

Agriculture

HB 1146 adds domesticated rabbits to the definition of animal for meat inspection. Passed and signed by the governor. NDFU monitored.

HB 1166 allows and recognizes freeze brands for livestock. A majority of states already allow and recognize freeze branding for livestock, so this brings North Dakota in line with other states. Passed and signed by the governor. NDFU monitored.

HB 1291 replaces the recurring multi-year trailer registration fee due every six years for semitrailers and farm trailers with a one-time fee of \$120 for a permanent trailer registration. The permanent registration will be valid until ownership of the semitrailer or farm trailer is transferred, assigned, destroyed, or the trailer is completely removed from the service of the owner. Annual registration for semitrailers or farm trailers will still be available for a fee of \$20. Passed and signed by the governor. NDFU monitored.

HB 1220 would have given priority to an agricultural supplier's lien exceeding \$50,000 as long as conflicting security interests received notice of the lien no later than 20 days after the agricultural supplies were furnished or services performed. The bill was converted into a study. Passed and signed by the governor. NDFU opposed.

HB 1349 repeals the industrial hemp pilot program and implements new licensing requirements, licensing fees, and penalties for violations regarding hemp to align with the new federal law under the 2018 Farm Bill. Passed and signed by the governor. NDFU supported.

HB 1388 adds "second cousin" to the list of kin that can legally form a corporation or a limited liability corporation in the state for farming and ranching. Passed and signed by the governor. NDFU opposed.

HB 1400 adds a definition of "meat" and amends the definition of "meat food product" in NDCC 4.1-31. The bill provides for a prohibition against advertising, offering for sale, selling, or misrepresenting cell cultured protein as a meat food product. This would prevent cell cultured protein products from being packaged in the same or deceptively similar packaging as meat food products and would require the products to be labeled as cell cultured protein. Passed and signed by the governor. NDFU supported.

HB 1467 would have transferred the statutory authority over grain, grain buyers, warehousing, deposits, and warehousemen from the Public Service Commission to the agriculture commissioner. The bill has been converted into a study during the 2019-20 interim and the legislative management is tasked with studying agricultural issues in the state, including studying grain buyers, roving grain buyers, grain brokers, and grain handling facilities; and issues related to prepayment for fertilizer, soil amendments, seed, and fuel in situations of insolvency. Passed and signed by the governor. NDFU monitored.

SB 2152 adds licensing requirements for anhydrous ammonia mobile storage containers. The bill assesses a one-time \$25 fee for a private mobile storage container license and a one-time \$100 for a retail mobile storage container license. Passed and signed by the governor. NDFU monitored.

SB 2177 requires the chief brand inspector be provided with copies of seizure orders, seizure notifications, and disposition rulings, if the animal involved in the seizure or disposition is a bovine animal, horse, or mule. Passed and signed by the governor. NDFU monitored.

SB 2197 adds the option for ten (10) year term loans to beginning farmer and family farmers from the Bank of North Dakota. Passed and signed by the governor. NDFU monitored.

SB 2200 excludes the growing or processing of marijuana under NDCC 19-24.1 from the definition of farming and ranching. Passed and signed by the governor. NDFU monitored.

SB 2239 provides that information created, collected, or maintained by the state veterinarian for purposes of premises identification, animal identification, or animal tracking, including the name and address of the owner or lessee of the property where an animal found is located, is confidential. The bill allows disclosure of the information in certain circumstances and creates a penalty for an individual violating the law. Passed and signed by the governor. NDFU monitored.

SB 2328 moves the agricultural products utilization commission (APUC) from the Department of Commerce to the Agriculture Commissioner. Passed and signed by the governor. NDFU supported.

Finance & Tax

HB 1205 extends the current sales and use tax exemption for materials used in construction of a fertilizer or chemical process plant to June 30, 2023. The bill also creates a new sales and use tax exemption for materials used to construct a qualified straddle plant, a qualified fractionator, or qualified associated infrastructure. Passed and signed by the governor. NDFU monitored.

SB 2040 excludes property owned by a political subdivision when calculating protests against the formation of a special improvement district or a separate property area unless the political subdivision filed a protest. Passed and signed by the governor. NDFU monitored.

SB 2278 requires individuals claiming the farm home exemption to provide the assessor with income information to demonstrate that 50% or more of the occupant's net income, and spouse if married, was from farming activities. Any income information provided to the assessor will be a confidential record. Passed and signed by the governor. NDFU supported.

SB 2360 changes the definition of farm income for purposes of the farm residence property tax exemption from "net" to "gross". The bill also changes the share that farm income must be relative to total income from 50% of net to 66% of gross income or more. The bill also removes the dollar limitation for allowable non-farm income. Passed and signed by the governor. NDFU supported.

