JOURNAL OF THE HOUSE

Sixty-eighth Legislative Assembly

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Bismarck, January 12, 2023

The House convened at 1:00 p.m., with Speaker D. Johnson presiding.

The prayer was offered by Pastor Matt Thompson, Holy Cross Lutheran Church, Bismarck, and St. John's Lutheran Church, McClusky.

The roll was called and all members were present except Representative Kempenich.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER D. JOHNSON DEEMED approval of the amendments to HB 1043, HB 1051, HB 1058, HB 1139, and HB 1142.

HB 1043, HB 1051, HB 1058, HB 1139, and HB 1142, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. BOSCH MOVED that HB 1294 be returned to the House floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Rep. Bosch's motion, HB 1294 was rereferred.

MOTION

REP. BOSCH MOVED that HB 1234 be returned to the House floor from the **Political Subdivisions Committee** and be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed.

Pursuant to Rep. Bosch's motion, HB 1234 was rereferred.

MOTION

REP. BOSCH MOVED that HB 1310 be returned to the House floor from the **Transportation Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

Pursuant to Rep. Bosch's motion, HB 1310 was rereferred.

MOTION

REP. BOSCH MOVED that HB 1068, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Bosch's motion, HB 1068 was rereferred.

MOTION

REP. BOSCH MOVED that HB 1129 be returned to the House floor from the **Political Subdivisions Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. BRANDENBURG REQUESTED the unanimous consent of the House to withdraw HB 1129. There being no objection, it was so ordered by the Speaker.

MOTION

REP. BOSCH MOVED that HCR 3002 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3002: A concurrent resolution to amend and reenact section 25 of article XI of the

Constitution of North Dakota, relating to authorizing sports betting.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 49 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Bahl; Beltz; Boschee; Christy; Conmy; Cory; Dockter; Frelich; Grueneich; Hager; Hagert; Hatlestad; Headland; Heinert; Ista; Jonas; Koppelman; Kreidt; Lefor; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Motschenbacher; Murphy; Nathe; Novak; O'Brien; Olson, J.; Ostlie; Porter; Prichard; Pyle; Richter; Roers Jones; Ruby, M.; Sanford; Schobinger; Schreiber-Beck; Stemen; Strinden; Swiontek; Thomas; Vetter; Wagner; Warrey

NAYS: Anderson, B.; Anderson, K.; Bellew; Bosch; Brandenburg; Christensen; Dakane; Davis; Dobervich; Dyk; Fegley; Finley-DeVille; Fisher; Hanson; Hauck; Heilman; Henderson; Holle; Hoverson; Johnson, J.; Karls; Kasper; Kiefert; Klemin; Longmuir; McLeod; Monson; Nelson; Olson, S.; Rios; Rohr; Ruby, D.; Satrom; Schatz; Schauer; Schneider; Steiner; Timmons; Toman; Tveit; VanWinkle; Vigesaa; Weisz; Speaker Johnson, D.

ABSENT AND NOT VOTING: Kempenich

HCR 3002 was declared adopted on a recorded roll call vote.

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SECOND READING OF HOUSE BILL

HB 1092: A BILL for an Act authorizing the state of North Dakota acting through job service North Dakota to sell certain property.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

ABSENT AND NOT VOTING: Kempenich

HB 1092 passed.

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SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to amend and reenact subsection 2 of section 12-48-03.1 of the North Dakota Century Code, relating to the sale of prison industries-made products.

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 38 YEAS, 55 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Beltz; Boschee; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Fegley; Finley-DeVille; Hager; Hagert; Hanson; Ista; Johnson, J.; Jonas; Karls;

Kiefert; McLeod; Mitskog; Mock; Murphy; Nelson; O'Brien; Ostlie; Richter; Rios; Roers Jones; Satrom; Schauer; Schneider; Schreiber-Beck; Strinden; Vetter; Wagner; Warrey; Speaker Johnson, D.

NAYS: Anderson, B.; Anderson, K.; Bahl; Bellew; Bosch; Brandenburg; Christensen; Dockter; Dyk; Fisher; Frelich; Grueneich; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Kasper; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Monson; Motschenbacher; Nathe; Novak; Olson, J.; Olson, S.; Porter; Prichard; Pyle; Rohr; Ruby, D.; Ruby, M.; Sanford; Schatz; Schobinger; Steiner; Stemen; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vigesaa; Weisz

ABSENT AND NOT VOTING: Kempenich

HB 1065 failed.

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MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1170.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed, and your favorable consideration is requested on: HCR 3003.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2045, SB 2046, SB 2051, SB 2053, SB 2054, SB 2068, SB 2091, SB 2097, SB 2111, SB 2112, SB 2121.

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 2083, SB 2120.

MOTION
REP. BOSCH MOVED that the absent member be excused, which motion prevailed.

MOTION
REP. BOSCH MOVED that the House be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, January 13, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE
HB 1041: Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1041 was placed on the Sixth order on the calendar.

Page 2, line 17, after "jurisdiction" insert "after the sentencing hearing"

Page 2, line 19, after "evidence" insert "within the time specified in the order"

Page 3, line 9, after the underscored period insert "The court may order the defendant to disclose income and assets on forms developed by the state court administrator to facilitate the setting of an appropriate payment plan."

Page 3, line 10, after "pay" insert "to the victim"

Renumber accordingly

REPORT OF STANDING COMMITTEE
HB 1067: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1067 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1072: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1072 was placed on the Sixth order on the calendar.

