

JOURNAL OF THE HOUSE - SPECIAL SESSION

Sixty-seventh Legislative Assembly

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Bismarck, November 9, 2021

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

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

The roll was called and all members were present except Representatives Becker, Kempenich, and Owens.

A quorum was declared by the Speaker.

THE HOUSE RECOGNIZED THE PRESENCE OF:

former Rep. Drovdal.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Bellew, Chairman)** has carefully examined the Journal of the First Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 2222, after line 31, insert:

"MR. SPEAKER: Your procedural **Rules Committee (Rep. Pollert, Chairman)** recommends that House Rules 318, 337, 347, 401, 402, 403, 501, 504, and 601 be reconsidered and amended as follows, and House Rule 502 be reconsidered and repealed:

SECTION 1. AMENDMENT. Subsection 4 of House Rule 318 is amended as follows:

4. The following questions require a two-thirds vote of the members-elect of the House:
 - a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and House Rule 339.
 - b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
 - c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.
 - d. Adoption of propositions of a divided question if the division would require a two-thirds vote of the members-elect, as provided in House Rule 319.
 - e. To recede before a conference in a case where two-thirds governs, as provided in Joint Rule 202.
 - f. ~~Second reading same day as report, as provided in House Rule 337.~~
 - g. Reconsideration after the next legislative day, as provided in House Rule 348.
 - h.g. Reconsideration after a clincher motion, as provided in House Rule 349.
 - i.h. Suspension of requirement that copies of amendments be distributed before acted on, as provided in House Rule 601.
 - j.i. Amendment, reconsideration, or suspension of a joint rule, as provided in Joint Rule 105.

SECTION 2. AMENDMENT. House Rule 337 is amended as follows:

337. Second reading. No bill requiring the approval of the Governor, no resolution proposing a change in the Constitution of North Dakota, and no resolution ratifying an amendment to the Constitution of the United States may be referred, except in the case of a bill or resolution that is prefiled pursuant to House Rule 401, or amended until it has been read; nor may any such bill or resolution have its second reading and final passage until at least one day after it has been reported to the House by the committee to which it was referred, ~~provided that any such bill or resolution may have its second reading and final passage on the same day it is reported back when so ordered by two-thirds of the members elect of the House~~ its first reading.

SECTION 3. AMENDMENT. House Rule 347 is amended as follows:

347. Transmittal of measure to Senate - Notice of intention to reconsider.

1. ~~After the second reading of a bill or resolution, the Chief Clerk shall retain the bill or resolution until the end of the next legislative day, unless the bill or resolution has previously been disposed of.~~
2. ~~On the thirty-sixth and thirty-seventh legislative days and after the fifty-seventh legislative day, the Chief Clerk shall transmit the bill or resolution to the Senate immediately upon adjournment of the last session on that day unless action on the bill or resolution is pending as the result of the House passing a motion to reconsider or unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution.~~
3. ~~After the sixty-sixth legislative day, the Chief Clerk shall transmit the bill or resolution to the Senate immediately after the second reading of the bill or resolution unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution.~~
4. ~~2.~~ When a member in explaining the member's vote states to the House that the member's vote is for the purpose of reconsideration, that statement also is notice of such intention.
5. ~~If notice is given by a member other than the Majority or Minority Leader but the motion to reconsider is not made before the end of the next legislative day, the Chief Clerk shall transmit the bill or resolution to the Senate at the end of that next legislative day.~~
3. If notice of intention to move reconsideration is given by the Majority or Minority Leader, the Chief Clerk shall retain the bill or resolution until adjournment of that day's session.

SECTION 4. AMENDMENT. Subsection 1 of House Rule 401 is amended as follows:

1. Any bill or resolution that conforms to statutory requirements and these rules, ~~within the number and time prescribed,~~ may be introduced by any member, standing committee, or the Legislative Management, by filing the bill or resolution with the Chief Clerk, who shall number consecutively each bill or resolution.

SECTION 5. AMENDMENT. House Rule 402 is amended as follows:

1. ~~No member other than the Majority and Minority Leaders may introduce more than five bills as prime sponsor after the third legislative day. No bill may be introduced after the eighth legislative day, and no resolution, except those resolutions described in subsection 4, may be introduced after the sixteenth legislative day, except upon approval of the Legislative Management or a majority of the Delayed Bills Committee or upon two-thirds vote of the members of the House present and voting.~~
2. No member of the Legislative Assembly on April first of the year before a regular legislative session may submit a bill mandating health insurance coverage of services or payment for specified providers as described in North Dakota Century Code Section 54-03-28 for consideration by the Employee Benefits Programs Committee after April first of the year before a regular legislative session. No member of the Legislative Assembly taking legislative office for the first time after November thirtieth of the year before a regular legislative session may submit a bill mandating health insurance coverage of services or payment for specified providers as described in North Dakota Century Code Section 54-03-28 for consideration by

the Employee Benefits Programs Committee after the first Wednesday following adjournment of the organizational session.

3. ~~No bill introduced at the request of an executive agency or the Supreme Court may be introduced after the close of business on the day after the adjournment of the organizational session, except upon approval of a majority of the Delayed Bills Committee.~~
4. ~~Resolutions that propose amendments to the Constitution of North Dakota and resolutions directing the Legislative Management to carry out a study may not be introduced after the thirty-sixth legislative day.~~

SECTION 6. AMENDMENT. House Rule 403 is amended as follows:

403. Delayed bills and resolutions. The Delayed Bills Committee shall receive from the Chief Clerk every bill and resolution offered for introduction ~~after the time for introduction as limited by House Rule 402,~~ and, on the same or the next legislative day after receiving the measure, shall inform the House whether the introduction of the measure has been approved. If a majority of the committee favors introduction, the sponsor may introduce the measure. Each measure approved for introduction must bear the name or names of the sponsor or sponsors and must note the approval of the Delayed Bills Committee.

