

## JOURNAL OF THE HOUSE

## Sixty-eighth Legislative Assembly

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Bismarck, January 27, 2023

The House convened at 12:30 p.m., with Speaker D. Johnson presiding.

The prayer was offered by Pastor Rich Wyatt, Living Hope Nazarene, Bismarck.

The roll was called and all members were present except Representatives Bahl, Dobervich, Hanson, and O'Brien.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER D. JOHNSON DEEMED** approval of the amendments to HB 1144, HB 1232, and HB 1265.

HB 1144, HB 1232, and HB 1265, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## POINT OF PERSONAL PRIVILEGE

**REP. BELLEW** rose on a point of personal privilege.

## REMARKS OF REPRESENTATIVE BELLEW

**MR. SPEAKER:** Mr. Speaker, members of this assembly, on January 27, 1973, the agreement on ending the war and restoring peace in Viet Nam (the Paris Peace Accords) was signed by representatives of the South Viet Nam Communist forces, North Viet Nam, South Viet Nam, and the United States. This was the official end to the combat missions in Viet Nam. At this time I would like to recognize the Viet Nam Vets (our Speaker, Rep. D. Johnson and Rep. Klemin) and our Viet Nam era Vets: Rep. Tveit, Rep. Martinson, Rep. Brandenburg, and myself) and thank them for what they did for this country. Thank you!

## REQUEST

**REP. BOSCH REQUESTED** that the remarks of Rep. Bellew be printed in the Journal, which request was granted.

## MOTION

**REP. BOSCH MOVED** that HB 1256, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

## MOTION

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

## SECOND READING OF HOUSE BILL

**HB 1145:** A BILL for an Act to amend and reenact section 29-04-02.1 of the North Dakota Century Code, relating to prosecution for gross sexual imposition; and to provide a penalty.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, K.; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dockter; Dyk; Fegley; Finley-DeVile; Fisher; Frelich; Grueneich; Hager; Hagert; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson;

Motschenbacher; Murphy; Nathe; Nelson; Novak; 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:** Bahl; Dobervich; Hanson; O'Brien

Engrossed HB 1145 passed.

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#### **APPOINTMENT**

**THE SPEAKER APPOINTED** the following members to the **House Memorial Committee**:

Donald Longmuir  
Lisa Meier  
Corey Mock  
SuAnn Olson  
Brandon Prichard  
Karen Rohr  
Bernie Satrom  
Michelle Strinden

#### **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 1083, HB 1123, HB 1259, HB 1305, HB 1333, HB 1359, HB 1363.

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

**MADAM PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1304.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2070, SB 2172, SB 2217, SB 2222, SB 2224, SB 2225, SB 2263, SB 2334.

#### **MOTION**

**REP. BOSCH MOVED** that the absent members 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 1:00 p.m., Monday, January 30, 2023, which motion prevailed.

#### **REPORT OF STANDING COMMITTEE**

**HB 1120: Government and Veterans Affairs Committee (Rep. Schauer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1120 was placed on the Sixth order on the calendar.

Page 1, line 13, after "each" insert "regularly scheduled"

Page 2, line 5, after "each" insert "regularly scheduled"

Page 2, line 30, after "each" insert "regularly scheduled"

Page 3, line 18, after "each" insert "regularly scheduled"

Page 4, line 9, after "each" insert "regularly scheduled"

Page 4, line 20, after "each" insert "regularly scheduled"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1133: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (10 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). HB 1133 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1172: Government and Veterans Affairs Committee (Rep. Schauer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1172 was placed on the Sixth order on the calendar.

Page 1, line 7, after the underscored comma insert "the governor or"

Page 1, line 9, remove the fourth the comma

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1203: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1203 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1272: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1272 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1280: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1280 was placed on the Sixth order on the calendar.

Page 1, line 14, after "any" insert "noncommercial license"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1292: Political Subdivisions Committee (Rep. Longmuir, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1292 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1313: Judiciary Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1313 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for application;"

Page 1, line 8, overstrike "shall select a"

Page 1, line 8, after the first "chairman" insert "must be the majority leader of one house of the legislative assembly, or the majority leader's designee,"

Page 1, line 8, overstrike the second "a" and insert immediately thereafter "the"

Page 1, line 8, overstrike "from its own"

Page 1, line 9, overstrike "members and" and insert immediately thereafter "must be the majority leader of the opposite house of the legislative assembly, or the majority leader's designee. The legislative management"

Page 2, after line 2, insert:

**"SECTION 2. APPLICATION.** The chairman of the legislative management beginning at the adjournment of the 2023 legislative session must be the majority leader of the house of representatives."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1314: Political Subdivisions Committee (Rep. Longmuir, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1314 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1316: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1316 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "autocycles" with "multipassenger bicycles"

Page 1, line 2, after the third comma insert "39-08-18,"

Page 1, line 3, replace "autocycles" with "multipassenger bicycles"

Page 1, line 4, after the comma insert "open container prohibition,"

Page 1, line 4, replace "autocycles" with "multipassenger bicycles"

Page 1, line 5, remove "and"

Page 1, line 5, after "penalty" insert "; and to declare an emergency"

Page 3, line 17, remove "Autocycle" means a vehicle that:

Page 3, remove lines 18 through 29

Page 4, line 1, remove "4."

