

JOURNAL OF THE HOUSE

Sixty-seventh Legislative Assembly

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Bismarck, March 30, 2021

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

The prayer was offered by Pastor Sylvia Bull, Faith Lutheran Church, Bismarck.

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

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on March 29, 2021, I have signed the following: HB 1063, HB 1081, HB 1180, HB 1186, HB 1219, HB 1221, HB 1264, HB 1319, and HB 1429.

SIXTH ORDER OF BUSINESS

SPEAKER K. KOPPELMAN DEEMED approval of the amendments to Engrossed SB 2093 and Engrossed SB 2159.

Engrossed SB 2093 and Engrossed SB 2159, as amended, were placed on the Fourteenth order of business on the calendar.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Pollert, Chairman)** has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a concurrent resolution urging the President of the United States and the Department of Homeland Security not to transfer illegal aliens to North Dakota.

The resolution will be HCR 3048.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Tveit, Kasper, K. Koppelman, Meier, Pollert, Rohr, Steiner, Louser, Toman and Sens. Klein, Wardner, Hogue introduced:

(Approved by the Delayed Bills Committee)

HCR 3048: A concurrent resolution urging the President of the United States and the Department of Homeland Security not to transfer illegal aliens to North Dakota.

Was read the first time.

MOTION

REP. LOUSER MOVED that the rules be suspended, that HCR 3048 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed on a voice vote.

Reps. Tveit, Kasper, K. Koppelman, Meier, Pollert, Rohr, Steiner, Louser, Toman and Sens. Klein, Wardner, Hogue introduced:

(Approved by the Delayed Bills Committee)

HOUSE CONCURRENT RESOLUTION NO. 3048

A concurrent resolution urging the President of the United States and the Department of Homeland Security not to transfer illegal aliens to North Dakota.

WHEREAS, the United States is a nation that values law and order; and

WHEREAS, a crisis exists at the southern border of the United States, involving an unknown number of illegal aliens entering the United States without authorization; and

WHEREAS, media reports have asserted North Dakota is being considered by United States Department of Homeland Security officials as a potential site for the relocation of illegal aliens detained at the south Texas border; and

WHEREAS, accepting illegal aliens or assisting in propagation of illegal immigration, amidst the SARS-CoV-2 (COVID-19) pandemic, may harm the health, safety, and welfare of North Dakota citizens and may impose an unnecessary fiscal burden on those citizens; and

WHEREAS, in a letter to the United States Department of Homeland Security Secretary Alejandro Mayorkas dated March 23, 2021, Governor Doug Burgum stressed his administration's opposition to the transfer of detained illegal aliens from the southern border to North Dakota, stating "While our state willingly participates in the resettlement of legal, thoroughly vetted refugees, we strongly oppose any efforts to alleviate the southern border crisis of the overwhelming influx of migrants by transporting them to northern border states such as North Dakota"; and

WHEREAS, Governor Burgum's letter further stated, "We urge the administration to address this crisis at the source, fully enforce federal immigration laws, and reassure northern border states that relocation is not on the table";

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-seventh Legislative Assembly joins Governor Burgum and his administration in opposing any efforts to transfer illegal aliens who entered the United States without authorization to North Dakota; and

BE IT FURTHER RESOLVED, that the Sixty-seventh Legislative Assembly urges the President of the United States and the Department of Homeland Security not to transfer illegal aliens to North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the United States Senate Majority and Minority Leaders, the United States House of Representatives Majority and Minority Leaders, the Speaker of the United States House of Representatives, the secretary of the United States Senate, the clerk of the United States House of Representatives, the United States Department of Homeland Security Secretary Alejandro Mayorkas, and to each member of the North Dakota Congressional Delegation.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3048: A concurrent resolution urging the President of the United States and the Department of Homeland Security not to transfer illegal aliens to North Dakota.

REQUEST

REP. LOUSER REQUESTED a recorded roll call vote on the adoption of HCR 3048, which request was granted on a voice vote.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 79 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Adams; Anderson, P.; Boschee; Buffalo; Dobervich; Guggisberg; Hager; Hanson; Ista; Johnson, M.; Mitskog; Mock; Nelson, M.; Schneider

ABSENT AND NOT VOTING: Boe

HCR 3048 was declared adopted on a recorded roll call vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEMIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1034 as printed on HJ page 1072, which motion prevailed on a voice vote.

Engrossed HB 1034, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1034: A BILL for an Act to amend and reenact sections 25-03.1-11, 25-03.1-17, 25-03.1-19, 25-03.1-26, 25-03.1-27, 25-03.1-30, 25-03.1-34, and 25-03.1-42 of the North Dakota Century Code, relating to preliminary treatment and involuntary treatment hearings and references to an individual who is chemically dependent; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 1 NAYS, 0 EXCUSED, 1 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; Hauck; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Magrum

ABSENT AND NOT VOTING: Boe

Reengrossed HB 1034 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEMIN MOVED that the House do concur in the Senate amendments to Reengrossed HB 1073 as printed on HJ page 1105, which motion prevailed on a voice vote.