SECTION 7. AMENDMENT. House Rule 501 is amended as follows:

501. Standing committees.

1. The Committee on Committees consists of eleven members. The Majority Leader, by virtue of office, is a member of the committee and shall serve as its chairman. The Speaker, by virtue of office, is a member of the committee and is the vice chairman of the committee. The Majority Leader shall appoint five other members from the majority party and four members from the minority party to the committee. The committee shall appoint standing committees concerned with matters in the fields as indicated and procedural committees.
2. ~~The five-day standing committee is~~An Appropriations Committee must be appointed during a reconvened or special session: (22 members) Bills and resolutions referred or rereferred under House Rule 329. Except for the committee chairman, each member of the committee must be appointed to one of the following divisions of the committee which, for purposes of North Dakota Century Code Section 54-03-10, are deemed standing committees:
 - a. Education and Environment.
 - b. Government Operations.
 - c. Human Resources.
3. ~~The three-day standing committees are:~~
 - a. ~~Education: (13 members)~~
~~Public Schools; Libraries; Institutions of Higher Learning.~~
 - b. ~~Finance and Taxation: (14 members)~~
~~Public Debt; Taxes and Tax Laws.~~
 - e. ~~Human Services: (13 members)~~
~~Human Services; Public Health; Public Safety.~~
 - d. ~~Industry, Business and Labor: (15 members)~~
~~Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; Workers' Compensation; Unemployment Compensation; Labor Laws and kindred subjects.~~
 - e. ~~Judiciary: (14 members)~~

~~Elections and Election Privileges; Judiciary; Constitutional Revision.~~

4. The two-day standing committees are:
- a. ~~Agriculture: (13 members)~~
~~Agriculture; Livestock; Drainage and Irrigation; Warehouse and Grain Grading.~~
 - b. ~~Energy and Natural Resources: (13 members)~~
~~Game and Fish; Public Lands; Mines and Mining; Gas and Oil; Forestry.~~
 - c. ~~Government and Veterans Affairs: (14 members)~~
~~State and Federal Affairs; Government Pensions and Benefits; Military and Veterans Affairs; Industrial Commission and institutions under its supervision; State Historical Society and State Parks.~~
 - d. ~~Political Subdivisions: (15 members)~~
~~Cities; Counties; Townships; Park Districts; Apportionment.~~
 - e. ~~Transportation: (14 members)~~
~~Highways and Bridges; Railroads; Motor Vehicles; Airlines and Airports.~~
5. The procedural committees are:
- a. Arrangements for House Committee Rooms, to consist of three members.
 - b. Correction and Revision of the Journal, to consist of five members.
 - c. Delayed Bills, to consist of five members.
 - d. Employment, to consist of five members.
 - e. Inaugural Planning, to consist of three members.
 - f. Rules, to consist of seven members.

SECTION 8. REPEAL. House Rule 502 is repealed.

SECTION 9. AMENDMENT. House Rule 504 is amended as follows:

504. Committee meetings.

- 1. ~~The Appropriations Committee meets on Monday, Tuesday, Wednesday, Thursday, and Friday of each week.~~
- 2. ~~The three-day committees meet on Monday, Tuesday, and Wednesday of each week.~~
- 3. ~~The two-day committees meet on Thursday and Friday of each week.~~
- 4. The chairman of any committee, or a majority of that committee, may call meetings at times and on other days as deemed necessary.

SECTION 10. AMENDMENT. House Rule 601 is amended as follows:

601. Report of committees.

- 1. The report of a committee must provide for one or more of the following recommendations with respect to the bill or resolution: do pass, do not pass, be amended, be rereferred to another committee, or be placed on the calendar without recommendation. However, when a committee fails to adopt any of the above recommendations due to the lack of a majority, the chairman shall report the bill to the floor with whatever minority reports individual committee members may request in accordance with House Rule 602.

2. During the fifth order of business, the Chief Clerk shall announce that committee reports have been received, if such is the case, and shall list the bill or resolution number, or other identifier, and state the accompanying committee recommendation. If the committee report is divided pursuant to House Rule 602, the Chief Clerk shall announce the majority and minority report, or reports, as well.
3.
 - a. If the committee report is for amendment, the proposed amendment must be placed on the calendar ~~for the next legislative day on the sixth order of business. After the fifty-third legislative day, the proposed amendment must be placed on the calendar~~ on the sixth order of business immediately after the report of the committee is received. On sixth order, the Speaker shall announce that without objection, the proposed amendments on the sixth order are deemed approved. If any member objects to a proposed amendment being approved with other proposed amendments, that amendment must be voted on as a separate item.
 - b. No action may be taken on an amendment until a verbatim copy of the amendment has been distributed to each member; provided, that on a two-thirds vote of the members-elect, this may be suspended, and the amendment acted on immediately after the report of the committee.
 - c. If the amendment is adopted by a majority vote of the members present, the amended measure must then be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage except as provided in subdivision e or g.
 - d. If the amendment is rejected, the measure without amendment must be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage except as provided in subdivision e or g.
 - e. If the committee report is for amendment and then rereferral to another committee, the measure must be rereferred to the appropriate committee after adoption or rejection of the amendment. If, after adoption or rejection of the amendment, a measure is subject to rereferral under House Rule 329, the measure must be rereferred to the Appropriations Committee, regardless of whether the report provides for rereferral.
 - f. If the committee report does not recommend rereferral to another committee but recommends that the measure pass, do not pass, or makes no recommendation, the measure must be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage ~~except as provided in subdivision g.~~
 - g. ~~On motion~~Except as provided under subdivision e, a measure must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. ~~If the committee report recommends the measure be placed on the calendar for second reading and final passage immediately after action is taken on the amendment, the measure must be placed on the calendar for second reading and final passage immediately after the amendment is adopted. After the thirtieth legislative day all House bills, and after the fifty-third legislative day all measures, must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment.~~ Without objection, a measure placed on the calendar under this subdivision must be acted on immediately after placement on the calendar. If more than one amendment was deemed approved under subdivision a and the measures are placed on the calendar under this subdivision, the Speaker shall announce whether the measures will be acted on immediately after placement on the calendar and the order in which the measures will be considered.
 - h. A report for amendment must be approved as to form and style by the Legislative Council staff. When a report for amendment is received by the Chief Clerk without a notation that the report was approved as to form and style by the Legislative Council staff, the Chief Clerk immediately shall cause

- that report to be delivered to the Legislative Council office with a request that the report be examined and receive a notation approving its form and style.
4. If the committee report is divided as provided in House Rule 602, the reports must be placed on the calendar ~~for the next legislative day~~ on the seventh order of business. The Speaker shall receive and announce a motion that the report of the minority be substituted for the majority committee report. If the minority report is adopted, that report is substituted for the majority report and must be placed on the calendar on the eleventh or fourteenth order of business. If the minority report is not adopted, the majority report is deemed adopted and must be placed on the calendar on the eleventh or fourteenth order of business. If a "do not pass" report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business. If no report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business unless the measure is subject to rereferral under House Rule 329.
 5. ~~The~~ if practicable, the Chief Clerk shall ensure that the daily calendar contains appropriate notation of committee reports."

