

North Dakota

Travel Alliance Partnership

April 30, 2021 No. 18
Final Report

67th Legislative Assembly Concludes

The state legislature adjourned sine die on Friday, April 30, after 76 days. This leaves four days (80-day limit) for policymakers to reconvene for redistricting and to address federal COVID-19 relief funds. Lawmakers also have the option to ask the Governor to call a special session, which would not count against the legislature's allotted 80 days.

A total of 914 bills were introduced and acted on this session. Numerous studies were also proposed for consideration during the interim. In the next couple of months, Legislative Management will meet to review all proposed studies and prioritize which ones will be assigned to interim legislative committees for work prior to the 2023 Legislative Session. TAP will keep you updated in the interim on those studies impacting the tourism industry.

The final report below covers the results of all the bills tracked by TAP this legislative session.

HB 1015 – Office of Management and Budget

HB 1015, the Office of Management and Budget (OMB) bill contains a number of last minute project appropriations unrelated to OMB, including \$17.5 million to the Bank of North Dakota for the purpose of repaying loans related to the Theodore Roosevelt Presidential Library, \$5.9 million in COVID relief funds for a children's science center in Minot, \$4 million in COVID relief funds for Dickinson State University's Pulver Hall project (which includes a Theodore Roosevelt Exhibit) and \$1 million to the cultural endowment fund for the maintenance of public art projects with \$50,000 distributed annually by the ND Council on the Arts. The bill outlines guidelines the federal government distributes additional rounds of COVID relief dollars, \$11.7 million shall be allocated to the Parks and Recreation Department and \$4.2 million to the State Historical Society.

Position: Support

Status: Passed

HB 1018 – State Historical Society Budget

HB 1018 includes the State Historical Society appropriation for the 2021-2023 biennium. Notable components to the budget include supporting the state's growing

heritage and tourism industry by funding capital improvement projects at historic sites and upgrades to the state archives digital repository. The bill also includes \$4.2 million in Federal Coronavirus Capital Projects Fund dollars to be used primarily for historical sites and extraordinary repairs, and the transfer of the Lewis and Clark Interpretive Center from the North Dakota Parks and Recreation Department to the State Historical Society.

Position: Support

Status: Passed

HB 1019 – State Parks & Recreation Budget

Included in the \$48 million budget for State Parks and Recreation Department is \$3.8 million for the International Peace Gardens, which includes \$3 million on one-time funding, \$7.9 million for maintenance and capital projects and \$1.6 million for a state parks matching grant program. The bill also includes the transfer of the Lewis and Clark Interpretive Center to the State Historical Society and a Legislative Management study on the effectiveness of the state parks matching grant program.

Position: Support

Status: Passed

HB 1037 – Legacy Earnings Fund

HB 1037 defines the earnings of the Legacy Fund by utilizing a Percent of Market Value (POMV) formula that averages annual earnings to minimize swings in distributions. The bill also ensures a portion of the earnings are reinvested in the fund.

Position: Monitor

Status: Failed

HB 1038 – Legacy Fund Earnings Committee

HB 1038 creates a Legacy Fund Earning Committee for the 2021-2022 Interim to study potential uses of Legacy Fund earnings, including the use of earnings to provide tax relief, provide for reinvestment of Legacy Fund earnings, fund research and technological advancements, promote economic growth and diversification, and promote workforce development and career and technical education. The committee may consider public input on the use of the fund's earnings and review the operation of other funds, such as Norway's sovereign wealth fund.

Position: Support

Status: Passed

HB 1053 – Donation of Historical Artifacts

HB 1053 gives the State Historical Society discretion to accept historical objects or return them to a community or its owners. Previous law mandated the State Historical Society to collect historical objects and artifacts from a county museum if the museum were to permanently close.

Position: Monitor

Status: Passed

HB 1212 - Electronic Pull Tab Devices

HB 1212 changes the tax structure and creates a Charitable Gaming Fund with appropriated costs being paid from this fund and provides continuing appropriation for allocations to gambling disorder prevention and treatment fund and cities/counties.

Position: Monitor

Status: Passed

HB 1234 – Regulation of Sports Wagering

HB 1234 related to criminal history background checks and the regulation of sports wagering. The bill would have provided regulation of sports wagering and created a legislative management study on sports wagering.