Page 4, line 3, replace "an autocycle" with "a multipassenger bicycle"

Page 4, line 4, remove the overstrike over "4."

Page 4, line 4, remove "5."

Page 4, line 9, remove the overstrike over "5."

Page 4, line 9, remove "6."

Page 4, line 12, remove the overstrike over "6."

Page 4, line 12, remove "7."

Page 4, line 16, remove the overstrike over "7."

Page 4, line 16, remove "8."

Page 4, line 20, remove the overstrike over "8."

Page 4, line 20, remove "9."

Page 4, line 25, remove the overstrike over "9."

Page 4, line 25, remove "10."

Page 5, line 3, remove the overstrike over "10."

Page 5, line 3, remove "11."

Page 5, line 11, remove the overstrike over "~~41.~~"

Page 5, line 11, remove "12."

Page 5, line 13, remove the overstrike over "~~42.~~"

Page 5, line 13, remove "13."

Page 5, line 18, remove the overstrike over "~~43.~~"

Page 5, line 18, remove "14."

Page 5, line 26, remove the overstrike over "~~44.~~"

Page 5, line 26, remove "15."

Page 6, line 1, remove the overstrike over "~~45.~~"

Page 6, line 1, remove "16."

Page 6, line 8, remove the overstrike over "~~46.~~"

Page 6, line 8, remove "17."

Page 6, line 10, remove the overstrike over "~~47.~~"

Page 6, line 10, remove "18."

Page 6, line 12, remove the overstrike over "~~48.~~"

Page 6, line 12, remove "19."

Page 6, line 13, remove the overstrike over "~~49.~~"

Page 6, line 13, remove "20."

Page 6, line 25, remove the overstrike over "~~20.~~"

Page 6, line 25, remove "21."

Page 6, line 30, remove the overstrike over "~~21.~~"

Page 6, line 30, remove "22."

Page 7, line 5, remove the overstrike over "~~22.~~"

Page 7, line 5, remove "23."

Page 7, line 12, remove the overstrike over " ~~23.~~"

Page 7, line 12, remove "24."

Page 7, line 14, remove the overstrike over "~~24.~~"

Page 7, line 14, remove "25."

Page 7, line 18, remove the overstrike over "~~25.~~"

Page 7, line 18, remove "26."

Page 7, line 23, remove the overstrike over "~~26.~~"

Page 7, line 23, remove "27."

Page 7, line 26, remove the overstrike over "27."

Page 7, line 26, remove "28."

Page 7, line 29, remove the overstrike over "28."

Page 7, line 29, remove "29."

Page 8, line 1, remove the overstrike over "29."

Page 8, line 1, remove "30."

Page 8, line 3, remove the overstrike over "30."

Page 8, line 3, remove "31."

Page 8, line 9, remove the overstrike over "31."

Page 8, line 9, remove "32."

Page 8, line 23, remove the overstrike over "32."

Page 8, line 23, remove "33."

Page 8, line 27, remove the overstrike over "33."

Page 8, line 27, remove "34."

Page 9, line 6, remove the overstrike over "34."

Page 9, line 6, remove "35."

Page 9, line 7, remove the overstrike over "35."

Page 9, line 7, remove "36."

Page 9, line 15, remove the overstrike over "36."

Page 9, line 15, remove "37."

Page 9, line 16, remove the overstrike over "37."

Page 9, line 16, remove "38."

Page 9, line 20, remove the overstrike over "38."

Page 9, line 20, remove "39."

Page 9, line 21, remove the overstrike over "39."

Page 9, line 21, remove "40."

Page 9, line 24, remove the overstrike over "40."

Page 9, line 24, remove "41."

Page 9, line 26, remove the overstrike over "41."

Page 9, line 26, remove "42."

Page 9, line 29, remove the overstrike over "42."

Page 9, line 29, remove "43."

Page 10, line 9, remove the overstrike over "43."

Page 10, line 9, remove "44."

Page 10, line 13, remove the overstrike over "44."

Page 10, line 13, remove "45."

Page 10, line 16, remove the overstrike over "45."

Page 10, line 16, remove "46."

Page 10, line 21, remove the overstrike over "46."

Page 10, line 21, remove "47."

Page 10, line 24, remove the overstrike over "47."

Page 10, line 24, remove "48."

Page 10, line 28, replace "an autocycle" with "a multipassenger bicycle"

Page 10, line 29, remove the overstrike over "48."

Page 10, line 29, remove "49."

Page 11, line 1, remove the overstrike over "49."

Page 11, line 1, remove "50."

Page 11, line 11, remove the overstrike over "50."

Page 11, line 11, remove "51."