Page 2, line 7, overstrike "commission" and insert immediately thereafter "department"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1076: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1076 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1097: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1097 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1104: Industry, Business and Labor Committee (Rep. Louser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1104 was placed on the Sixth order on the calendar.

Page 7, line 23, remove the overstrike over "~~The registration fees may not~~"

Page 7, line 24, remove the overstrike over "~~exceed the amount of one hundred~~" and insert immediately thereafter "fifty"

Page 7, line 24, remove the overstrike over "~~dollars for a one-year period or~~"

Page 7, line 24, after "~~two~~" insert "three"

Page 7, line 24, remove the overstrike over "~~hundred dollars for a~~"

Page 7, line 25, remove the overstrike over "~~two-year period.~~"

Page 8, line 30, after "sent" insert ", if the registrant has opted in to receive electronic renewal notices,"

Page 9, line 2, remove the overstrike over "~~, not to exceed the fees established in section~~"

Page 9, line 3, remove the overstrike over "~~43-19.1-18~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1113: Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1113 was placed on the Sixth order on the calendar.

Page 2, line 13, remove "is immune from civil liability for damages for acts or omissions"

Page 2, replace lines 14 and 15 with "appointed under this section who acts in good faith in making a report to the court is immune from any civil liability resulting from the report. For the purpose of determining good faith, the good faith of the parenting investigator is a disputable presumption."

Page 3, line 6, remove the overstrike over "~~who acts in~~"

Page 3, remove the overstrike over lines 7 and 8 and insert immediately thereafter "attorney"

Page 3, line 9, remove the overstrike over "~~guardian ad litem~~"

Page 3, line 9, remove the overstrike over "~~is a disputable presumption~~"

Page 3, line 9, remove "is immune from civil"

Page 3, remove line 10

Page 3, line 11, remove "individual's duties and responsibilities as an attorney guardian ad litem"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1117: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1117 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1127: Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1127 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1155: Political Subdivisions Committee (Rep. Longmuir, Chairman) recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1155 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

Reps. Nelson, Bellew, Fegley, Meier and Sens. Bekkedahl, Dever, Lee introduced:

HB 1358: A BILL for an Act to amend and reenact subsection 1 of section 23.1-01-02 of the North Dakota Century Code, relating to the composition of the environmental review advisory council.

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

Reps. Nelson, Davis and Sen. Weston introduced:

HB 1359: A BILL for an Act to amend and reenact section 57-39.2-26.3 of the North Dakota Century Code, relating to the county aid distribution fund; and to provide for application.

Was read the first time and referred to the **Finance and Taxation Committee**.

Rep. Klemin and Sen. Larson introduced:

HB 1360: A BILL for an Act to amend and reenact sections 47-30.2-24 and 47-30.2-39 of the North Dakota Century Code, relating to the revised uniform unclaimed property act.

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

Reps. Christensen, Bellew, Heilman, Hoverson, Kasper, Kempenich, Koppelman, Toman and Sens. Larsen, Magrum, Vedaa, Wobbema introduced:

HB 1361: A BILL for an Act to create and enact a new section to chapter 1-08 of the North Dakota Century Code, relating to personhood status; to provide for application; and to declare an emergency.

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

Reps. Christensen, Bosch, Heilman, Kasper, Koppelman, Lefor, Meier, M. Ruby and Sens. Boehm, Larsen, Paulson, Wobbema introduced:

HB 1362: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to recognizing a parent's interest in their child's upbringing.

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

Reps. Rios, Conmy, Dakane, Dyk, Roers Jones, Swiontek and Sens. Beard, Bekkedahl introduced:

HB 1363: A BILL for an Act to amend and reenact section 23-06-03 of the North Dakota Century Code, relating to the duty of final disposition.

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

Reps. S. Olson, Holle, Satrom and Sen. Magrum introduced:
HB 1364: A BILL for an Act to amend and reenact section 42-03-01 of the North Dakota Century Code, relating to dogs as a public nuisance.
Was read the first time and referred to the **Judiciary Committee**.

Reps. Fegley, Rohr, Tveit and Sen. Lee introduced:
HB 1365: A BILL for an Act to amend and reenact sections 11-28.3-09 and 23-46-03 of the North Dakota Century Code, relating to rural ambulance service district levies and ambulance operations areas.
Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Nelson, Bahl, Mock, M. Ruby and Sen. Weston introduced:
HB 1366: A BILL for an Act to amend and reenact section 20.1-13-10 of the North Dakota Century Code, relating to the wearing of a life preserver while barefoot skiing; and to provide a penalty.
Was read the first time and referred to the **Energy and Natural Resources Committee**.

Reps. Bellew, Cory, Dockter, Schatz, Toman and Sens. Larsen, Magrum introduced:
HB 1367: A BILL for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to adoption and referral of preliminary budgets of cities, counties, school districts, and park districts; and to provide an effective date.
Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. K. Anderson, Bellew, M. Ruby, Strinden, Timmons, Tveit and Sens. Clemens, Kannianen, Myrdal introduced:
HB 1368: A BILL for an Act to create and enact a new section to chapter 21-10 and a new section to chapter 44-08 of the North Dakota Century Code, relating to a prohibition on investments and contracts with companies that boycott Israel.
Was read the first time and referred to the **Industry, Business and Labor Committee**.

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

Buell J. Reich, Chief Clerk