



Feb. 26, 2021

This week at the Capitol:

With facemasks and virtual testifying, one of the more unusual legislative sessions in recent memory has reached its midpoint and is currently on recess until March 3. The 2021 Legislature has demonstrated key support for value-added agriculture, water infrastructure, research funding, and is gaining a focus on transportation investments.

Legislators met the Feb. 26 Crossover deadline early for the 2021 Legislative Session, with the Senate concluding work on Tuesday, Feb. 23, and the House adjourning for its recess on Wednesday, Feb. 24. The House had 538 bills and resolutions introduced; the Senate had 359. The legislature will resume its work Wednesday, March 3, after a short break.

Below is the Legislative Crossover Report, which includes a summary and status of the bills ND Corn is supporting, has successfully opposed, or is monitoring.

NDCGA Support Bills

NDCGA is actively supporting six bills this session. Below are details of those bills and their status.

HB 1431 — Water infrastructure revolving loan fund and bonded debt repayments

This \$680 million bill utilizes Legacy Fund earnings to repay bonds which will fund key infrastructure projects, with a focus on major flood control projects, as well as transportation, agriculture, and education.

The bonding bill was amended to issue up to \$680 million in bonds for public projects including:

- \$435.5 million for Fargo diversion project
- \$74.5 million to Resources Trust Fund
- \$50 million to the infrastructure revolving loan fund
- \$70 million to the state highway fund
- \$50 million to NDSU for agriculture products development center and northern crops institute

STATUS: Passed 74-17

HB 1437 — Tile permit streamlining

House Bill 1437 streamlines the tiling permit process; defines tile permit conditions; allows for permit fee for actual cost up to \$500; and tile plans cannot be disclosed by officials without cause. The House Agriculture Committee added amendments defining downstream impacts and clarifying the State Water Commission can cost share widening or deepening of existing drains. The bill includes an emergency clause which will allow its immediate effective date if the bill receives sufficient legislative support.

STATUS: Passed 94-0

[HB 1464](#) — Tax imposed on motor vehicle fuels and special fuels

HB 1464 relates to electric and plug-in hybrid vehicle road use fees and the motor vehicle fuel tax. The bill was amended to change the fuel tax increase from \$.06 to \$.03 per gallon, EV registration fee increase lowered from \$250 to \$200, Plug-in Hybrid Vehicle registration lowered from \$150 to \$100 and an interim study recommended to include all vehicle types, and their impact on road funding sources. Each penny of fuel tax raises about \$7.5 million annually for transportation.

STATUS: Passed 62-32

[HB 1475](#) — Agriculture innovation fund

NDCGA testified in support of HB 1475, which as introduced established a \$150 million value-added loan and grant fund within that could fund equipment, training, or process infrastructure investments to process agriculture products. HB 1475 to enhance investment in emerging technologies and next generation agriculture opportunities.

While the Agriculture Committee unanimously recommended a do pass for the \$150 million bill, the Appropriations Committee dropped the appropriation instead to \$5 million to the Bank of North Dakota for the agriculture innovation fund is a revolving loan fund. Testimony presented at the hearing can be found [here](#).

STATUS: Passed 81-11

[SB 2208](#) — Related to legal drain and waterway approval and maintenance

As introduced, SB 2208 would have substantially modified assessment drain processes and maintenance authority. NDCGA opposed of SB 2208 in its original form. The Senate amended the bill into a study of the regulation of water and the study committee will include members representing agriculture, water resource districts and the Legislature. It will also include eight nonvoting members representing townships, counties, state’s attorneys’ association, ag commissioner’s office, state water commission, department of transportation and citizens. With the conversion to a study, North Dakota Corn now supports SB 2208.

STATUS: Passed 45-2

[SB 2230](#) — Value added loan guarantee

This bill increases the value-added loan guarantee program, established in 2019, from \$50 million to \$75 million to support credit for value-added ag and energy ventures.