Reengrossed HB 1073, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1073: A BILL for an Act to create and enact a new section to chapter 23-01 and a new section to chapter 23.1-01 of the North Dakota Century Code, relating to criminal history background checks for applicants for licenses and permits issued by the state department of health and the department of environmental quality; and to amend and reenact subdivisions n and vv of subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 82 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Becker; Bellew; Christensen; Ertelt; Koppelman, B.; Magrum; Marschall; Nelson, M.; Schatz; Skroch; Toman

ABSENT AND NOT VOTING: Boe

Reengrossed HB 1073 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEMIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1078 as printed on HJ pages 1072-1073, which motion prevailed on a voice vote.

Engrossed HB 1078, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1078: A BILL for an Act to create and enact sections 16.1-13-35, 16.1-13-36, 16.1-13-37, 16.1-13-38, 16.1-13-39, 16.1-13-40, 16.1-13-41, 16.1-13-42, 16.1-13-43, and 16.1-13-44 and chapter 16.1-14.1 of the North Dakota Century Code, relating to presidential elections and the adoption of the Uniform Faithful Presidential Electors Act; to amend and reenact subsection 1 of section 16.1-03-14 and sections 16.1-06-06, 16.1-12-02, 16.1-14-01, 16.1-14-03, 16.1-14-08, 16.1-14-09, 16.1-14-10, 16.1-14-11, 16.1-14-12, 16.1-14-13, and 16.1-14-14 of the North Dakota Century Code, relating to nominating presidential electors and alternate electors, and presidential electors' roles and procedures; to repeal sections 16.1-14-05, 16.1-14-18, 16.1-14-19, 16.1-14-20, 16.1-14-21, 16.1-14-22, 16.1-14-23, 16.1-14-24, 16.1-14-25, 16.1-14-26, 16.1-14-27, and 16.1-14-28 of the North Dakota Century Code, relating to the filling of a vacancy of a presidential elector and voting of new and former residents at presidential elections; and to provide a contingent effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Becker; Bellew; Christensen; Ertelt; Magrum; Nelson, M.; Schatz; Toman

ABSENT AND NOT VOTING: Boe

Reengrossed HB 1078 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEMIN MOVED that the House do concur in the Senate amendments to HB 1079 as printed on HJ page 1121, which motion prevailed on a voice vote.

HB 1079, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1079: A BILL for an Act to create and enact chapter 47-37 of the North Dakota Century Code, relating to the Uniform Environmental Covenants Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Bellew; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Becker; Christensen; Ertelt; Hoverson; Koppelman, B.; Magrum; Marschall; Nelson, J.; Toman

ABSENT AND NOT VOTING: Boe; Hauck

Engrossed HB 1079 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do concur in the Senate amendments to HB 1326 as printed on HJ pages 1084-1085, which motion prevailed on a voice vote.

HB 1326, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1326: A BILL for an Act to provide for exemption of federal coronavirus stimulus funds for the service payments for elderly and disabled and the basic care programs; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Hauck; 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; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Boe

Engrossed HB 1326 passed and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. D. JOHNSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1145 as printed on HJ page 1105, which motion prevailed on a voice vote.

Engrossed HB 1145, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1145: A BILL for an Act to amend and reenact sections 4.1-11-02 and 4.1-11-03, and subsection 2 of section 4.1-11-04 of the North Dakota Century Code, relating to soybean districts and terms of office for members elected to the North Dakota soybean council.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Hauck; 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; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Boe

Reengrossed HB 1145 passed.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to create and enact a new section to chapter 15.1-09 and two new subsections to section 15.1-09-33 of the North Dakota Century Code, relating to school board authority regarding the displaying of the ten commandments and the recitation of the pledge of allegiance.

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 76 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; Anderson, P.; Boschee; Buffalo; Dobervich; Guggisberg; Hager; Hanson; Ista; Johnson, M.; Mock; Nelson, M.; O'Brien; Roers Jones; Schneider; Zubke

ABSENT AND NOT VOTING: Boe; Ostlie

SB 2308, as amended, passed.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to amend and reenact subsection 1 of section 14-15-01 of the North Dakota Century Code, relating to termination of parental rights.

