

JOURNAL OF THE HOUSE

Sixty-seventh Legislative Assembly

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Bismarck, January 13, 2021

The House convened at 1:00 p.m., with Speaker K. Koppelman presiding.

The prayer was offered by Pastor Paul Herr, Century Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Boe and Owens.

A quorum was declared by the Speaker.

MOTION

REP. LOUSER MOVED that HB 1043, which is on the Sixth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Louser's motion, HB 1043 was rereferred.

SIXTH ORDER OF BUSINESS

SPEAKER K. KOPPELMAN DEEMED approval of the amendments to HB 1092.

HB 1092, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. LOUSER MOVED that HB 1154 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed on a voice vote.

Pursuant to Rep. Louser's motion, HB 1154 was rereferred.

MOTION

REP. LOUSER MOVED that HB 1152 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed on a voice vote.

Pursuant to Rep. Louser's motion, HB 1152 was rereferred.

MOTION

REP. LOUSER MOVED that HB 1259 be returned to the House floor from the **Political Subdivisions Committee** and be rereferred to the **Human Services Committee**, which motion prevailed on a voice vote.

Pursuant to Rep. Louser's motion, HB 1259 was rereferred.

SECOND READING OF HOUSE BILL

HB 1049: A BILL for an Act to create and enact a new section to chapter 30.1-28 of the North Dakota Century Code, relating to restrictions on visitation, communication, and interaction with the ward.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog;

Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Boe; Owens; Schobinger

HB 1049 passed.

SECOND READING OF HOUSE BILL

HB 1106: A BILL for an Act to repeal section 12.1-20-17 of the North Dakota Century Code, relating to willfully transferring body fluid containing the human immunodeficiency virus.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 73 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, P.; Boschee; Buffalo; Fegley; Guggisberg; Hager; Hanson; Ista; Johnson, M.; Mitskog; Mock; Nelson, J.; Nelson, M.; O'Brien; Roers Jones; Schneider; Schreiber-Beck

NAYS: Anderson, B.; Anderson, D.; Becker; Bellew; Beltz; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dockter; Ertelt; Fisher; Hagert; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, D.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemm; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Monson; Nathe; Nehring; Ostlie; Paulson; Paur; Pollert; Porter; Pyle; Richter; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Boe; Dobervich; Owens

HB 1106 failed.

REQUEST

REP. DOBERVICH REQUESTED that the journal reflect she intended to vote nay on HB1106, which request was granted.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3001: A concurrent resolution urging Congress to temporarily amend cargo carrying truck length and weight restrictions on state highways and interstates that are a part of the National Network to allow North Dakota and surrounding states to conduct a road train pilot program and to permanently amend the restrictions to allow road trains on the National Network highways and interstates if the pilot program is successful.

REQUEST

REP. K. KOPPELMAN REQUESTED a verification vote on the adoption of Engrossed HCR 3001, which request was granted.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3001 was declared adopted on a verification vote.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1036, HB 1047, HB 1048, HB 1052, HB 1069, HB 1101, HB 1102, HB 1116.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1029, HB 1051.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2027, SB 2095, SB 2096, SB 2110, SB 2114.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SCR 4003.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2053, SB 2116.

MOTION

REP. LOUSER MOVED that the absent members be excused, which motion prevailed on a voice vote.

MOTION

REP. LOUSER MOVED that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 14, 2021, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

HB 1050: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1050 was placed on the Sixth order on the calendar.

Page 1, line 15, remove the overstrike over "~~incentives resulting from Bank of North Dakota programs unless the incentive~~"

Page 1, line 18, after "~~program~~" insert "requires job creation to fulfill a requirement of the incentive"

Page 1, line 18, remove the overstrike over the overstruck period

Page 1, line 19, remove the overstrike over "e:"

Page 1, line 22, remove the overstrike over "d:"

Page 1, line 22, remove "c."

Page 2, line 3, remove the overstrike over "e:"

Page 2, line 3, remove "d."

Page 2, line 5, remove the overstrike over "f:"

Page 2, line 5, remove "e."

Page 2, line 6, remove the overstrike over "g:"

Page 2, line 6, remove "f."

Page 2, line 7, remove the overstrike over "h:"

Page 2, line 7, remove "g."

