



LEGISLATIVE UPDATES



April 11, 2025

Update No. 14

Well, all that optimism about adjourning in mid to late April that I've been raving about came to a startling halt this week. So startling, I overheard someone make a Hotel California joke at a social last night. I laughed, not at the joke (it's an old one – you can check out any time you like but you can never leave), but because we're about 10 days too early to be that disgruntled already. Alas, it has been a rough session for many, and the promise of Sine Die by the end of April was just too delightful. Unfortunately, many of the big budgets and the property tax issue are still far from settled. The pace has slowed to the typical end of the session crawl, and it's starting to look more like we'll wrap up the first week of May. Disappointment abounds.

It is the time of the session where nothing easy is left on the calendar. Both bodies have already pushed out the cleanup bills, the non-controversial changes, and the easy wins. Everything that is left is pretty much one of three things: really costly, really complicated, or really controversial. So you can imagine the long slog the floor sessions become as these issues hit the calendar. This week the legislature covered topics like parent access to minor's medical exam rooms, school bathroom rules, penalties for marijuana-related crimes, amending the constitution, anti-sanctuary city laws, and nuclear waste. Easy-breezy.

But despite all those hot-button issues, the bit of news that got the most attention was Rep. Lori Van Winkle's ski vacation in the middle of session. While it isn't uncommon for legislators to miss a day or two here or there, it is rare for a scheduled vacation during this particularly important time. Each day at the close of the session, the Assistant Majority Leader makes a motion to excuse the absent members. This allows them to be paid for the day despite their absence. In my decade and a half of lobbying, I have never seen this motion not carry. Typically, a simple voice vote does the trick. However, the day after news broke of Rep. Van Winkle's vacation, the Nays were as loud as the Is, so the Speaker had to ask for a verification vote. Ultimately, the motion passed 55-41. We've heard chatter that one other member being absent for legitimate reasons likely kept the motion from failing altogether, and there had been talk of passing the hat to make sure that member got paid if the motion did fail. Things are never dull in Bismarck, that's for sure.

UPDATES FROM ICBND'S PRIORITY TRACKING LIST

This week **HB 1584** was heard before Senate Appropriations Government Operations Division. HB 1584 is the bill that regulates pharmacy benefits managers and would affect banks using both the North Dakota Banks Benefits Trust and those using their own self-funding benefits plans. Both ICBND and the NDBBT oppose the bill because it seeks to ignore and erase the ERISA protections provided to self-funded insurance plans. By ignoring these protections and regulating pharmacy benefits managers, we believe HB

1584 would increase pharmaceutical costs to users of our plans and drive-up premiums. It seemed as though we had made some progress with the committee members as they were amenable to opposition's arguments and concerns during the first hearing. For the first time all session, the bill supporters admitted on the record that the policy change would likely only help pharmacists, not consumers. The North Dakota Department of Insurance also told the committee that in other states that have adopted similar regulations, there is no evidence of decreased pharmaceutical costs, while premiums have increased. Members of the committee also appeared concerned about the potential for costly litigation prompted by the bill. The committee left the hearing discussing the potential for amendments, and we worked committee members in support of several different options and a Do Not Pass recommendation. However, when the committee returned a couple of days later, it became clear they had been told to stand down and given the age-old refrain heard 'round the Capitol, "stick to appropriations, not policy." Many were clearly frustrated by this directive, but followed it, nonetheless. In the end, they adopted amendments gutting the appropriation to the Department to administer the program and adding an actuarial study of whether drug costs are reduced if it is adopted. Unfortunately, that doesn't make the bill smell much better for us. Once they adopted the amendments, the bill got a unanimous Do Pass recommendation, with some legislators noting they may vote for it in committee but not on the floor. Frustrating, but a rant for another day. We'll take no votes where we can get them at this point. The full appropriations committee had planned to take it up this morning but overbooked themselves so have pushed it off until Monday. That likely means it will hit the floor for a full vote as soon as Tuesday. Please look for the action alert sent separately on this bill and reach out to your Senators to ask for a NO vote. The business community is really struggling to get any traction on this issue, but we hope direct emails from you may help.

Last week I told you I expected **HCR 3001** to be dead by the end of day Friday. While my timeline was off, the prediction was not. It took until yesterday, but the resolution was defeated in the Senate. HCR 3001 was a concurrent resolution that encouraged the State Treasurer and State Investment Board to invest certain state funds in digital assets and precious metals.

With the death of HCR 3001, only **HB 1584** and **SB 2014** (the bill that contains the BND budget) remain as "active" bills on our priority tracking list. All of the remaining "unsettled" bills have been sent to the Governor and are awaiting action from his office. While that doesn't mean they could not become active and require working again, we don't expect that to be the case.

NEXT WEEK'S HEARING SCHEDULE

Monday, April 14

No committee hearings currently scheduled at this time.

Tuesday, April 15

No committee hearings currently scheduled at this time.

Wednesday, April 16

No committee hearings currently scheduled at this time.

Thursday, April 17

No committee hearings currently scheduled at this time.

Friday, April 18

No committee hearings currently scheduled at this time.

LEGISLATIVE DEADLINES

May 9 Session limited to 80 legislative days.

Legislator contact information can be found at <https://ndlegis.gov/contact-my-legislators>, and you can check on any legislative activities through the Legislative Council's web page at ndlegis.gov.

Thank you for your participation in the legislative process. Please call, email, or text me with any questions or concerns. If you'd like to be taken off this distribution list or if there are others in your organization that should be receiving these updates, please let me know.

Sincerely,

Alexis D. Baxley

alexisb@icbnd.com

701.258.7121 (office) | 701.870.4167 (cell)