REP. BELLEW MOVED that the report be adopted, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

HB 1504: Joint Redistricting Committee (Rep. Devlin, Co-Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1504 was placed on the Sixth order on the calendar.

Page 4, line 13, after "of" insert "fourth avenue northwest, then east on fourth avenue northwest until it becomes"

Page 20, line 13, remove "eighth street southwest, then east on eighth street southwest until its"

Page 20, remove line 14

Page 20, line 15, remove "twenty-third avenue southwest until its intersection with"

Page 22, line 29, after the underscored semicolon insert "that part of East Morton Township in Morton County bound by a line commencing at the point where the centerline of county road 84 intersects with the centerline of interstate highway 94, then east on interstate highway 94 until its intersection with the centerline of Sweet Briar Creek, then south on Sweet Briar Creek until its intersection with the centerline of old highway 10, then east on old highway 10 until its intersection with an extended line from the centerline of thirty-eighth avenue, then south on a straight line extended from thirty-eighth avenue, on thirty-eighth avenue, and on a straight line extended from thirty-eighth avenue until its intersection with an extended line from the centerline of forty-first street, then west on a straight line extended from forty-first street and on forty-first street until its intersection with the centerline of county road 84, then north on county road 84 to the point of beginning:"

Page 26, line 24, after "of" insert "third avenue northwest until it becomes"

Page 26, line 24, remove "also"

Page 26, line 25, remove "identified as third avenue northwest."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1505: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1505 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "\$50,000,000" with "\$53,276,228"

Page 7, line 5, remove "and up to"

Page 7, remove lines 6 and 7

Page 7, line 8, remove "all areas of the state"

Page 7, line 8, replace "\$50,000,000" with "\$100,000,000"

Page 8, after line 8, insert:

"SECTION 8. APPROPRIATION - FEDERAL FUNDS - DEPARTMENT OF TRANSPORTATION - ONE-TIME FUNDING. There is appropriated out of any moneys derived from federal funds in excess of the regular federal funding amounts included in the department of transportation's 2021-23 biennium budget, not otherwise appropriated, the sum of \$135,000,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of defraying the expenses of road and bridge construction projects, for the period beginning with the effective date of this Act, and ending June 30, 2023. The funds appropriated in this section are not considered part of the department's 2021-23 biennium budget for purposes of section 13 of House Bill No. 1015 and section 10 of House Bill No. 1431, as approved by the sixty-seventh legislative assembly, relating to excess federal funding requirements. The funding provided under this section is considered a one-time funding item."

Page 8, line 13, replace "\$63,276,228" with "\$60,000,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment:

- Increases the federal Coronavirus Capital Projects Fund appropriation for career and technical education center projects from \$50,000,000 to \$53,276,228. This amendment does not change the appropriation of \$30,000,000 from the State Fiscal Recovery Fund for career and technical education center projects.
- Decreases the Coronavirus Capital Projects Fund appropriation for broadband projects grants from \$63,276,228 to \$60,000,000.
- Adds federal funding authority of \$135 million for the Department of Transportation to receive and expend any excess federal funds received during the 2021-23 biennium.
- Adjusts Section 7 relating to funding for state, county, and township highway projects to provide that \$100 million of funding identified in the section for county projects be allocated through the highway tax distribution fund formula for county road and bridge projects.

REPORT OF STANDING COMMITTEE

HB 1506: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1506 was placed on the Sixth order on the calendar.

Page 4, after line 12, insert:

"SECTION 15. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - FREE THROUGH RECOVERY PROGRAM. There is appropriated out of any special funds derived from income and other sources, not otherwise appropriated, the sum of \$3,300,000, or so much of the sum as may be necessary, to the department of human services for the purpose of the free through recovery program, for the period beginning with the effective date of this Act and ending June 30, 2023."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1513: Joint Redistricting Committee (Rep. Devlin, Co-Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1513 was placed on the Sixth order on the calendar.

Page 1, line 10, after "district" insert "or a district"

Page 2, line 3, replace "ideal district population" with "district's population as determined in the 2020 federal decennial census"

Renumber accordingly

SIXTH ORDER OF BUSINESS

SPEAKER K. KOPPELMAN DEEMED approval of the amendments to HB 1504, HB 1505, HB 1506, and HB 1513.

HB 1504, HB 1505, HB 1506, and HB 1513, as amended, were placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1505: A BILL for an Act to amend section 6 of chapter 15, section 5 of chapter 18, sections 6, 7, and 8 of chapter 19, and section 1 of chapter 55 of the 2021 Session Laws, relating to the federal coronavirus capital projects fund and federal state fiscal recovery fund; to identify department of transportation funding sources; to provide an appropriation; to provide for a transfer; to provide for a report; and to provide an effective date.

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 77 YEAS, 13 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Bosch; Ertelt; Fisher; Hauck; Magrum; Paulson; Paur; Ruby, D.; Schatz; Toman; Trotter; Tveit

ABSENT AND NOT VOTING: Becker; Hoverson; Kempenich; Owens

Engrossed HB 1505 passed.

SECOND READING OF HOUSE BILL

HB 1506: A BILL for an Act to provide an appropriation; to provide for a transfer; to authorize full-time equivalent positions; to provide an exemption; to provide for a report; and to provide an effective date.