Page 2, line 8, remove the overstrike over "i."

Page 2, line 8, remove "h."

Page 2, line 9, remove the overstrike over "j."

Page 2, line 9, remove "i."

Page 2, line 10, remove the overstrike over "k."

Page 2, line 10, remove "j."

Page 2, line 11, remove the overstrike over "f."

Page 2, line 11, remove "k."

Page 2, line 13, remove the overstrike over "m."

Page 2, line 13, remove "l."

Page 2, line 16, remove the overstrike over "n."

Page 2, line 16, remove "m."

Page 2, line 18, remove the overstrike over "o."

Page 2, line 18, remove "n."

Page 2, line 21, remove the overstrike over "p."

Page 2, line 21, remove "o."

Page 2, line 23, remove the overstrike over "q."

Page 2, line 23, remove "p."

Page 2, line 25, remove the overstrike over "r."

Page 2, line 25, remove "q."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1066: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1066 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1075: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1075 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "amend and reenact" with "repeal"

Page 1, line 2, remove "student extracurricular activities held on teacher professional development"

Page 1, line 3, replace "conference days" with "school district calendar limitations"

Page 1, replace lines 5 through 13 with:

"**SECTION 1. REPEAL.** Section 15.1-06-04.1 of the North Dakota Century Code is repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1084: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1084 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

Reps. Kading, Kasper, M. Ruby, Toman introduced:

HB 1330: A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to prohibiting covered entities from selling users' protected data without consent; and to provide a penalty.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Porter, Toman and Sen. D. Larsen introduced:

HB 1331: A BILL for an Act to amend and reenact subsection 5 of section 40-06-09 of the North Dakota Century Code, relating to the number of members of a city governing body; and to repeal section 40-12-01 of the North Dakota Century Code, relating to initiating and referring a municipal ordinance.

Was read the first time and referred to the **Political Subdivisions Committee**.

Reps. Kreidt, Bellew and Sen. Lee introduced:

HB 1332: A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01.1 and subsection 1 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on basic care and nursing facility bed capacity.

Was read the first time and referred to the **Human Services Committee**.

Reps. Jones, Ertelt, Fegley, Kasper, Schauer introduced:

HB 1333: A BILL for an Act to create and enact a new section to chapter 54-44.6 of the North Dakota Century Code, relating to requiring state agencies to include an "American" classification on state forms requesting racial information.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Jones, Fegley, Heinert, Klemin, Strinden, Vigesaa and Sen. Kannianen introduced:

HB 1334: A BILL for an Act to amend and reenact section 28-26-01 of the North Dakota Century Code, relating to requiring a court to determine if a claim for relief was frivolous.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Kempenich, Bellew, Jones, Kading, M. Ruby, Simons and Sens. O. Larsen, Myrdal introduced:

HB 1335: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to reservation of powers not granted to the federal government.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. D. Johnson, Jones, Karls, Satrom and Sens. Larson, Luick, Myrdal introduced:

HB 1336: A BILL for an Act to amend and reenact section 39-08-01.6 of the North Dakota Century Code, relating to sealing a criminal record of a driving under the influence offense.

Was read the first time and referred to the **Transportation Committee**.

Reps. D. Johnson, Monson, Richter and Sens. Myrdal, Rust, Schaible introduced:

HB 1337: A BILL for an Act to create and enact subsection 5 of section 57-15-17 of the North Dakota Century Code, relating to the authority of a school district to transfer funds from the building fund to another political subdivision; and to amend and reenact subsections 6 and 9 of section 15.1-09-33 of the North Dakota Century Code, relating to the powers of a school board.

Was read the first time and referred to the **Political Subdivisions Committee**.

Rep. Trottier introduced:

HB 1338: A BILL for an Act to create and enact a new subsection to section 4.1-33-16 and a

new section to chapter 4.1-33 of the North Dakota Century Code, relating to the waiver of certification requirements during a declared state of emergency and an exemption to certification requirements for antimicrobial pesticides; and to amend and reenact section 4.1-33-01 of the North Dakota Century Code, relating to the definition of antimicrobial pesticide.

Was read the first time and referred to the **Agriculture Committee**.

The House stood adjourned pursuant to Representative Louser's motion.

Buell J. Reich, Chief Clerk