

NDTOA Legislative Update

April 14, 2025

Click on Bill Numbers to see the bill on the Legislative Web Site

Bill No.	Description (NDTOA) Indicates NDTOA Bill	Status	Position
INFRASTRUCTURE, FUNDING, AND AGENCY BUDGETS			
HB1015	OMB Budget Bill Amendment to add \$50M to offset adding 5 counties to Prairie Dog Senate Appropriations, Gov. Operations - 4/14 2:30 PM	H Passed 83-6	SUPPORT
HB1065	Changes Prairie Dog funding to per mile basis Sent to Governor 3/13 Signed 3/18	H Passed 90-3 S Passed 47-0 Governor Signed	SUPPORT
HB1235	Makes cities eligible for Ag Infrastructure grant program Sent to Governor 3/20 Signed 3/24	H Passed 89-3 S Passed 47-0 Governor Signed	MONITOR
HB1382	Increases gas tax 3 cents, one cent directed for townships - \$14 Million Senate Finance & Taxation - 3/24 Awaiting disposition of other funding bills - (Governor's Veto Likely)	H Passed 58-35	SUPPORT SUPPORT SUPPORT
SB2012	NDDOT budget - SB2142, SB2151, SB2372 Have been rolled into the DOT Budget House Appropriations/GO -	S Passed 47-0	SUPPORT
SB2020	Upper Great Plains Technical Institute (and others) Budget House Appropriations - Do Pass as Amended 20-0 Returned to Senate Amended - Do Not Concur	S Passed 46-0 H Passed 81-11	SUPPORT
SB2177	Sales taxes from animal ag development used to support infrastructure in county, Amended to include townships Sent to Governor 3/24 Signed 3/25	S Passed 47-0 H Passed 71-21 Governor Signed	SUPPORT
SB2397	Changes definition of oil producing county to 10M barrels/year Adds 5 lesser oil producing counties to Prairie Dog and other funding House Finance & Taxation - 3/11	S Passed 46-0-1	SUPPORT
LOCAL CONTROL, ZONING, NOTICE, AND INSURANCE			
HB1026	Moves State Bonding fund to OMB Will allow townships to secure appropriate bonding Returned to House	H passed 89-0 S Passed 44-2 Governor ?	SUPPORT
HB1027	Fire & Tornado Fund moved to OMB Senate Industry & Business, Do Pass 4-1 - Amended Returned to House Amended - Do Concur	H Passed 87-5 S Passed 41-4	SUPPORT
HB1142	Statutory Liability Caps Part of a series to gradually raise the liability caps. Sent to Governor 3/20 Signed 3/21	H Passed 86-1 S Passed 46-1 Governor Signed	SUPPORT
HB1258	PSC oversees all siting processes for energy facilities Senate Energy & Natural Resources, 4/3 - Do Not Pass 4-3	H Passed 86-7 S Passed 27-18 Governor ?	OPPOSE
HB1374	Exempts twp officers from open meetings when acting as staff (NDTOA) Senate State & Local Government - NDTOA amendment accepted - Do Pass 6-0 Returned to House Amended - Concurred 88-3	H Passed 90-0 S Passed 45-1 Governor ?	SUPPORT

HB1500	Nonconforming structures - 03/11 Returned to House Amended - Concurred 87-3	H Passed 81-10 S Passed 31-16 Governor ?	MONITOR
HB1579	Study of large energy consumer effect on state electrical grid (Hoghouse Amendment) Senate Energy & Natural Resources, Peace Garden, 4/3	H Passed 89-3	SUPPORT
SB2027	Twps may regain floodplain mgmt. from counties House Energy & Nat Resources - Do Pass 13-0 - Put On Consent Calendar Sent to Governor 3/27 Signed 3/28	S Passed 47-0 H Passed 83-9 Governor Signed	SUPPORT
SB2069	Posting on website as backup to newspaper notice (amended) House Political Subdivisions - Do Pass as amended 11-0 Returned to Senate Amended -	S Passed 25-22 H Passed 72-17	SUPPORT
SB2174	Regulation of animal feed operations Continues to not address excessive road use cost Sent to Governor 3/31 Signed 4/2	S Passed 42-5 H Passed 66-25 Governor Signed	OPPOSE
SB2180	Public Comments at Meetings Local Governments must allow time for public comments Returned to Senate Amended - Conf.Com Appointed	S Passed 41-6 H Passed 85-4 Governor ?	MONITOR
SB2329	Allows counties and townships to vacate streets in dissolved cities (NDTOA) House Political Subdivisions - Do Pass 13-0 - On House Consent Calendar Sent to Governor 3/14 Signed 3/17	S Passed 44-0 H Passed 91-1 Governor Signed	SUPPORT

PROPERTY TAX

NDTOA supports property tax relief and reform, however caps are problematic for all local governments.

Most proposals do not give relief for taxes on agricultural or commercial properties.

HB1168	Requires voter approval of levy increase -State pays 10 mils on school levy Senate Finance & Tax - 3/19	H Passed 88-3	SUPPORT
HB1176	Caps poli-sub mill levy increases at 3% - Governor's plan -\$1450 Amended - no caps for townships up to 18 mills (new amendment 36 mills) Senate Finance & Tax - Do Pass 6-0 - Rerefered to S. Approps Senate Approps - Amended - will go to a conference committee NDTOA working to exempt Townships from added election requirement	H Passed 81-10 S Passed 47-0	SUPPORT
HB1534	Value increase limited to 3% Senate Finance & Tax - 3/5	H Passed 75-16	
HB1575	State replaces 2.75% of residential tax rate, 1.5% of ag & comm -3% val increase limit Senate Finance & Tax - 3/11	H Passed 86-5	SUPPORT