SB 2362 requires the state's share of oil extraction tax revenue from a state/tribal agreement be allocated: 10% of the state's share to the common schools trust fund, 10% to the foundation aid stabilization fund, and 20% to the resources trust fund. An additional 0.5% will be added to the resources trust fund starting August 2019. The bill also includes a contingent appropriation to the common schools trust fund. If the actual legacy fund earnings transferred to the general fund for the 19-21 biennium exceed the legislative estimate by at least \$64,370,000, the bill calls for a transfer of \$64,370,000 from the general fund to the common schools trust fund. Passed and signed by the governor. NDFU monitored.

Transportation

HB 1066, among other actions, revises the oil and gas gross production tax distribution formula. To address municipal, county, and township infrastructure needs, the bill adds three buckets:

- One for a portion of the municipal infrastructure fund in which \$30,370,000 is to be deposited;
- One for a portion of the county and township infrastructure fund into which \$30,370,000 is to be deposited to match the municipal infrastructure bucket; and
- One to fill the remainder of the municipal and county and township infrastructure funds concurrently up to \$169.3 million.

Both the municipal infrastructure fund and the county and township infrastructure fund can receive up to \$115 million in total allocations. The municipal fund will be distributed out as grants to cities in non-oil-producing counties for essential infrastructure projects and the county and township fund will be

distributed out as grants to non-oil-producing counties and townships for road and bridge infrastructure projects. Passed and signed by the governor. NDFU supported.

HB 1362 allows utilities to cross over or under the railroad right of way for placement of facilities when the facilities are outside the public right of way, subject to payment of the crossing fee, reasonable regulation, and negotiation as to location, placement, and compensation. Passed and signed by the governor. NDFU supported.

SB 2176 creates a road train pilot program study. If the pilot program receives a favorable recommendation after the study, the Department of Transportation shall establish the program, along with the parameters and policies regarding the use of road trains on state highways, including designation of routes, hours of operation, and length and weight restrictions. Passed and signed by the governor. NDFU monitored.

SB 2268 creates a corridors of commerce program for constructing, reconstructing, improving, and maintaining highways that improve freight transportation and facilitate commerce. The bill also creates a special corridors of commerce fund administered by the Department of Transportation. Passed and signed by the governor. NDFU monitored.

Landowner Rights Bills

HB 1503 prohibits an individual from using or installing a device to observe, record, or photograph wildlife on private property when the device owner is absent, unless the device owner has written permission from the property owner or the device is tagged with a registration number issued by the game and fish department or the device owner's name, address, and telephone number. An individual violating this section could be charged with an infraction. Passed and signed by the governor. NDFU supported.

SB 2037 establishes parameters for radioactive waste disposal and storage and creates a radioactive waste fund and a radioactive waste advisory council. Passed and signed by the governor. NDFU monitored.

SB 2344 allows for the use of pore space for unit operations for enhanced oil recovery, utilization of carbon dioxide for enhanced recovery of oil, gas, and other minerals, disposal operations, or any other operation authorized by law. The owner of the pore space is not entitled to prohibit or demand payment for the use of their pore space in enhanced oil recovery, utilization of carbon dioxide for enhanced recovery of oil, gas, and other minerals, disposal operations, or any other operation. The bill also provides that injection or migration of substances into pore space for disposal operations, for secondary or tertiary oil recovery operations, or otherwise to facilitate production of oil, gas, or other minerals is not unlawful and, by itself, does not constitute trespass, nuisance, or other tort. Passed and signed by the governor. NDFU opposed.

Human and Social Services

SB 2149 provides for behavioral health resource coordinators in schools. Passed and signed by the governor. NDFU monitored.

Election and Initiated Measures

HB 1035 requires that a statement of the estimated fiscal impact of a constitutional amendment or initiated or referred measure be printed on the ballot along with a statement of the effect of a yes or no vote and the measure's language. Passed and signed by the governor. NDFU monitored.

HB 1036 requires Legislative Management to hold hearings, receive public testimony, and gather information on the estimated fiscal impact of a referred measure. Passed and signed by the governor. NDFU monitored.

Natural Resources

HB 1149 allows a county weed board to certify, based on standards set by the Agriculture Commissioner, that gravel, scoria, topsoil, or sand surface mining operations are not contaminated with noxious weeds. The Commissioner may also adopt a fee schedule county weed boards may charge for inspecting, testing, analyzing, and certifying gravel, scoria, topsoil, or sand surface mining operations. Passed and signed by the governor. NDFU monitored.