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 62 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Cory; Dobervich; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kempenich; Kiefert; Klemin; Longmuir; Louser; Martinson;

Mitskog; Mock; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Sanford; Satrom; Schauer; Schneider; Schobinger; Schreiber-Beck; Stemen; Strinden; Thomas; Trottier; Westlind; Zubke

NAYS: Bellew; Christensen; Damschen; Delzer; Devlin; Dockter; Ertelt; Hauck; Headland; Kading; Kasper; Koppelman, B.; Kreidt; Lefor; Magrum; Marschall; Meier; Monson; Rohr; Ruby, D.; Ruby, M.; Schatz; Schmidt; Skroch; Steiner; Toman; Tveit; Vetter; Vigesaa; Weisz; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Boe

Engrossed SB 2340, as amended, passed.

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: HCR 3048.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2034, SB 2142, SB 2162, SB 2206, SB 2344.

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

MR. PRESIDENT: The House has passed, unchanged: SCR 4011, SCR 4013.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2041, SB 2078, SB 2164, SB 2247, SB 2273, SB 2276, SB 2338.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2045.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SCR 4005.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1425.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1008, HB 1117, HB 1209, HB 1276, HB 1298, HB 1349, HB 1353, HB 1483.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1008

Page 1, replace lines 20 and 21 with:

"Salaries and wages	\$9,495,560	\$495,928	\$9,991,488
Operating expenses	1,763,826	37,744	1,801,570"

Page 2, replace line 3 with:

"Railroad safety program	589,018	25,706	614,724"
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Page 2, replace lines 5 through 7 with:

"Total all funds	\$18,887,404	\$1,005,378	\$19,892,782
Less estimated income	12,172,476	1,064,219	13,236,695
Total general fund	\$6,714,928	(\$58,841)	\$6,656,087"

Page 3, line 25, replace "public utility fee" with "of the combined assessments"

Page 4, line 8, remove the overstrike over "~~six hundred~~"

Page 4, line 8, replace "thirty-four" with "ten"

Page 4, line 26, overstrike "(Effective through June 30,"

Page 4, line 27, overstrike "2021"

Page 4, line 27, remove "2025"

Page 4, line 27, overstrike the boldfaced closing parenthesis

Page 4, line 31, replace "ninety-six" with "ninety-seven"

Page 4, line 31, replace "eight" with "three"

Page 4, line 31, replace "thirteen" with "sixty-two"

Page 5, line 4, overstrike "Transfer, deposit, and distribution of funds. (Effective after June 30,2021"

Page 5, line 4, remove "2025"

Page 5, line 4, overstrike ") All"

Page 5, overstrike lines 5 through 7

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1008 - Public Service Commission - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$9,495,560	\$9,694,646	\$296,842	\$9,991,488
Operating expenses	1,763,826	1,766,570	35,000	1,801,570
Capital assets	25,000	145,000		145,000
Grants	20,000	20,000		20,000
Abandoned mined lands contractual	6,000,000	6,000,000		6,000,000
Rail rate complaint case	900,000	900,000		900,000
Railroad safety program	589,018	613,626	1,098	614,724
Specialized legal services	94,000	420,000		420,000
Total all funds	\$18,887,404	\$19,559,842	\$332,940	\$19,892,782
Less estimated income	12,172,476	13,379,326	(142,631)	13,236,695
General fund	\$6,714,928	\$6,180,516	\$475,571	\$6,656,087
FTE	43.00	43.00	0.00	43.00

Department 408 - Public Service Commission - Detail of Senate Changes

	Adds Funding for Salary and Benefit Increases ¹	Restores Funding for Salaries and Wages ²	Provides Funding for Pipeline Inspector ³	Total Senate Changes
Salaries and wages	\$14,295	\$150,000	\$132,547	\$296,842
Operating expenses			35,000	35,000
Capital assets				
Grants				
Abandoned mined lands contractual				
Rail rate complaint case				
Railroad safety program	1,098			1,098
Specialized legal services				
Total all funds	\$15,393	\$150,000	\$167,547	\$332,940
Less estimated income	7,369	(150,000)	0	(142,631)
General fund	\$8,024	\$300,000	\$167,547	\$475,571
FTE	0.00	0.00	0.00	0.00

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

² Funding of \$300,000 from the general fund is restored for salaries and wages and other funds of \$150,000 received from a public utility assessment is reduced to allow the Public Service Commission program fund to develop a balance for future appropriations from the fund. The House reduced funding from the general fund by \$700,000 and added funding from revenues deposited in the Public Service Commission program fund by \$550,000.

³ In addition to \$167,548 of federal funds provided by the House, matching funds from the general fund are added for the reclassification of an unfunded administrative support FTE position to a natural gas pipeline inspector position (\$132,547) and related operating expenses (\$35,000). The House provided funding from federal funds for the reclassification for the natural gas pipeline inspector position (\$132,548) and related operating expenses (\$35,000).