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 79 YEAS, 11 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley;

Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Paulson; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Bellew; Christensen; Ertelt; Koppelman, B.; Magrum; Marschall; Paur; Schatz; Toman; Trottier; Tveit

ABSENT AND NOT VOTING: Becker; Hoverson; Kempenich; Owens

Engrossed HB 1506 passed.

SECOND READING OF HOUSE BILL

HB 1504: A BILL for an Act to authorize the secretary of state to modify election deadlines and procedures; to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to legislative redistricting and staggering of terms of members of the legislative assembly; to repeal sections 54-03-01.12 and 54-03-01.13 of the North Dakota Century Code, relating to legislative districts and staggering of terms of members of the legislative assembly; to provide a statement of legislative intent; and to provide an effective date.

MOTION

REP. BELLEW MOVED to suspend House Rule 306, which motion failed on a verification vote.

REQUEST

REP. JONES REQUESTED that the House divide Engrossed HB 1504, which request was granted.

DIVISION A: Section 1 parts 4.a, 4.b, 9.a, 9.b

DIVISION B: Remainder of the bill

ROLL CALL

The question being on the final adoption of Division A of Engrossed HB 1504, the roll was called and there were 54 YEAS, 37 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Klemin; Kreidt; Longmuir; Martinson; Meier; Mitskog; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Pollert; Porter; Pyle; Roers Jones; Sanford; Satrom; Schauer; Schmidt; Schneider; Schreiber-Beck; Stemen; Strinden; Toman; Vigesaa; Weisz; Westlind; Zubke

NAYS: Bellew; Boe; Christensen; Cory; Fegley; Fisher; Hauck; Hoverson; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Koppelman, B.; Lefor; Louser; Magrum; Marschall; Mock; Nelson, M.; Ostlie; Paulson; Paur; Richter; Rohr; Ruby, D.; Ruby, M.; Schatz; Schobinger; Skroch; Steiner; Thomas; Trottier; Tveit; Vetter; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Becker; Kempenich; Owens

Division A of Engrossed HB 1504 was adopted on a recorded roll call vote.

ROLL CALL

The question being on the final adoption of Division B of Engrossed HB 1504, the roll was called and there were 73 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich;

Dockter; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Ostlie; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Tveit; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Bellew; Ertelt; Fegley; Fisher; Hoverson; Jones; Keiser; Magrum; Nelson, M.; Paulson; Paur; Ruby, D.; Ruby, M.; Schatz; Skroch; Toman; Trottier; Vetter

ABSENT AND NOT VOTING: Becker; Kempenich; Owens

Division B of Engrossed HB 1504 was adopted on a recorded roll call vote.

ROLL CALL

The question being on the final passage of the amended bill, which includes Division A and Division B, which have been read, the roll was called and there were 73 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Ertelt; Fegley; Fisher; Hoverson; Jones; Magrum; Nelson, M.; Paulson; Paur; Ruby, D.; Ruby, M.; Schatz; Skroch; Toman; Trottier; Tveit; Vetter

ABSENT AND NOT VOTING: Becker; Kempenich; Owens

Engrossed HB 1504 passed.

SECOND READING OF HOUSE BILL

HB 1513: A BILL for an Act to create and enact subsection 5 of section 16.1-03-07 of the North Dakota Century Code, relating to district party organization; to amend and reenact section 16.1-03-17 of the North Dakota Century Code, relating to political party reorganization after redistricting; and to provide an effective date.

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 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Christensen; Ertelt; Hoverson; Magrum; Schatz

ABSENT AND NOT VOTING: Becker; Kempenich; Owens

Engrossed HB 1513 passed.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Pollert, Chairman)**, due to the lack of a second, has rejected the introduction of a bill for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to prekindergarten through grade twelve education standards for theories on human behavior; and to provide an effective date.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Pollert, Chairman)** has cast a vote of 2 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to create and enact section 57-01-15.2 of the North Dakota Century Code, relating to COVID-19 vaccination requirement limitations on recipients of state and local tax incentives and exemptions; to amend and reenact subsection 3 of section 54-60.1-03 of the North Dakota Century Code, relating to terms of a business incentive requiring COVID-19 vaccination requirements; to provide for application; and to provide an effective date.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Pollert, Chairman)**, due to the lack of a second, has rejected the introduction of a bill for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to pharmacist dispensing of ivermectin; and to provide an effective date.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Pollert, Chairman)**, due to the lack of a motion, has rejected the introduction of a bill for an Act to create and enact section 23-07-17.2 of the North Dakota Century Code, relating to a prohibition on requiring a vaccination; to provide a penalty; and to provide an effective date.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Pollert, Chairman)** has cast a vote of 2 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to create and enact a new section to chapter 34-01 and a new section to chapter 65-01 of the North Dakota Century Code, relating to mandatory vaccination exemptions and an employer's civil liability for mandatory vaccinations; and to provide an effective date.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Pollert, Chairman)** has cast a vote of 2 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to create and enact a new section to chapter 6-08 of the North Dakota Century Code, relating to prohibitions on financial institutions disclosing information to the internal revenue service; to provide a penalty; and to provide an effective date.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Pollert, Chairman)**, due to lack of a motion, has rejected the introduction of a bill for an Act to create and enact section 16.1-06-04.1 of the North Dakota Century Code, relating to fraud countermeasures on ballots; and to provide an effective date.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Pollert, Chairman)**, due to lack of a motion, has rejected the introduction of a bill for an Act to amend and reenact subsection 1 of section 16.1-01-01 and sections 16.1-15-02, 16.1-15-04, and 16.1-16-01 of the North Dakota Century Code, relating to decertification of election equipment, manual ballot recounts, and county election officials' responsibilities; and to provide an effective date.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Pollert, Chairman)** has cast a vote of 2 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to create and enact a new section to chapter 23-12 and a new section to chapter 34-03 of the North Dakota Century Code, relating to limitations on COVID-19

vaccinations and infection information and limitations on employers requiring COVID-19 vaccinations; and to provide an effective date.

MOTION

REP. HEINERT MOVED that the House permit the introduction of a bill for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an individual income tax credit; to provide an effective date; to provide an expiration date; and to declare an emergency.

