

## NDAR Completed a Successful Legislative Session

### Lisa Feldner, Government Affairs

The 67th Legislative Assembly is winding down and NDAR has had a successful session regarding its advocacy for the real estate industry.

Real Estate related laws that successfully passed include:

- The ND Real Estate Commission's bill to clean up outdated language in state law and to repeal the real estate trust account program which is no longer viable.
- The NDAR sponsored bill to apply written property disclosure for all sellers. The bill requires licensees to use a formal property disclosure statement and FISBOs to disclose in writing any material facts of which the seller is aware.
- Protection for business owners, property owners and tenants from civil liability lawsuits because of the COVID-19 pandemic. It also included protection for health care facilities and providers who responded quickly with uncertain guidance and limited resources; and liability protection for independent contractors, employees, schools, churches, and the general public.
- Allowing the timely reappraisal of property acquired by county tax deed in order to expedite the sale of the property.
- More clear regulations and procedures for new owners of Mobile home parks and clearer definition of property rights of tenants in the park.
- The creation of a new steering committee to create statewide guidelines for the installation and inspection of septic systems. This bill was the result of work done over the interim by legislators, installers, inspectors, and the Association of Counties.

Tax laws include:

- An option for cities to use an infrastructure tax in lieu of special assessments.
- A study to use the Legacy funds in ND investments. This study would look at the trade-off of accepting lower investment returns, by investing in ND, to create more overall economic growth and opportunities.
- An income tax reduction fund using Legacy fund earnings has been worked on in House Finance & Tax Committee but has not gone to the floor for a vote as of this writing.

Property rights bills include:

- The expansion of the electronic posting database from three counties to all ND counties, and the continuation of the public land use task force.
- Expanding the definition of criminal trespass to include unlawful entry of a fenced enclosure as well as property posted by the electronic posting database.
- Senate Bill 2065, which clarified the definition and regulation of pore space by the Industrial Commission. This bill had extensive subcommittee hearings to work out all of the details. Pore space may be used to store natural gas, carbon capture, or salt water and is considered a surface owner right in ND.

Infrastructure bills include:

- Infrastructure Bonding Package contains \$680 million in infrastructure investments that include funding for water projects, roads and bridges, and education infrastructure.
  - \$435.5 million – Fargo Diversion Project
  - \$74.5 million – Resources Trust Fund
  - \$50 million – Infrastructure Revolving Loan Fund

- \$70 million – Highway Trust Fund (\$35 million will target bridge infrastructure)
  - \$50 million – NDSU – Agriculture Products Development Center
- Streams bills (streams from Legacy Funds interest). Funding for a clean sustainable energy fund, an economic diversification research fund, career and technical education centers, a workforce development and enrichment fund, township highway infrastructure, and state parks investments were part of the original Streams bill (HB 1380) but then an alternate Streams bill SB 2046 was presented that included funding to bail out the Public Employee Retirement program, create a clean sustainable energy fund, a Legacy sinking and interest fund, but eliminates the highway funding. What bill survives is not known at the time of this writing.
- A Permanent Rebuilders Loan program that establishes a \$50 million permanent loan fund to provide loans to businesses when disasters are declared.

Education bills include:

- K-12 education will receive a 1% increase to the per pupil payment each year of the biennium. Additionally, schools will receive an equivalent per pupil payment for online instruction as they would for in person instruction.
- K-12 schools will be receiving approximately \$427 million in the third round of COVID relief funding that will be released later this year. Guidelines won't be received from the federal government before the legislative session ends so they are planning a special session in December to appropriate COVID relief funds.
- A skilled workforce scholarship program with funding coming from a \$6 million transfer from the Bank of North Dakota. The scholarship would require a dollar for dollar matching from private industry.
- The creation of an early childhood education program for four-year-old children was appropriated in the Department of Human Services budget.

Other areas of interest include:

- The defeat of an adult use marijuana bill that would have legalized marijuana in state law to attempt to head off a constitutional ballot measure on legalization.
- Moving the ND Health Department into the ND Department of Human Services in an effort to gain efficiencies and provide better response to citizens.
- A pilot project to allow "road trains" which are semis with three long trailers in tow. Permission must be received from the cities, counties, and townships in which the trucks intend to drive before they can hit the road.
- A transgender bill that would prohibit public K-12 schools from knowingly allowing a student to participate on a school-sponsored athletic team exclusively for the opposite sex (but allows girls to play on boys' teams).
- A measure to allow the Ten Commandments to be posted in schools.
- The mask mandate bill which prohibits state elected officials, including the governor and the state appointed health officer, from issuing mask mandates.
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