SB 2044 makes it a crime for an individual to substantially interrupt or impair a critical infrastructure facility or a public service by tampering with or damaging property, equipment, or operations. The bill also creates a fine for organizations that conspired with an individual who pled guilty or has been convicted of interrupting or impairing critical infrastructure or public service property. Passed and signed by the governor. NDFU monitored.

SB 2058 prohibits the Outdoor Heritage Fund advisory board from sending a grant application to the Industrial Commission unless the application meets the funding activities of the Outdoor Heritage fund. Passed and signed by the governor. NDFU monitored.

SB 2100 allows the Public Service Commission to adopt rules regarding the decommissioning of renewable energy conversion facilities. Passed and signed by the governor. NDFU monitored.

SB 2261 prohibits the Public Service Commission from conditioning the issuance of a certificate or permit on the applicant making a mitigation payment assessed or requested by another state agency or entity to offset a negative impact on wildlife habitat. Passed and signed by the governor. NDFU monitored.

Government Operations

SB 2055 establishes the powers and duties of a budget section which can manage state funds between regular sessions of the Legislative Assembly. The members of the budget section shall be appointed by the Legislative Management. The bill passed both Chambers and was vetoed by the governor. Both Chambers then passed the bill over the governor's veto. Passed and filed with the Secretary of State. NDFU monitored.

Resolutions

HCR 3024 urges Congress to amend federal law, policies, and regulations regarding food safety and labeling and to establish standards and criteria to differentiate animal food products from laboratory produced, cell-cultured food products. Passed and filed with the Secretary of State. NDFU supported.

HCR 3048 directs the Legislative Management to consider studying the establishment of a wind reclamation fund and whether the statutorily required minimum wind turbine setback distances provide adequate protections to nonparticipating landowners and their property. Passed and filed with the Secretary of State. NDFU monitored.

SCR 4001 revises the North Dakota constitution to require initiated constitutional measures approved by voters also be approved by the two subsequent legislative assemblies before becoming effective. Passed and filed with the Secretary of State. NDFU monitored.

SCR 4013 directs Legislative Management to study the issues of access and distribution of food in rural communities and the role of state entities in facilitating the movement of food to rural areas. Passed and filed with the Secretary of State. NDFU supported.

SCR 4016 increases the number of individuals serving on the State Board of Higher Education from eight to fifteen and increases the term board members serve from four years to six years. The resolution

requires the Board to meet at least annually with the head of each institution under the Board's control. The resolution also prohibits a person employed by the state serving on the Board. Passed and filed with the Secretary of State. NDFU monitored.

Defeated Bills

HB 1153 would have created a partial property tax exemption for grain elevator property used for personal use. The bill would have exempted 50% of the true and full value of commercial property on which a grain elevator used for personal use is situated. Defeated. NDFU monitored.

HB 1290 would have prohibited a law enforcement officer from entering private land unless the law enforcement officer received permission from the landowner or a lessee of the land. The bill created three exceptions for when a law enforcement officer may enter private land without permission. The bill was converted into a study regarding the fourth amendment to the Constitution of the United States, including the investigation, search, and seizure of private land, livestock, and buildings. Defeated. NDFU monitored.

HB 1329 would have provided a \$100,000 grant to an entity to enhance and expand statewide access to telephone callers and texters to information relating to health and human services programs, mental health support services, substance abuse services, gambling addiction services, services for elderly citizens and citizens with disabilities, and support for active military, veterans, and military families. Defeated. NDFU supported.

HB 1476 would have allowed individuals who sell or rent agricultural assets (land, livestock, facilities, buildings, and machinery) to beginning farmers to claim a tax credit. The amount of the tax credit is based on the type of sale or rental agreement with the beginning farmer. The bill also provided for a tax credit to individuals participating as beginning farmers in a financial management program. Defeated. NDFU supported.

HB 1514 would have repealed NDCC 61-32-03.1 which requires permits for the installation of subsurface water management systems consisting of eighty acres [32.37 hectares] of land area or more. The bill would have required an individual installing a subsurface water management system to obtain a bond of at least \$500,000 and record the system with the water resource board for the county in which the system was located. Defeated. NDFU monitored.

HB 1527 would have prohibited the Milk Marketing Board from establishing a maximum or minimum retail price a retailer may charge a consumer for milk or milk products. This bill also provided the Agriculture Commissioner with oversight of the milk marketing board. Defeated. NDFU monitored.

HB 1060 would have instituted a surcharge for employers whose employees have received unemployment insurance benefits at a rate exceeding the level of contributions paid into the system by the employer. Defeated. NDFU opposed.

HB 1238 proposed to increase revenue into the highway tax distribution fund by charging an annual fee on electric vehicles. Defeated. NDFU monitored.