REQUEST

REP. HEINERT REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to introduce an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an individual income tax credit; to provide an effective date; to provide an expiration date; and to declare an emergency, the roll was called and there were 83 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; 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; Kiefert; Klemin; Koppelman, B.; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Skroch; Steiner; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Weisz; Westlind; Speaker Koppelman, K.

NAYS: Damschen; Delzer; Kreidt; Monson; Schobinger; Vigesaa; Zubke

ABSENT AND NOT VOTING: Becker; Kempenich; Owens; Stemen

The motion to introduce an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an individual income tax credit; to provide an effective date; to provide an expiration date; and to declare an emergency, prevailed.

The bill will be HB 1515.

MOTION

REP. BELLEW MOVED that the House permit the introduction of a bill for an Act to amend and reenact subsection 4 of subsection 57-38-01.28 and subdivision t of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the marriage penalty credit and an income tax exclusion for social security benefits; and to provide an effective date., which motion prevailed.

REQUEST

REP. BELLEW REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to introduce a bill for an Act to amend and reenact subsection 4 of subsection 57-38-01.28 and subdivision t of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the marriage penalty credit and an income tax exclusion for social security benefits; and to provide an effective date, the roll was called and there were 77 YEAS, 12 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hatlestad; Hauck; Heinert; Hoverson; Howe; Ista; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien;

Paulson; Paur; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Skroch; Steiner; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Speaker Koppelman, K.

NAYS: Damschen; Hanson; Headland; Johnson, D.; Monson; Ostlie; Pollert; Schobinger; Vigesaa; Weisz; Westlind; Zubke

ABSENT AND NOT VOTING: Becker; Johnson, M.; Kempenich; Owens; Stemen

The motion to introduce a bill for an Act to amend and reenact subsection 4 of subsection 57-38-01.28 and subdivision t of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the marriage penalty credit and an income tax exclusion for social security benefits; and to provide an effective date, prevailed.

The bill will be HB 1516.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1504, HB 1505, HB 1506, HB 1513.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2346, SB 2347, SB 2348, SB 2349.

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 10:00 a.m., Wednesday, November 10, 2021, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2346: Joint Technical Corrections Committee (Rep. Weisz, Co-Chairman) recommends **DO PASS** (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2346 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2347: Joint Technical Corrections Committee (Rep. Weisz, Co-Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2347 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2348: Joint Technical Corrections Committee (Rep. Weisz, Co-Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2348 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact section 23-27-06 of the North Dakota Century Code, relating to criminal history record checks; to"

Page 1, line 1, replace "section" with "sections 12-60-24 and"

Page 1, line 2, after the first "to" insert "criminal history records checks and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 12-60-24 of the North Dakota Century Code is amended and reenacted as follows:

12-60-24. Criminal history record checks. (Effective through August 31, 2022)

1.
 - a. Each applicant, employee, or petitioner for adoption or name change who is subject to a criminal history record check under subsection 2 shall consent to a statewide and nationwide criminal history record check for the purpose of determining suitability or fitness for a permit, license, registration, employment, or adoption.
 - b. Each applicant, employee, registrant, or petitioner for adoption or name change subject to a criminal history record check shall provide to the requesting agency or entity written consent to conduct the check and to release or disclose the information in accordance with state and federal law, two sets of fingerprints from a law enforcement agency or other local agency authorized to take fingerprints, any other identifying information requested, and a statement indicating whether the applicant or employee has ever been convicted of a crime.
 - c. The agency, official, or entity shall submit these fingerprints to the bureau of criminal investigation for nationwide criminal history record information that includes resubmission of the fingerprints by the bureau of criminal investigation to the federal bureau of investigation. Except if otherwise provided by law, federal bureau of investigation criminal history record information obtained by an agency or entity is confidential. For a request for nationwide criminal history record information made under this section, the bureau of criminal investigation is the sole source to receive the fingerprint submissions and responses from the federal bureau of investigation. A person who takes fingerprints under this section may charge a reasonable fee to offset the cost of fingerprinting. Unless otherwise provided by law, the bureau of criminal investigation may charge appropriate fees for criminal history information.
 - d. Fingerprints and any other identifying information the bureau has obtained under this section may be retained by the bureau and the federal bureau of investigation at the request of the agency, official, or entity submitting the fingerprints and any other identifying information for a statewide and nationwide criminal history record check. The subject of the records must be provided notice of the retention of the fingerprints and any other identifying information. The bureau may provide to each agency, official, or entity listed in subsection 2 of this section the response of the bureau and the federal bureau of investigation any statewide criminal history record information that may lawfully be made available under this chapter.
 - e. The bureau may provide the results of a criminal history background check made under subsection 2 of this section to another state's identification bureau or central repository for the collection, maintenance, and dissemination of criminal history record information when the other state's identification bureau or central repository has requested the results of the criminal history background check and the agency, official, or entity of the other state has equivalent authority to subsection 2 of this section to request a statewide and nationwide criminal history check.
2. The bureau of criminal investigation shall provide to each agency, official, or entity listed in this subsection who has requested a statewide and nationwide criminal history record check, the response of the federal bureau of investigation and any statewide criminal history record information that may lawfully be made available under this chapter:
 - a. The governing body of a city or a county, by ordinance or resolution, for a final applicant for a specified occupation with the city or county.