This amendment also:

- Provides the statutory changes to increase the salary of the Public Service Commissioners. The Public Service Commissioners' annual salary would increase from the current level of \$113,600 to \$115,304, effective July 1, 2021, and to \$117,610, effective July 1, 2022, to reflect the 1.5 percent and 2 percent salary increase respectively. The House provided for a 1.5 percent annual salary increase.
- Amends North Dakota Century Code Section 57-43.2-19 relating to the distribution of funds in the highway tax distribution fund to continue the allocation to the rail safety fund and to increase the allocation amount from \$294,509 per year to \$297,362 per year and removes the expiration date. The House provided \$296,813 per year and provided an expiration date for the allocation.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1117

Page 1, line 1, after "to" insert "create and enact sections 30.1-28-16, 30.1-28-17, 30.1-28-18, and 30.1-28-19 of the North Dakota Century Code, relating to involuntary treatment of a ward with prescribed medication; and to"

Page 1, line 2, after the first comma insert "25-03.1-18.2,"

Page 1, line 2, remove the second "and"

Page 1, line 3, after "25-03.1-29" insert ", subsection 2 of section 30.1-28-03, and sections 30.1-28-04, 30.1-28-12, and 30.1-28-14"

Page 1, line 4, after "procedures" insert "and involuntary treatment of a ward with prescribed medication"

Page 3, after line 17, insert:

"SECTION 5. AMENDMENT. Section 25-03.1-18.2 of the North Dakota Century Code is amended and reenacted as follows:

25-03.1-18.2. Guardian consent to involuntary treatment with prescribed medication.

Notwithstanding sections 25-03.1-16, 25-03.1-18.1, and 25-03.1-24, if a patient refuses treatment with prescribed medication, a treating physician, physician assistant, psychiatrist, or advanced practice registered nurse may treat the patient with prescribed medication upon consent of the patient's guardian pursuant to ~~subsection 6 of section 30.1-28-12~~ sections 30.1-28-16, 30.1-28-17, 30.1-28-18, and 30.1-28-19.

- ~~1. The guardian's consent for involuntary treatment with prescribed medication may not be in effect for more than ninety days without receiving another recommendation and determination pursuant to subsection 6 of section 30.1-28-12.~~
- ~~2. The patient has the right to be free of the effects of medication at the preliminary or treatment hearing by discontinuance of medication no later~~

~~than twenty-four hours before the hearing unless, in the opinion of the prescriber, the need for the medication still exists or discontinuation would hamper the patient's preparation for and participation in the proceedings."~~

Page 6, after line 29, insert:

"SECTION 11. AMENDMENT. Subsection 2 of section 30.1-28-03 of the North Dakota Century Code is amended and reenacted as follows:

2. The petition for appointment of a guardian must state:
 - a. The name, address, and corporate or agency status of the petitioner, and its connection with or relationship to the proposed ward;
 - b. The name, age, and address of the proposed ward;
 - c. The name and address of any person or institution having care or custody over the proposed ward;
 - d. The names and addresses of the spouse, parents, and adult children or, if none, any adult siblings and any adult with whom the proposed ward resides in a private residence, or, if none, the nearest adult relative;
 - e. A brief description of and the approximate value of the real and personal property and income of the proposed ward, so far as they are known to the petitioner;
 - f. The extent of guardianship authority sought, including full authority, limited authority, or no authority in each area of residential, educational, medical, legal, vocational, and financial decisionmaking unless the petitioner is undecided on the extent of authority in any area, in which case the petition must state the specific areas in which the authority is sought;
 - g. The occupation and qualifications of the proposed guardian;
 - h. The name and address of the attorney, if known, who most recently represented the proposed ward;
 - i. A statement alleging specific facts establishing the necessity for the appointment of a guardian;
 - j. The name and address of any current conservator appointed for the proposed ward;
 - k. The name and address of any person designated as an attorney in fact or agent in a power of attorney or as an agent in a health care directive;
 - l. The name and address of any representative payee for the proposed ward;
 - m. That less intrusive alternatives to guardianship have been considered;
 - n. In the form of an attached recent statement, the physical, mental, and emotional limitations of the proposed ward from an expert examiner, if available; ~~and~~
 - o. Whether the petition seeks to restrict any of the following rights:
 - (1) To vote;

- (2) To seek to change marital status; or
- (3) To obtain or retain a motor vehicle operator's license; and

p. If the proposed guardian seeks authority to involuntary treatment with prescribed psychiatric medication under section 30.1-28-16, a statement alleging specific facts under subsection 3 of section 30.1-28-16 and an attached recent report under subsection 2 of section 30.1-28-16.

SECTION 12. AMENDMENT. Section 30.1-28-04 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-04. (5-304) Findings - Order of appointment.