Position: Monitor

Status: Failed

HB 1275 – Legacy Earnings Fund

HB 1275, the Dem NPL Bonding Proposal, would have provided funding for various programs to diversify North Dakota's economy and make communities more resilient due to shifts in state's revenue sources. The Economic Development Infrastructure Fund would provide support for local and regional tourism infrastructure through grants and loans.

Position: Monitor

Status: Failed

HB 1284 – Alcohol Event Permits and Individuals Under 21 Years of Age

HB 1284 allows a local governing body to provide a permit to authorize a qualified alcoholic beverage licensee to engage in the sale of alcoholic beverages at events designated by the permit. The bill also allows an individual under 21 years of age to attend an event where alcoholic beverages are sold in accordance with the conditions of an event permit issued but does not permit the sale of alcoholic beverages to any individual under 21 years of age.

Position: Support

Status: Pass

HB 1286 – Domestic Distilleries and Satellite Locations

HB 1286 allows a domestic distillery to remain as is or operate with a satellite location and hold indoor/outdoor events (if an event permit was issued).

Position: Monitor

Status: Passed

HB 1298 – Transgender Athlete Bill

HB 1298 would have prohibited a public elementary or secondary school from knowingly allowing an individual of the opposite sex who is enrolled in a public elementary or secondary school to participate on a school sponsored athletic team that is exclusively for females. The bill would have also provided for a legislative management study of athletic events that are exclusively for males or exclusively for females and the impact of a policy that prohibits participation in those events by

individuals of the opposite sex. The bill passed both the House and Senate and was vetoed by Governor Burgum. The Senate failed to override the veto and the bill failed.

Position: Oppose

Status: Vetoed

HB 1299 – Prohibit Retail Establishment from Refusing to Accept Cash

HB 1299 would have prohibited a retailer from refusing a cash payment. The bill did not include businesses without physical premises, operating from a vehicle, operating from a temporary premise, or a charitable organization selling merchandise for a charitable cause.

Position: Oppose

Status: Failed

HB 1380 - Legacy Earnings Fund

HB 1380, provide for legacy fund earnings to be designated for various streams. The final version included \$150 million to pay Legacy Fund bonds and \$60 million for the highway tax distribution fund. Of the funds remaining, it is suggested to future legislative assemblies that up to \$50 million go to tax relief, up to \$30 million for coal carbon capture, and up to \$30 million for university research, LIFT, and workforce initiatives. The bill repeals HB 1038 and creates a new interim legacy fund earnings committee.

Position: Support

Status: Passed

HB 1425 – Legacy Infrastructure Revolving Loan Fund

HB 1425 invests 20 percent of Legacy Fund Legacy Investments into North Dakota products: 10 percent would be invested in fixed income investments and an additional 10 percent would go towards equity investments in North Dakota. The bill also includes the administration of a revolving loan fund for infrastructure projects.

Position: Support

Status: Passed

HB 1431 – Water Infrastructure Revolving Loan Fund

HB 1431, the Republican Bonding Proposal, proposes a \$680 million bond fund, which utilizes Legacy Fund earnings to provide funding for infrastructure projects, with a focus on major flood control projects, as well as transportation, agriculture and education. This bill includes \$70 million to the Highway Fund. Previous amendments that allocated money for state park facilities and a Theodore Roosevelt exhibit at Dickinson State University's Pulver Hall were removed and placed in HB 1015.

Position: Support

Status: Passed

HB 1448 – Tribal-State Gaming Compacts

HB 1448 would have created a tribal-state gaming compact for the purpose of conducting online gaming and online sports betting by a federally recognized tribe. Online gaming and sports betting could still have been conducted and operated within the state by a federally recognized tribe, utilizing equipment located on a tribal reservation within the state. Persons of age would have been allowed to participate in online gaming and sports betting from any location within the state under this bill, provided the gaming activities were conducted by a federally recognized tribe.

Position: Monitor

Status: Failed

HB 1464 – Motor Vehicle and Special Fuels Tax

HB 1464 would have increased the motor and special fuels tax rates from \$.23 to \$.26 per gallon and increased the road use fees for electric and hybrid automobiles and electric motorcycles.