ROADS, HIGHWAYS, AND DRAINAGE

HB1346	Off-road vehicle use - penalties - H Trans Senate Transportation - Do Pass - 6-0 Sent to Governor 3/26 Signed 3/27	H Passed 83-6 S Passed 44-0 Governor Signed	MONITOR
HB1444	Allows counties to take township roads Senate Transportation - Do Pass - 6-0 Sent to Governor 4/1 Signed 4/4	H Passed 74-16 S Passed 29-15 Governor Signed	OPPOSE

HEARINGS THE WEEK OF APRIL 14, 2025 (Committee Work)			
HB1015	OMB Budget- Senate Aprovs/GO, Red River	4/14	2:30 PM
SB2397	Def. of Oil County - H Fin & Tx	4/15	9:00 AM
HB1579	Large Energy Load Study - S, Energy & Nat Res, Peace Garden	4/17	9:01 AM

INFRASTRUCTURE BILLS

House Bill 1015, which is the OMB Budget Bill contains an extra \$50 million for Prairie Dog funding. Half of that is to take in the five new counties (and their townships) in the definition of non-oil producing counties (SB 2397). The other \$25 million is just more funding for the entire Prairie Dog program. Senate Appropriations Committee Government Operations Division is expected to act on HB 1015 next week.

The NDDOT Budget Bill, **SB 2012** contains more funding for townships, counties and cities. (See attachment). Basically, all of the Motor Vehicle Excise tax is now deposited into the Flexible Transportation Fund within the DOT. While the MVET generates about \$360M per biennium, another pot of money has been given to the Flex Fund, and that is a one percent adjustment from the Legacy Fund Earnings, Highway Fund. The addition 1% from Legacy Fund earnings (about \$87M this biennium) will be deposited directly into the Flex Fund, bringing the entire Flex Fund to \$447 million per biennium.

One half of that total is for the State DOT Flex Fund grant program. The other half, about \$224 million is split into four buckets. One bucket (\$56M) goes to non-oil producing counties and townships the same way as last session. One bucket (\$56M) is for bridge replacement and maintenance projects. One bucket (\$56M) is for non-oil townships, half will go out in distributions based on certified road miles, the other half will be in a grant program. The last bucket (\$56M) is dedicated to cities, distributed the same as the last township bucket, one half grants, one half based on direct mileage formula. The House Appropriations is deliberating on the DOT budget currently

Current thoughts are to pull some of the MVET BACK into the General Fund, and funding the Flex Fund with other sources. Legislators are working to strike the right balance, while still meeting the needs of our roads and bridges. Some of what seems to be the new direction has leaked out and that casts doubt on the formula funding that was in SB2012, it is very likely that the fuel tax increase bill HB1382 will be the only hope for townships to gain any formula funding. Formula funding is very important for townships as many won't try to apply for a grant no matter how great their needs.

The 3 cent fuel tax bill HB1382 is likely to be acted on by Senate Finance and Taxation very soon and then to the Senate floor. This bill needs all the support we can give it to get through the Senate and then the Governor. It seems the Governor is inclined to veto this modest user fee increase, it will be necessary to convince him of the necessity of this funding, not only for townships but also the small cities that will be hard pressed by the property tax caps that are being enacted by this session.

ZONING/LOCAL CONTROL ISSUES

All of the zoning type bills have been acted upon.

PROPERTY TAXES

The main bill, House Bill 1176 caps political subdivisions at a 3% mill levy increase per year, maximum, while providing a primary residence credit of \$1,450. The full Senate Appropriations Committee amended the bill last week, forcing a conference committee. With the price tag attached to this bill, appropriators in both houses are awaiting the final version before acting on some of the other major infrastructure bills.

HB1202	Directs \$3M from Flex Fund to specific project	H Failed 17-74	OPPOSE
HB1239	Restricts Local Government regulation of data processing centers - H IBL	H Failed 14-75	OPPOSE
HB1353	Requires voter approval of levy increase	H Failed 25-63	OPPOSE
HB1396	Maintenance of drainage projects	H Failed 5-86	MONITOR
HB1407	Increase load limit on non-interstate roads to 113,000 lbs.	H Failed 7-86	OPPOSE
HB1436	Prorated scale of MVET for used vehicles	H Failed 27-64	MONITOR
HB1474	Study of Alternative Taxing Method	H Passed 86-3 S Failed 5-42	SUPPORT
HB1572	Uniform reporting Senate Finance & Tax - Do Not Pass 6-0	H Passed 76-10 S Failed 2-44	MONITOR
SB2142	Directs Motor Vehicle Exise Tax for Twp & NDDOT Flex funding, SB2142 was rolled into SB2012 the NDDOT Budget - Now redundant	S Failed 0-47	SUPPORT
SB2151	Legacy infrastructure fund, \$100M for bridge funding SB2151 was rolled into SB2012 the NDDOT budget - now redundant	S Failed 1-46	SUPPORT
SB2208	Strips County and Township Infrastructure Fund (Prairie Dog) from Counties and Townships that "interfere" with energy projects Senate Energy & Natural Resources, Peace Garden, 2/13 2:30 PM	S Failed 19-27	OPPOSE
SB2317	Provides process for township to regain zoning authority (NDTOA) Senate State & Local Government - Do Not Pass 3-2-1 House Energy & Nat Resources - Do Not Pass 10-3	S Passed 27-20 H Failed 42-49	SUPPORT
SB2372	Legacy Earnings Fund - Increases earnings fund usage from 7% to 8% 1% to go to LE Highway Distribution Fund (currently \$87M), 10% to Twps SB2372 was rolled into SB2012 the DOT Budget Bill - Now redundant	S Failed 0-47	SUPPORT
SB2378	Requires voter approval of levy increase	S Failed 16-31	OPPOSE