1. The court shall exercise the authority conferred in this chapter consistent with the maximum self-reliance and independence of the incapacitated person and make appointive and other orders only to the extent necessitated by the incapacitated person's actual mental and adaptive limitations or other conditions warranting the procedure.
2. At a hearing held under this chapter, the court shall:
 - a. Hear evidence that the proposed ward is an incapacitated person. Age, eccentricity, poverty, or medical diagnosis alone is not sufficient to justify a finding of incapacity;
 - b. Hear evidence and determine whether there are any existing general durable powers of attorney and durable powers of attorney for health care. If there are validly executed durable powers of attorney, the court shall consider the appointed attorneys in fact and agents appointed thereunder when assessing alternative resource plans and the need for a guardian; and
 - c. Appoint a guardian and confer specific powers of guardianship only after finding in the record based on clear and convincing evidence that:
 - (1) The proposed ward is an incapacitated person;
 - (2) There is no available alternative resource plan that is suitable to safeguard the proposed ward's health, safety, or habilitation which could be used instead of a guardianship;
 - (3) The guardianship is necessary as the best means of providing care, supervision, or habilitation of the ward; and
 - (4) The powers and duties conferred upon the guardian are appropriate as the least restrictive form of intervention consistent with the ability of the ward for self-care.
3. Except upon specific findings of the court, a ward may not be deprived of any of the following legal rights: to vote, to seek to change marital status, or to obtain or retain a motor vehicle operator's license.
4. The court may find that the ward retains other specific rights.
5. The order appointing a guardian confers upon the guardian only those powers and duties specified in the order. In addition to any other powers conferred upon the guardian, the court's order must state whether the guardian has no authority, general authority, or limited authority to make decisions on behalf of the ward in each of the areas of residential, educational, medical, legal, vocational, and financial decisionmaking. A grant of limited authority must specify the limitations upon the authority of the guardian or the authority retained by the ward. The court's order must

require the guardian to provide within ninety days from the date of the order a beginning inventory of all assets owned by the ward or in which the ward has an interest. The guardian shall provide a copy of the beginning inventory to the ward and any interested persons designated by the court in its order. Unless terminated earlier by the court, an order appointing or reappointing a guardian under this section is effective for up to five years. At least ninety days before the expiration of the initial order of appointment or any following order of reappointment, the court shall request and consider information submitted by the guardian, ward, ward's attorney, if any, and any interested persons regarding whether the need for a guardian continues to exist. If it is recommended that the guardianship continue, the court may appoint a guardian ad litem or visitor, or both, in accordance with section 30.1-28-03. The court shall hold a hearing on whether the guardianship should continue. Following the hearing and consideration of submitted information, the court may reappoint the guardian for up to another five years, allow the existing order to expire, or appoint a new guardian in accordance with this section. The supreme court, by rule or order, shall provide for the regular review of guardianship in existence on August 1, 2015.

6. Unless a court of competent jurisdiction determines otherwise, a durable power of attorney for health care executed pursuant to chapter 23-06.5 takes precedence over any authority to make medical decisions granted to a guardian pursuant to chapter 30.1-28.
7. ~~A grant of general authority to make medical decisions includes the authority to consent to involuntary treatment with prescribed medications. Except upon specific findings of the court, a grant of limited authority does not include authority to consent to involuntary treatment with prescribed medications.~~

SECTION 13. AMENDMENT. Section 30.1-28-12 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-12. (5-312) General powers and duties of guardian.

1. A guardian of an incapacitated person has only the powers and duties specified by the court.
2. To the extent that it is consistent with the terms of an order by a court of competent jurisdiction, the guardian is entitled to custody of the person of the ward and may establish the ward's place of residence within or without this state. However, no guardian may voluntarily admit a ward to a mental health facility or state institution for a period of more than forty-five days without a mental health commitment proceeding or other court order. Notwithstanding the other provisions of this subsection, the guardian may readmit a ward to a mental health facility or a state institution within sixty days of discharge from that institution, if the original admission to the facility or institution had been authorized by the court.
3. If entitled to custody of the ward, the guardian should make provision for the care, comfort, and maintenance of the ward and, whenever appropriate, arrange for the ward's training, education, or habilitative services. The guardian shall take reasonable care of the ward's clothing, furniture, vehicles, and personal effects.
4. Notwithstanding general or limited authority to make medical decisions on behalf of the ward, no guardian may consent to psychosurgery, abortion, sterilization, or experimental treatment of any kind unless the procedure is first approved by order of the court.
5. When exercising the authority granted by the court, the guardian shall safeguard the civil rights and personal autonomy of the ward to the fullest extent possible by:

- a. Meeting with the ward following the hearing, unless the ward is represented by an attorney, and explaining to the fullest extent possible the contents of the court's order and the extent of the guardian's authority;
 - b. Involving the ward as fully as is practicable in making decisions with respect to the ward's living arrangements, health care, and other aspects of the ward's care; and
 - c. Ensuring the ward's maximum personal freedom by using the least restrictive forms of intervention and only as necessary for the safety of the ward or others.
6. ~~A guardian with authority to consent to involuntary treatment with prescribed medications may not provide consent without receiving a recommendation and determination from the ward's treating physician, physician assistant, psychiatrist, or advanced practice registered nurse that:~~
- a. ~~The proposed prescribed medication is clinically appropriate and necessary to effectively treat the ward and that the ward requires treatment;~~
 - b. ~~The ward was offered that treatment and refused it or that the ward lacks the capacity to make or communicate a responsible decision about that treatment;~~
 - c. ~~Prescribed medication is the least restrictive form of intervention necessary to meet the treatment needs of the ward; and~~
 - d. ~~The benefits of the treatment outweigh the known risks to the ward.~~
7. If no conservator for the estate of the ward has been appointed and if the guardian has been granted authority to make financial decisions on behalf of the ward, the guardian may:
- a. Institute proceedings to compel any person under a duty to support the ward or to pay sums for the welfare of the ward to perform that duty.
 - b. Receive money and tangible property deliverable to the ward and apply the money and property for support, care, and education of the ward; but, the guardian may not use funds from the ward's estate for room and board which the guardian or the guardian's spouse, parent, or child have furnished the ward unless a charge for the service is approved by order of the court made upon notice to at least one of the next of kin of the ward, if notice is possible. The guardian shall exercise care to conserve any excess for the ward's needs.
- ~~8-7.~~ If a conservator has been appointed, all of the ward's estate received by the guardian in excess of those funds expended to meet current expenses for support, care, and education of the ward must be paid to the conservator for management as provided in this title, and the guardian must account to the conservator for funds expended.
- ~~9-8.~~ A guardian shall file an annual report with the court regarding the exercise of powers and duties in areas of authority specified in the court's order of appointment. The report must describe the status or condition of the ward, including any change of residence and reasons for the change, any medical treatment received by or withheld from the ward, any expenditure and income affecting the ward, any sale or transfer of property affecting the ward, and any exercise of legal authority by the guardian affecting the ward. The report must include changes that have

occurred since the previous reporting period and an accounting of the ward's estate. The guardian also shall report whether the ward continues to require guardianship and whether any powers of the guardian should be increased or limited. The report must be filed with the clerk of district court. The filing of the report does not constitute an adjudication or a determination of the merits of the report nor does the filing of the report constitute the court's approval of the report. The court may approve a report and allow and settle an accounting only upon notice to the ward's guardian ad litem and other interested persons who have made an appearance or requested notice of proceedings. The office of the state court administrator shall provide printed forms that may be used to fulfill reporting requirements. Any report must be similar in substance to the state court administrator's form. The forms must be available in the office of clerk of district court or obtainable through the supreme court's internet website.

- ~~40-9.~~ Copies of the guardian's annual report to the court and of any other reports required by the court must be mailed to the ward and any interested persons designated by the court in its order. The ward's copy must be accompanied by a statement, printed with not less than double-spaced twelve-point type, of the ward's right to seek alteration, limitation, or termination of the guardianship at any time.
- ~~44-10.~~ The guardian is entitled to receive reasonable sums for services and for room and board furnished to the ward as approved by the court or as agreed upon between the guardian and the conservator, provided the amounts agreed upon are reasonable under the circumstances. The guardian may request the conservator to expend the ward's estate by payment to third persons or institutions for the ward's care and maintenance.

SECTION 14. AMENDMENT. Section 30.1-28-14 of the North Dakota Century Code is amended and reenacted as follows:

30.1-28-14. Guardianships established before July 1, 1990.

The powers and duties of guardians and the rights and privileges of wards under guardianships established before July 1, 1990, are as provided by this chapter as it existed on June 30, 1990, and are not affected by chapter 405 of the 1989 Session Laws, except that guardians appointed before July 1, 1990, must comply with the requirements of subsections 2, 4, 5, and ~~9~~ of section 30.1-28-12.

SECTION 15. Section 30.1-28-16 of the North Dakota Century Code is created and enacted as follows:

30.1-28-16. Court-authorized involuntary treatment with prescribed medication.