Position: Monitor

Status: Failed

SB 2009 – State Fair Appropriation

SB 2009, the State Fair appropriation, provides funding for activities and events including horse, cattle, goats, sheep, swine shows, 4-H State Championship competitions, FFA State Championship competitions, junior stock shows, and more. The bill funds the State Fair Association at its base level of \$542,833 (the Governor's recommendation would have cut the Association's funding by \$27,142).

Position: Support

Status: Passed

SB 2018 – Department of Commerce Appropriation

SB 2018, the Department of Commerce Appropriation, includes the following:

- \$7 million in tourism marketing
- \$900,000 for improvements to Frost Fire Winter Park (contained in the \$1.5 million job development and economic growth grant in section 2, line 21)
- \$100,000 motion picture production and recruitment grant (footage shot by Canticle Productions can be utilized by ND Tourism for marketing purposes)
- \$2 million for travel agent and tour operator emergency resiliency grants
- \$2 million for event center emergency grants
- \$565,432 for Tourism Transportation Improvement Grant for Theodore Roosevelt Medora Foundation

Of the \$7 million for tourism marketing, \$6,565,432 is for tourism marketing and branding operating expenses and another \$434,568 will be utilized for the Tourism Transportation Improvement Grant Program for the Theodore Roosevelt Medora Foundation, marking \$1 million in funding for the foundation.

Position: Support

Status: Passed

SB 2036 – Access to Lands and Electronic Posting Study

SB 2036 allows for a continued study to evaluate the effectiveness of electronic posting across North Dakota.

Position: Monitor

Status: Passed

SB 2037 – Criminal Trespass and Electronic Posting

SB 2037 would have removed the requirement that landowner's names must be posted on signs and clarified a Supreme Court decision which recognized some fenced property as inherently protected against criminal trespass without signing.

Position: Monitor

Status: Failed

SB 2038 – Electronic Posting of Land to Prohibit Hunting

SB 2038 would have allowed landowners to post their property either traditionally or electronically. Components of this bill were used in SB 2144.

Position: Monitor

Status: Failed

SB 2093 – State Parks and Receptions Charges for Services

SB 2093 allows for the sale of beer and wine by operating concessionaries on property under the management of the North Dakota Parks and Recreation Director. Previously, beer and wine sales were limited to certain property that was leased to the North Dakota Parks and Recreation Department by the Army Corp of Engineers. The bill includes an emergency clause and clarifies concessionaries may sell food in addition to beer and wine.

Position: Support

Status: Passed

SB 2144 – Criminal Trespass and Electronic Posting

SB 2144 clarifies a recent Supreme Court decision that acknowledged that landowners have some inherent criminal trespass protection on fenced property without having to sign. The bill revises the penalty for criminal trespass on fenced property by giving a peace officer discretion to cite an individual for a non-criminal charge (\$250 fine) or up to a Class A misdemeanor if he or she entered or remained in an enclosed fence, defined as "a permanent structure on non-urban, private property, which is maintained and capable of containing livestock," or otherwise enclosed as manifestly to exclude intruders, unless the individual is a licensed hunter or angler who is lawfully hunting or fishing. The bill also allows electronic posting of land by the owner or authorized person in an online database or application maintained or authorized by the state and made available to the public, which identifies whether land is available to hunters. Electronic posting against hunting trespass will be available to all North Dakota counties.

Position: Monitor

Status: Passed

SB 2296 - Regulation of Electronic Pull Tab Devices

SB 2296 would have limited the number of electronic pull tab devices to 2,000, a decrease of 1,221 from the current device count of 3,221 and would have created an estimated \$8.7 million reduction to the general fund. The bill also would have changed the maximum prize per ticket from \$500 per line to \$500 per ticket and increased the Gaming Commission from five to 10 members.

Position: Oppose

Status: Failed

SB 2310 - Regulation of Electronic Pull Tab Devices

SB 2310 would have limited the number of electronic pull tab devices to 2,300, a decrease of 921 from the current device count of 3,221 and would have created an estimated \$6.6 million reduction to the general fund. The bill also would have changed the maximum prize per ticket from \$500 per line to \$500 per ticket and increased the Gaming Commission from five to 10 members.

Position: Oppose

Status: Withdrawn