STATUS: Passed 47-0

NDCGA Opposing Bills

NDCGA opposed two bills this session. Below are details of those bills and their status.

[HB 1487](#) — Beef Check Off

This bill changes language in Century Code regarding the required state beef checkoff which is assessed when any person sells cattle in or from this state. The current language states the assessment must be paid when cattle are sold, but a refund can be requested. The bill would change “must” to “may” turning this into an “opt-in” assessment, rather than the current “opt-out” program where producers may request a refund. (HB 1009, the budget bill for the Agriculture Department includes a study of the Beef Commission operations and board selection process)

STATUS: Failed 41-53

[SB 2342](#) — Soil conservation compensation, training, powers and duties, elections, and land use regulations; and to

provide for a continuing appropriation.

SB 2342 was heard before the Senate Agriculture committee on Feb 4, where the NDCGA opposed the bill- stating concerns the initiative does not partner with existing stakeholders and soil health framework already in place and create unfunded programs.

STATUS: Failed 7-40

NDCGA Monitoring Bills

NDCGA is monitoring numerous bills this session. Below is list of those bills, broken down by category, and their status.

Value-Added Agriculture

HB 1046 — Advisory Committee on Sustainable Agriculture

STATUS: Passed 92-0

HB 1141 — \$15 million of Legacy Fund earnings to the innovation loan fund for innovation technology loans

STATUS: Passed 83-10

HB 1172 — Agricultural mediation and negotiation services

STATUS: Failed 5-89

HB 1244 — Permits direct sale of raw milk or raw milk products

STATUS: Failed 5-89

HB 1452 — Establishes a Renewable and Clean Energy Grant Fund

STATUS: Passed 86-7

SB 2053 — Adds Equipment to APUC Eligibility

STATUS: Passed 46-0

SB 2058 — Expands loan interest buydown program to livestock operations

STATUS: Passed 47-0

SB 2171 — Transfer of the international business and trade office for Dept of commerce to agriculture commissioner

STATUS: Failed 5-41

SB 2216 — Definition of Location for Animal Feeding Operations

STATUS: Passed 46-0

Agriculture Interests

HB 1145 — ND Soybean Council members

STATUS: Passed 92-0

SB 2020 — 2021-23 SBARE Priorities

STATUS: Passed 47-0

SB 2041 — Commercial Property Tax Exemption for Grain Elevator and Potato Warehouse Property

STATUS: Passed 46-0

Water

[HB 1353](#) — Reorganize Office of the State Engineer to the Dept of Water Resources with the state engineer as a division
STATUS: Passed 86-8

[SB 2324](#) — Requires a road authority to install a culvert or bridge to the State Engineer's specification within one-year after the determination.
STATUS: Passed 25-22

Transportation

[HB 1015](#) — Possible home to Governor's \$1.25 billion infrastructure bond proposal
STATUS: Passed 80-11

[HB 1038](#) — Legislative management legacy fund earnings committee
STATUS: Passed 89-0

[HB 1132](#) — Republican leaders' \$1.1 billion infrastructure bonding bill
STATUS: Withdrawn

[HB 1380](#) — Legacy Streams
STATUS: Passed 71-22

[SB 2026](#) — Governor's Order Authorizing Excess Limits Regarding Road Trains
STATUS: Passed 30-17

[SB 2245](#) — Intermodal transportation assistance program
STATUS: Passed 46-1

[HRC 3001](#) — Regarding Road Trains
STATUS: Passed

Regulatory

[HB 1026](#) — Grain Licensing and Regulation
STATUS: Passed 89-0

[HB 1043](#) — Ethics Commission Complaint Procedures
STATUS: Passed 79-12

[HB 1079](#) — Uniform Law regarding Environmental Covenants
STATUS: Passed 86-7

[HB 1087](#) — Reauthorize North Dakota's Reinsurance program
STATUS: Passed 64-30

[HB 1115](#) — Regulation of animal feeding operations by the agriculture commissioner
STATUS: Withdrawn