1. Upon notice and a hearing, a guardian may request authorization from the court for a ward to be treated with prescribed medication. The court may consider the petition in the initial procedure for court appointment of a guardian or at a separate involuntary treatment hearing.
2. As a part of a petition, the guardian shall provide a report from the treating expert examiner which must certify:
 - a. The proposed prescribed medication is clinically appropriate and necessary to treat the ward effectively and that the ward is a person requiring treatment;
 - b. The ward was offered that treatment and refused the treatment or that the ward lacks the capacity to make or communicate a responsible decision about that treatment;

- c. Prescribed medication is the least restrictive form of intervention necessary to meet the treatment needs of the ward; and
 - d. The benefits of the treatment outweigh the known risks to the ward.
3. a. Evidence of the factors certified under subsection 1 may be presented to the court within the petition and during the initial hearing for court appointment of a guardian under section 30.1-28-03 or at a separate involuntary treatment hearing under this section. The court in ruling on the requested authorization for involuntary treatment with prescribed medication shall consider all relevant evidence presented at the hearing, including:
- (1) The danger the ward presents to self or others;
 - (2) The ward's current condition;
 - (3) The ward's treatment history;
 - (4) The results of previous medication trials;
 - (5) The efficacy of current or past treatment modalities concerning the ward;
 - (6) The ward's prognosis; and
 - (7) The effect of the ward's mental condition on the ward's capacity to consent.
- b. Involuntary treatment with prescribed medication may not be authorized by the court solely for the convenience of facility staff or for the purpose of punishment.
4. If the factors certified under subsection 1 have been demonstrated by clear and convincing evidence, the court may include in the court's findings on the petition, or the court may issue a separate order after notice and hearing, authoring the treating medical professional to involuntarily treat the ward with prescribed medication on such terms and conditions as are appropriate. However, unless specifically authorized by the court, the order for involuntary treatment with prescribed medication may not be in effect for more than ninety days.

SECTION 16. Section 30.1-28-17 of the North Dakota Century Code is created and enacted as follows:

30.1-28-17. Involuntary treatment with prescribed medication hearing.

- 1. The involuntary treatment with prescribed medication hearing, unless waived by the ward or the ward has been released as a person not requiring treatment, must be held within three days, exclusive of weekends and holidays, of the date of the filing of the petition. The court may extend the time for hearing for good cause.
- 2. The ward has the right to an examination by an independent expert examiner if so requested. If the ward is indigent, the county of residence of the ward shall pay for the cost of the examination and the ward may choose an independent expert examiner.
- 3. The hearing must be held in the county of the ward's residence or location or the county in which the state hospital or treatment facility treating the ward is located. At the hearing, evidence in support of the request must be presented by the guardian or guardian's private counsel. During the hearing, the guardian and the ward must be afforded an opportunity to testify and to present and cross-examine witnesses. The court may receive the testimony of any other interested person. All

individuals not necessary for the conduct of the proceeding must be excluded except that the court may admit individuals having a legitimate interest in the proceeding. The hearing must be conducted in as informal a manner as practical, but the issue must be tried as a civil matter. Discovery and the power of subpoena permitted under the North Dakota Rules of Civil Procedure are available to the ward. The court shall receive all relevant and material evidence that may be offered as governed by the North Dakota Rules of Evidence. There is a presumption in favor of the ward, and the burden of proof in support of the petition is upon the petitioner. If, upon completion of the hearing, the court finds the petition has not been sustained by clear and convincing evidence, the court shall deny the petition.

SECTION 17. Section 30.1-28-18 of the North Dakota Century Code is created and enacted as follows:

30.1-28-18. Length of involuntary treatment with prescribed medication and continuing treatment orders.

An initial order for involuntary treatment with prescribed medication may not exceed ninety days unless the court is presented with evidence the ward will continue to require treatment beyond the ninety-day period with the prescribed medication and the ward habitually has refused the treatment. If the court determines the ward will continue to require treatment with the prescribed medication beyond the ninety-day period and orders continuing treatment, the order for continuing treatment may be for a period not to exceed the term of the appointment of the guardian.

SECTION 18. Section 30.1-28-19 of the North Dakota Century Code is created and enacted as follows:

30.1-28-19. Application.

This chapter does not prohibit a hospital or treatment facility from rendering medical care without consultation, if in the exercise of sound medical judgment that care is immediately necessary and delay would endanger the life of or adversely and substantially affect the health of the ward."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1209

Page 1, line 7, replace "benefit" with "contribution"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1276

Page 1, line 1, after "Act" insert "to create and enact section 54-10-15.1 of the North Dakota Century Code, relating to the appointment of a special auditor; and"

Page 1, after line 3, insert:

"SECTION 1. Section 54-10-15.1 of the North Dakota Century Code is created and enacted as follows:

54-10-15.1. Audit of a state institution, industry, or department by order of the governor or the legislative audit and fiscal review committee.