- b. The agriculture commissioner for each applicant for a license to grow or process hemp under section 4.1-18.1-02.
- c. The education standards and practices board for initial, re-entry, and reciprocal teacher licenses under sections 15.1-13-14 and 15.1-13-20 and school guidance and counseling services under section 15.1-13-23.
- d. The North Dakota board of medicine for licenses or disciplinary investigations under section 43-17-07.1, except that criminal history record checks need not be made unless required by the board.
- e. The private investigative and security board for licenses or registrations under section 43-30-06.
- f. The department of human services for foster care licenses, approvals, and identified relatives under chapter 50-11, appointments of legal guardians under chapter 50-11.3, and petitions for adoptions under chapter 50-12, except that the criminal history record investigation must be conducted in accordance with those chapters. A criminal history record investigation completed under chapter 50-11, 50-11.3, or 50-12 may be used to satisfy the requirements of a criminal history record investigation under either of the other two chapters.
- g. The department of human services for criminal history record checks authorized under section 50-06-01.9.
- h. The chief information officer of the information technology department for certain individuals under section 54-59-20.
- i. A public peace officer training school that has been approved by the peace officer standards and training board for enrollees in the school. The school may only disclose the criminal history record information as authorized by law. The school shall pay the costs for securing the fingerprints, any criminal history record information made available under this chapter, and for the nationwide criminal history record check. This subdivision does not apply to the highway patrol law enforcement training center and enrollees who have a limited license under section 12-63-09.
- j. The North Dakota public employees retirement board for individuals first employed by the public employees retirement board after July 31, 2005, who have unescorted physical access to the office or any security-sensitive area of the office as designated by the executive director.
- k. The executive director of the retirement and investment office for individuals first employed by the retirement and investment office after July 31, 2005, who have unescorted physical access to the office or any security-sensitive area of the office as designated by the executive director.
- l. The Bank of North Dakota for a final applicant for a specified occupation with the Bank as designated by the president.
- m. Job service North Dakota for all employees, final applicants for employment with job service, and contractors with access to federal tax information.
- n. The state department of health for a final applicant for a job opening or a current employee with the department as designated by the state health officer; an individual being investigated by the department; or, when requested by the department, an applicant for

registration as a designated caregiver or a compassion center agent under chapter 19-24.1.

- o. The state board of nursing for applicants, licensees, registrants, or disciplinary investigations under chapter 43-12.1, except that criminal history record checks need not be made unless required by the board.
- p. The state board of pharmacy for applicants or disciplinary investigations under chapter 43-15 and registrations, or revocation or suspension of registrations, under chapter 19-03.1, except that criminal history record checks need not be made unless required by the board.
- q. The state real estate commission for applicants, licensees, or investigations under chapter 43-23, except that criminal history record checks need not be made unless required by the commission.
- r. The North Dakota board of social work examiners for applicants for initial licensure or licensees under chapter 43-41, except that criminal history record checks for licensees need not be made unless required by the board.
- s. All agencies, departments, bureaus, boards, commissions, or institutions of the state, including the North Dakota university system, for all employees or final applicants for employment as a security guard or to otherwise provide security.
- t. The office of management and budget for each individual who has access to personal information as designated by the director.
- u. The department of corrections and rehabilitation for all agents and employees and a final applicant for employment designated by the director and for each agent, employee, or a final applicant for employment of a privately operated entity providing contract correctional services for the department who exercises direct authority over juveniles, inmates, probationers, or parolees.
- v. A city, county, or combination of cities or counties that operates a correctional facility subject to chapter 12-44.1, for each agent and employee and a final applicant for employment of the correctional facility who has direct contact with or exercises direct authority over any juvenile or inmate of the correctional facility, and for each agent, employee, or a final applicant for employment of a privately operated entity providing contract correctional services for the correctional facility who exercises direct authority over juveniles, inmates, probationers, or parolees.
- w. The North Dakota university system for a final applicant for or employee in a specified position in the university system or a university system institution or for each student applying for or admitted to a specified program of study, as designated by the chancellor.
- x.
 - (1) The board of a school district, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
 - (2) The board of a multidistrict special education unit, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
 - (3) The board of an area career and technology center, for employees designated by the board, provided the board is

- responsible for paying the costs associated with obtaining a criminal history record check;
- (4) The board of a regional education association, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check; and
 - (5) The superintendent of public instruction in the case of a nonpublic school or a state school with a superintendent appointed by or reporting to the superintendent of public instruction, for employees designated by the nonpublic or state school, provided the nonpublic or state school is responsible for paying the costs associated with obtaining a criminal history record check.
- y. (1) The board of a school district, for a final applicant seeking employment with the district or otherwise providing services to the district, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
- (2) The board of a multidistrict special education unit, for a final applicant seeking employment with the unit or otherwise providing services to the unit, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
- (3) The board of an area career and technology center, for a final applicant seeking employment with the center or otherwise providing services to the center, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
- (4) The board of a regional education association, for a final applicant seeking employment with the association or otherwise providing services to the association if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check; and
- (5) The superintendent of public instruction in the case of a nonpublic school or a state school with a superintendent appointed by or reporting to the superintendent of public instruction, for a final applicant seeking employment with the school or otherwise providing services to the school, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check.
- (6) For purposes of this subdivision, "unsupervised contact" with students means being in proximity to one or more students, on school grounds or at school functions, outside the presence of an individual who has been subject to a criminal history record check.
- z. The racing commission for applicants for licenses under chapter 53-06.2, except that criminal history record checks need not be made unless required by the commission.
- aa. A district court for a petition to change a name under chapter 32-28.

- bb. The state board of pharmacy for a wholesale drug distributor seeking licensure under chapter 43-15.3.
- cc. The board of dental examiners for investigations of applicants or dentists under section 43-28-11.2, except that criminal history record checks need not be made unless required by the board.
- dd. The department of financial institutions for each applicant for a specified occupation with the department as specified by the commissioner and principal owners and managing officers of applicants for a license from the department of financial institutions.
- ee. The office of tax commissioner for all employees, final applicants for employment with the tax commissioner, and contractors with access to federal tax information.
- ff. The state board of examiners for nursing home administrators for applicants for licensure or licensees under chapter 43-34, except that criminal history record checks for licensees need not be made unless required by the board.
- gg. The marriage and family therapy licensure board for applicants, licensees, or investigations under chapter 43-53, except that criminal history record checks need not be made unless required by the board.
- hh. The state board of chiropractic examiners for applicants, licensees, certificates, or investigations under chapter 43-06, except that criminal history record checks need not be made unless required by the board.
- ii. Workforce safety and insurance for a final applicant for a specified occupation with workforce safety and insurance as designated by the director, or for contractors who may have access to confidential information as designated by the director.
- jj. The board of counselor examiners for applicants for licensure or licensees under chapter 43-47, except that criminal history record checks for licensees need not be made unless required by the board.
- kk. The state board of respiratory care for applicants, licensees, or investigations under chapter 43-42, except that criminal history record checks need not be made unless required by the board.
- ll. The North Dakota real estate appraiser qualifications and ethics board for applicants for permits or registration or permittees, registrants, owners, or controlling persons under chapters 43-23.3 and 43-23.5, except that criminal history record checks for permittees, registrants, owners, or controlling persons need not be made unless required by the board.
- mm. The insurance department for criminal history record checks authorized under chapters 26.1-26 and 26.1-26.8.
- nn. The office of the adjutant general for employees and volunteers working with the recruiting and retention, sexual assault, and youth programs.
- oo. The parks and recreation department for volunteers and final applicants for employment, as determined by the director of the parks and recreation department.
- pp. The North Dakota medical imaging and radiation therapy board of examiners for licensure and licensees under chapter 43-62, except