Page 11, after line 13, insert:

"51. "Multipassenger bicycles" means a vehicle that:

- a. Has fully operative pedals for propulsion entirely by human power;
- b. Has at least four wheels and is operated in a manner similar to a bicycle;
- c. Has at least five seats for passengers;
- d. Has been designed to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power;
- e. Is used for commercial purposes;
- f. Is operated by the owner of the vehicle or an employee of the owner of the vehicle;
- g. Is equipped with a steering wheel that gives the driver exclusive control of the direction of the vehicle;
- h. Is equipped with at least one taillamp in accordance with section 39-21-04;
- i. Is equipped with a stop lamp in accordance with subsection 1 of section 39-21-19; and
- j. Is equipped with headlamps in accordance with section 39-27-17.1."

Page 18, line 16, replace "A" with "The driver of a multipassenger bicycle is subject to a violation of this section but a multipassenger bicycle"

Page 18, line 16, remove "on an autocycle"

Page 22, after line 26, insert:

**"SECTION 3. AMENDMENT.** Section 39-08-18 of the North Dakota Century Code is amended and reenacted as follows:

**39-08-18. Open container law - Penalty.**

1. A person may not drink or consume alcoholic beverages, as defined in section 5-01-01, in or on any motor vehicle when the vehicle is upon a public highway or in an area used principally for public parking. A person may not have in that person's possession on that person's person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It is unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle is kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment must be deemed to be within the area occupied by the driver and passengers. This subsection does not prohibit the consumption or possession of alcoholic beverages in a house car if the consumption or possession occurs in the area of the house car used as sleeping or living quarters and that area is separated from the driving compartment by a solid partition, door, curtain, or some similar means of separation; however, consumption is not authorized while the house car is in motion. Any person violating this subsection must be assessed a fee of fifty dollars; however, the licensing authority may not record the violation against the person's driving record unless the person was the driver of the motor vehicle at the time that the violation occurred.
2. Subsection 1 does not apply to a public conveyance that has been commercially chartered for group use, any passenger for compensation in a for-hire motor vehicle, or a privately owned motor vehicle operated by a person in the course of that person's usual employment transporting passengers at the employer's direction. This subsection does not authorize possession or consumption of an alcoholic beverage by the operator of any motor vehicle described in this subsection while upon a public highway or in an area used principally for public parking.
3. The driver of a multipassenger bicycle may not:
  - a. Drink or consume alcoholic beverages, as defined in section 5-01-01, while operating the multipassenger bicycle on any public street, road, path, or highway or while in an area used principally for parking; or
  - b. Have in the driver's possession on the driver's person while operating the multipassenger bicycle on a public street, road, path, or highway or while in an area used principally for parking, any bottle or receptacle containing any alcoholic beverage which has been opened, or the seal broken, or the contents of which have been partially removed."



Page 23, line 1, replace "an autocycle" with "a multipassenger bicycle"

Page 23, line 7, replace "**Autocycles**" with "**Multipassenger bicycles**"

Page 23, line 8, replace "an autocycle" with "a multipassenger bicycle"

Page 23, after line 9, insert:

**"SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1320: Political Subdivisions Committee (Rep. Longmuir, Chairman)** recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1320 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1326: Government and Veterans Affairs Committee (Rep. Schauer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1326 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 2 of section 23-02.1-27 of the North Dakota Century Code, relating to access to death records.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 2 of section 23-02.1-27 of the North Dakota Century Code is amended and reenacted as follows:

2. A certified copy of a complete death record may be issued to a relative, an authorized representative, the child fatality review board, a licensed physician, or a genetic sibling for the purposes of researching family medical history, a funeral director reporting the facts of death, the commissioner of veterans' affairs for a death record of an individual designated as having served in the United States armed forces, or a person with personal or real property interests that depend upon information contained in the complete death record or by the order of a court of competent jurisdiction and may include the cause of death and the social security number. A certified copy of the facts of death record that includes the facts of death and the social security number may be issued to any person that may obtain a certified copy of a complete death record or to any licensed attorney who requires the copy for a bona fide legal determination. A certified copy of an informational death record may be issued to the general public, but the copy may not contain the cause of death or the social security number."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1346: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1346 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "an"

Page 1, line 11, overstrike "individual" and insert immediately thereafter "the snowmobile"

Page 1, line 11, overstrike "operating the snowmobile within" and insert immediately thereafter "operated on public lands within"

Page 1, line 12, after "b." insert "For up to five business days after purchasing an out-of-state public trails and lands access permit, an online receipt or printed receipt may be presented in lieu of the official permit until the official permit is received.

c."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1360: 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 1360 was placed on the Sixth order on the calendar.

Page 2, after line 2, insert:

"f. Records of items that were not reported as unclaimed sufficient to determine whether the holder has complied with this chapter."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1405: Political Subdivisions Committee (Rep. Longmuir, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1405 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1424: Political Subdivisions Committee (Rep. Longmuir, Chairman)** recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1424 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1431: Political Subdivisions Committee (Rep. Longmuir, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1431 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1433: Political Subdivisions Committee (Rep. Longmuir, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1433 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1437: Agriculture Committee (Rep. Thomas, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1437 was rereferred to the **Appropriations Committee**.

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

**Buell J. Reich, Chief Clerk**