundays

[SB 2230](#): Relating to the use of the strategic investment and improvements fund.

[HB 1419](#): Monthly utility bill in lieu of special assessment legislation

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.