- that criminal history record checks for licensees need not be made unless required by the board.
- qq. The game and fish department for volunteers and final applicants for employment, as determined by the director of the game and fish department.
 - rr. The North Dakota board of massage for applicants, licensees, or investigations under chapter 43-25.
 - ss. The North Dakota board of physical therapy for physical therapist and physical therapist assistant applicants and for licensees under investigation, except that criminal history record checks need not be made unless required by the board.
 - tt. The department of commerce for volunteers and employees providing services through eligible organizations, as determined by the commissioner of commerce.
 - uu. The state court administrator for a guardian ad litem who provides direct services to youth.
 - vv. The department of environmental quality for a final applicant for a job opening or a current employee with the department; an individual being investigated by the department; or, when requested by the department, an applicant for a radioactive materials license under chapter 23.1-03 or a solid waste permit under chapter 23.1-08.
 - ww. The housing finance agency for criminal history record checks authorized under section 54-17-07.13.
 - xx. The office of state treasurer for each individual who has access to federal tax information.
 - yy. The public service commission for initial applicant licenses under chapter 51-05.1, except that criminal history record checks need not be made unless required by the public service commission.
 - zz. The department of human services for a criminal history record check for a children's advocacy center as authorized under section 50-25.1-11.1.
 - aaa. The state historical society for volunteers and final applicants for employment, except that criminal history record checks need not be made unless requested by the society.
 - bbb. The department of transportation for volunteers and final applicants for employment, as determined by the director of the department of transportation.
 - ccc. The commission on legal counsel for indigents for a volunteer or final applicant for employment, as determined by the director of the commission on legal counsel for indigents.
 - ddd. The board of dietetic practice for applications for licensure or renewal under chapter 43-44, except that criminal history record checks need not be made unless required by the board.
 - eee. The secretary of state for employees with access to personally identifying information of residents or businesses of the state or with access to elections systems that are critical infrastructure under section 44-04-24.
 - fff. The state department of health for applicants for initial licensure for emergency medical services personnel, such as emergency medical

technicians, advanced emergency medical technicians, and paramedics, as required by subdivision d of subsection 3 of section 23-27.1-03.

3. a. The bureau of criminal investigation shall conduct a statewide and nationwide criminal history record check for the purpose of determining eligibility for a concealed weapons license for each applicant for an initial license or the renewal of a concealed weapons license under chapter 62.1-04. The nationwide criminal history record check must include an inquiry of the national instant criminal background check system, and if the applicant is not a United States citizen, an immigration alien query.
- b. Each applicant for a concealed weapons license shall provide to the bureau of criminal investigation written consent to conduct the criminal history record check, to maintain, release, and disclose the information in accordance with state and federal law, and to make a determination on the application; two sets of fingerprints from a law enforcement agency or other individual authorized to take fingerprints; and any other information required under chapter 62.1-04. The person who takes fingerprints under this subsection may charge a reasonable fee for fingerprinting.
- c. The bureau of criminal investigation shall resubmit the fingerprints to the federal bureau of investigation. Except as otherwise provided by law, federal bureau of investigation criminal history record information is confidential.

Criminal history record checks. (Effective after August 31, 2022)

1. a. Each applicant, employee, or petitioner for adoption or name change who is subject to a criminal history record check under subsection 2 shall consent to a statewide and nationwide criminal history record check for the purpose of determining suitability or fitness for a permit, license, registration, employment, or adoption.
- b. Each applicant, employee, registrant, or petitioner for adoption or name change subject to a criminal history record check shall provide to the requesting agency or entity written consent to conduct the check and to release or disclose the information in accordance with state and federal law, two sets of fingerprints from a law enforcement agency or other local agency authorized to take fingerprints, any other identifying information requested, and a statement indicating whether the applicant or employee has ever been convicted of a crime.
- c. The agency, official, or entity shall submit these fingerprints to the bureau of criminal investigation for nationwide criminal history record information that includes resubmission of the fingerprints by the bureau of criminal investigation to the federal bureau of investigation. Except if otherwise provided by law, federal bureau of investigation criminal history record information obtained by an agency or entity is confidential. For a request for nationwide criminal history record information made under this section, the bureau of criminal investigation is the sole source to receive the fingerprint submissions and responses from the federal bureau of investigation. A person who takes fingerprints under this section may charge a reasonable fee to offset the cost of fingerprinting. Unless otherwise provided by law, the bureau of criminal investigation may charge appropriate fees for criminal history information.
- d. Fingerprints and any other identifying information the bureau has obtained under this section may be retained by the bureau and the federal bureau of investigation at the request of the agency, official, or entity submitting the fingerprints and any other identifying

information for a statewide and nationwide criminal history record check. The subject of the records must be provided notice of the retention of the fingerprints and any other identifying information. The bureau may provide to each agency, official, or entity listed in subsection 2 of this section the response of the bureau and the federal bureau of investigation any statewide criminal history record information that may lawfully be made available under this chapter.