HB 1365 would have changed the amount deducted from the foundation aid formula to 75% of all revenue in lieu of property taxes. The 75% would have been deducted from the percentage of mills not attributed to the sinking and interest levy. Defeated. NDFU monitored.

HB 1449 would have increased the amount of revenue in the State Aid Distribution Fund and increased the oil extraction tax rate from 5% to 6.5%. Defeated. NDFU monitored.

HB 1480 provided for a mechanism for flaring reduction and would have created energy parks. The bill was converted to a study on the capturing of gas and the long-term benefits of capturing gas on the state's revenue stream. Defeated. NDFU monitored.

HB 1530 would have transferred legacy fund earnings to the general fund to reduce the individual income tax and corporate income tax. Defeated. NDFU monitored.

SB 2026 would have appropriated a minimum of \$1,050,000 out of the General Fund to the Department of Human Services to establish and administer a voucher system for mental health. The voucher system would address underserved areas and gaps in the state's mental health system by allowing payment assistance to private mental health service providers. This would have allowed more individuals seeking mental health services to be treated in or closer to their community. The bill also set requirements for private providers participating in the voucher program. Defeated. NDFU monitored.

SB 2054 removed the priority given to projects enhancing conservation practices for grants awarded from the Outdoor Heritage Fund. The bill also required the Outdoor Heritage Fund advisory board to maintain "a geographic balance of members." Defeated. NDFU opposed.

SB 2174 would have changed how managers are selected for water resource boards by requiring that managers be elected during a general election instead of being appointed by the board of county commissioners. Defeated. NDFU monitored.

SB 2256 would have required a measure for a constitutional amendment to be divided into clearly identifiable sections. Each section could only amend one section of the constitution. The bill would have also required the entire text of each amended section of the constitution to be included in the measure. The entire measure was to be printed on the ballot unless it was more than five hundred words, in which case a summary of up to five hundred words could be printed on the ballot. Defeated. NDFU monitored.

SB 2282 would have created an economic diversification research grant fund administered by the Bank of North Dakota. The bill also created a research grant advisory committee to award grants to research universities under the control of the state board of higher education. Defeated. NDFU monitored.

SB 2288 would have increased the motor vehicle fuel and special fuel tax rate by 4 cents. Defeated. NDFU supported.

SB 2324 would have created a non-partisan committee for redistricting. Defeated. NDFU monitored.

SB 2329 would have moved the International Business and Trade Office from the Department of Commerce to the Agriculture Department. Defeated. NDFU supported.

SB 2336 would have increased the oil extraction tax rate from 5% to 6.5% and removed the "high price" trigger which increases the oil extraction tax rate from 5% to 6% at times of high oil prices. Defeated. NDFU supported.

HCR 3007 proposed an initiated measure for submission to the people of North Dakota. The resolution provided that citizens first submit a proposed measure to the Legislative Assembly. The proposed measure must be signed by 25 or more electors as sponsors (one of whom must be designated as chairman of the sponsoring committee) and must be presented to a member of the Legislative Assembly. The legislator shall submit the proposal to the Legislative Council to prepare a measure that satisfies the intended purpose of the sponsoring committee. The sponsoring committee shall submit a petition with the prepared measure to the Secretary of State for approval as to form. An initiative petition for a measure to be submitted to the Legislative Assembly must be submitted to the Secretary of State no less than 120 days before the legislative session in which the measure will be submitted for consideration. If a majority of votes cast upon an initiated or a referred measure are affirmative, the measure is deemed enacted. Defeated. NDFU monitored.

HCR 3010 raised the number of votes required to pass a constitutional measure from the majority of votes cast to 55% of votes cast. The resolution also provided that constitutional measures could only be placed on the ballot at a general election. Defeated. NDFU monitored.

HCR 3034 would have required an initiated measure for a constitutional amendment or a constitutional amendment submitted to the voters by the Legislative Assembly to be placed on the ballot only at a general election. Defeated. NDFU monitored.

HCR 3045 requested the Legislative Management to consider studying the feasibility, potential benefits, and potential implementation processes for combining the responsibilities and resources of the Game and Fish Department and the Parks and Recreation Department under a single game, fish, parks, and recreation department. Defeated. NDFU monitored.

SCR 4015 would have changed the submission deadline for petitions for constitutional amendments to 240 days before the election, increased the number of signatures required for petitions for constitutional amendments from 4% to 8%, increased the percentage of votes required to approve constitutional amendments by citizens to 60%, and increased the percentage of votes required for the Legislative Assembly to place a constitutional amendment on the ballot from a majority vote to 60% of the votes cast. Defeated. NDFU monitored.