[HB 1118](#) — Limitation on Governor's Declaration of Disaster or Emergency
STATUS: Passed 88-6

[HB 1158](#) — Mitigate adverse environmental impacts

STATUS: Passed 90-2

[SB 2034](#) — Advisory opinions regarding ethics

STATUS: Passed 42-4

[SB 2065](#) — Industrial commission to regulate the permitting of underground storage of oil and gas

STATUS: Passed 40-7

[SB 2124](#) — Virtual Special Session Authority During Emergency or Disaster

STATUS: Passed 40-7

[SB 2144](#) — Criminal Trespass and Electronic Posting

STATUS: Passed 45-2

[SB 2218](#) — Annually reconvened sessions of the legislature and interim committee meetings

STATUS: Passed 28-19

Property Rights

[HB 1113](#) — Landowners permission before baiting and trail cameras

STATUS: Passed 94-0

[SB 2036](#) — Access to Lands and Electronic Posting Study

STATUS: Passed 45-2

[SB 2037](#) — Criminal Trespass and Electronic Posting

STATUS: Failed 0-47

[SB 2038](#) — Electronic Posting of Land to Prohibit Hunting

STATUS: Failed 0-47

Agency

[HB 1009](#) — Department of Agriculture Budget

STATUS: Passed 87-7

[HB 1425](#) — North Dakota Investment via State Investment Board

STATUS: 85-8

[SB 2012](#) — Department of Transportation Appropriation

STATUS: Passed 47-0

[SB 2019](#) — Career and Technical Education Appropriation

STATUS: Passed 47-0

[SB 2024](#) — Department of Environmental Quality budget

STATUS: Passed 47-0

[SB 2033](#) — University system capital building fund

STATUS: 47-0

Hearing Schedule

DATE	TIME	HEARING DESCRIPTION	COMMITTEE
03/03/2021	09:00 AM	SB 2041 — Relating to a commercial property tax exemption for grain elevator and potato warehouse property used for personal use.	House Finance and Taxation
03/03/2021	02:30 PM	HB 1087 — Relating to premium taxes and credits for insurance companies and the establishment of an invisible reinsurance pool for the individual health insurance market	Senate Industry, Business and Labor
03/04/2021	09:00 AM	SB 2053 — Relating to the required uses of the agricultural products utilization fund; and to declare an emergency	House Agriculture
03/04/2021	09:00 AM	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.	House Energy and Natural Resources
03/04/2021	09:00 AM	HB 1145 — Relating to soybean districts and terms of office for members elected to the ND soybean council.	Senate Agriculture
03/04/2021	10:00 AM	HB 1158 — Relating to the allocation of moneys paid to mitigate adverse environmental impacts	Senate Agriculture
03/04/2021	10:30 AM	SB 2026 — A bill relating to a governor's order authorizing excess limits regarding road trains.	House Transportation
03/05/2021	09:00 AM	SB 2216 — Relating to the definition of location for animal feeding operations.	House Agriculture
03/05/2021	09:00 AM	SB 2024 — Department of Environmental Quality Overview	House Appropriations - Human Resources Division
03/05/2021	10:00 AM	SB 2019 — State Board for Career and Technical Education overview	House Appropriations - Education and Environment Division
03/05/2021	10:30 AM	HB 1113 — Relating to obtaining a landowner's permission before baiting; relating to trail cameras; and to provide a penalty.	Senate Energy and Natural Resources

How to Contact Your Legislators

During the session, legislators can be reached at the Capitol through [Contact My Legislators](#) or by leaving a message at 888-NDLEGIS (635-3447) or 701-328-3373 (local). A legislator can also be reached by email, phone or mail as listed in the legislator's online bio: [Senate](#) or [House](#). Details information on legislative activities is available on the Legislative Assembly [website](#).

Legislative Calendar

- March 1–2: Recess
- April 30: Final day of session (limited to 80 days)