1. If a special audit is determined to be in the best interest of the state, the governor or the legislative audit and fiscal review committee may appoint a special auditor to examine any state institution, state industry, state department, or public office.
2. An appointed special auditor must be a certified public accountant in good standing with the board of accountancy. The special auditor has all

the powers and authority that are granted to the state auditor in making audits and shall examine and report upon other matters connected with a state institution, state industry, or state department as the governor or the legislative audit and fiscal review committee may direct. The special auditor must be compensated for services, including travel expenses. Compensation and expenses are to be approved by the appointing authority and paid in the same manner as state officers' salaries are now paid."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1298

In lieu of the amendments adopted by the Senate as printed on page 1032 of the Senate Journal, Engrossed House Bill No. 1298 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding student athletic events that are exclusively for males or exclusively for females and the impact of the policy that prohibits participation in those events by individuals who are the opposite sex.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STUDENT ATHLETIC EVENTS. During the 2021-22 interim, the legislative management shall consider studying student 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 who are of the opposite sex. The study must consider:

1. The economic impact of the policy on local, regional, and state tourism if youth athletic programs were not held in North Dakota;
2. The impact of the policy on student athletes' inability to participate in regional and national qualifying events for the students' respective athletic events;
3. The potential litigation impact to student athletes, school districts, activities directors, coaches, and the North Dakota high school activities association; and
4. The impact of the policy on student behavioral health and any necessary resources to address such impacts.

The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1349

Page 3, line 2, after the period insert "A public entity may adopt policies regarding the release of exempt records under this section."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1353

Page 22, line 12, after "**Director**" insert "- State engineer"

Page 22, after line 12, insert:

"1."

Page 22, line 14, replace "1." with "a."

Page 22, line 15, replace "2." with "b."

Page 22, line 15, remove "both a technically qualified and experienced hydraulic"

Page 22, line 16, replace "engineer and an experienced irrigation engineer" with "a qualified professional engineer, has appropriate hydrology experience, and will report to the director"

Page 22, line 17, replace "3." with "c."

Page 22, line 19, replace "4." with "d."

Page 22, line 20, replace "5." with "e."

Page 22, after line 20, insert:

"2. The state engineer is responsible for and shall manage the department's oversight of dam safety, water appropriations, and construction and drainage permits, and associated technical duties related to public safety and property protection."

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1483

Page 1, line 8, remove "during a general election"

Page 1, line 10, replace "three" with "four"

Re-number accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1034, HB 1073, HB 1078, HB 1079, HB 1145, and HB 1326.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1087, HB 1131, HB 1339, HB 1379, HCR 3034.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2150, SB 2210, SB 2220, SB 2278, SB 2283, SB 2292.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1087, HB 1131, HB 1339, HB 1379.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HCR 3034.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2036, SB 2067, SB 2091, SB 2102, SB 2122, SB 2125, SB 2128, SB 2133, SB 2138, SB 2156, SB 2178, SB 2197, SB 2246, SB 2249, SB 2251, SB 2264, SB 2265, SB 2334.

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., Wednesday, March 31, 2021, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2215, as engrossed: Education Committee (Rep. Owens, Chairman) recommends

DO PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2215 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2304, as engrossed and amended: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2304, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1187 and 1188 of the House Journal, Engrossed Senate Bill No. 2304 is amended as follows:

Page 1, line 4, after "history" insert "; and to provide an effective date"

Page 1, line 13, overstrike "the"

Page 1, line 13, remove "federally recognized Indian tribes"

Page 1, line 14, remove "in the state, and the"

Page 1, line 14, after the second comma insert "the federally recognized Indian tribes in the state."

Page 1, line 19, replace "and" with "or"

Page 2, line 6, remove "impacts to"

Page 2, line 7, remove "tribes."

Page 2, line 7, remove ", tribal sovereignty, and treaty rights"

Page 2, line 26, remove "impacts to"

Page 2, line 26, remove "tribes."

Page 2, line 27, remove ", tribal sovereignty, and treaty rights"

Page 3, after line 3, insert:

"SECTION 4. EFFECTIVE DATE. Section 3 of this Act becomes effective on August 1, 2022."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2311, as engrossed: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2311 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 28 of section 50-06-05.1 of the North Dakota Century Code, relating to behavioral health resources for schools; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 28 of section 50-06-05.1 of the North Dakota Century Code is amended and reenacted as follows:

28. To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each public school and to the designated individual at a nonpublic school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community, and also must include an evidence based, online virtual mental health and suicide prevention

simulation-based training program that incorporates hands-on practice, contextual learning, and personalized feedback through interactive role-playing. The provisions of chapter 54-44.4 do not apply to the online virtual mental health and suicide prevention simulation-based training program under this subsection.

SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2025, and after that date is ineffective."

Renumber accordingly

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

Buell J. Reich, Chief Clerk