- e. The bureau may provide the results of a criminal history background check made under subsection 2 of this section to another state's identification bureau or central repository for the collection, maintenance, and dissemination of criminal history record information when the other state's identification bureau or central repository has requested the results of the criminal history background check and the agency, official, or entity of the other state has equivalent authority to subsection 2 of this section to request a statewide and nationwide criminal history check.
2. The bureau of criminal investigation shall provide to each agency, official, or entity listed in this subsection who has requested a statewide and nationwide criminal history record check, the response of the federal bureau of investigation and any statewide criminal history record information that may lawfully be made available under this chapter:
 - a. The governing body of a city or a county, by ordinance or resolution, for a final applicant for a specified occupation with the city or county.
 - b. The agriculture commissioner for each applicant for a license to grow or process hemp under section 4.1-18.1-02.
 - c. The education standards and practices board for initial, re-entry, and reciprocal teacher licenses under sections 15.1-13-14 and 15.1-13-20 and school guidance and counseling services under section 15.1-13-23.
 - d. The North Dakota board of medicine for licenses or disciplinary investigations under section 43-17-07.1, except that criminal history record checks need not be made unless required by the board.
 - e. The private investigative and security board for licenses or registrations under section 43-30-06.
 - f. The department of health and human services for foster care licenses, approvals, and identified relatives under chapter 50-11, appointments of legal guardians under chapter 50-11.3, and petitions for adoptions under chapter 50-12, except that the criminal history record investigation must be conducted in accordance with those chapters. A criminal history record investigation completed under chapter 50-11, 50-11.3, or 50-12 may be used to satisfy the requirements of a criminal history record investigation under either of the other two chapters.
 - g. The department of health and human services for criminal history record checks authorized under section 50-06-01.9.
 - h. The chief information officer of the information technology department for certain individuals under section 54-59-20.
 - i. A public peace officer training school that has been approved by the peace officer standards and training board for enrollees in the school. The school may only disclose the criminal history record information as authorized by law. The school shall pay the costs for securing the fingerprints, any criminal history record information made available under this chapter, and for the nationwide criminal history record check. This subdivision does not apply to the highway

patrol law enforcement training center and enrollees who have a limited license under section 12-63-09.

- j. The North Dakota public employees retirement board for individuals first employed by the public employees retirement board after July 31, 2005, who have unescorted physical access to the office or any security-sensitive area of the office as designated by the executive director.
- k. The executive director of the retirement and investment office for individuals first employed by the retirement and investment office after July 31, 2005, who have unescorted physical access to the office or any security-sensitive area of the office as designated by the executive director.
- l. The Bank of North Dakota for a final applicant for a specified occupation with the Bank as designated by the president.
- m. Job service North Dakota for all employees, final applicants for employment with job service, and contractors with access to federal tax information.
- n. The department of health and human services for a final applicant for a job opening or a current employee with the department as designated by the state health officer; an individual being investigated by the department; or, when requested by the department, an applicant for registration as a designated caregiver or a compassion center agent under chapter 19-24.1.
- o. The state board of nursing for applicants, licensees, registrants, or disciplinary investigations under chapter 43-12.1, except that criminal history record checks need not be made unless required by the board.
- p. The state board of pharmacy for applicants or disciplinary investigations under chapter 43-15 and registrations, or revocation or suspension of registrations, under chapter 19-03.1, except that criminal history record checks need not be made unless required by the board.
- q. The state real estate commission for applicants, licensees, or investigations under chapter 43-23, except that criminal history record checks need not be made unless required by the commission.
- r. The North Dakota board of social work examiners for applicants for initial licensure or licensees under chapter 43-41, except that criminal history record checks for licensees need not be made unless required by the board.
- s. All agencies, departments, bureaus, boards, commissions, or institutions of the state, including the North Dakota university system, for all employees or final applicants for employment as a security guard or to otherwise provide security.
- t. The office of management and budget for each individual who has access to personal information as designated by the director.
- u. The department of corrections and rehabilitation for all agents and employees and a final applicant for employment designated by the director and for each agent, employee, or a final applicant for employment of a privately operated entity providing contract correctional services for the department who exercises direct authority over juveniles, inmates, probationers, or parolees.

- v. A city, county, or combination of cities or counties that operates a correctional facility subject to chapter 12-44.1, for each agent and employee and a final applicant for employment of the correctional facility who has direct contact with or exercises direct authority over any juvenile or inmate of the correctional facility, and for each agent, employee, or a final applicant for employment of a privately operated entity providing contract correctional services for the correctional facility who exercises direct authority over juveniles, inmates, probationers, or parolees.
- w. The North Dakota university system for a final applicant for or employee in a specified position in the university system or a university system institution or for each student applying for or admitted to a specified program of study, as designated by the chancellor.
- x.
 - (1) The board of a school district, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
 - (2) The board of a multidistrict special education unit, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
 - (3) The board of an area career and technology center, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
 - (4) The board of a regional education association, for employees designated by the board, provided the board is responsible for paying the costs associated with obtaining a criminal history record check; and
 - (5) The superintendent of public instruction in the case of a nonpublic school or a state school with a superintendent appointed by or reporting to the superintendent of public instruction, for employees designated by the nonpublic or state school, provided the nonpublic or state school is responsible for paying the costs associated with obtaining a criminal history record check.
- y.
 - (1) The board of a school district, for a final applicant seeking employment with the district or otherwise providing services to the district, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
 - (2) The board of a multidistrict special education unit, for a final applicant seeking employment with the unit or otherwise providing services to the unit, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
 - (3) The board of an area career and technology center, for a final applicant seeking employment with the center or otherwise providing services to the center, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check;
 - (4) The board of a regional education association, for a final applicant seeking employment with the association or

otherwise providing services to the association if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check; and

- (5) The superintendent of public instruction in the case of a nonpublic school or a state school with a superintendent appointed by or reporting to the superintendent of public instruction, for a final applicant seeking employment with the school or otherwise providing services to the school, if that individual has unsupervised contact with students, provided the board is responsible for paying the costs associated with obtaining a criminal history record check.
 - (6) For purposes of this subdivision, "unsupervised contact" with students means being in proximity to one or more students, on school grounds or at school functions, outside the presence of an individual who has been subject to a criminal history record check.
- z. The racing commission for applicants for licenses under chapter 53-06.2, except that criminal history record checks need not be made unless required by the commission.
 - aa. A district court for a petition to change a name under chapter 32-28.
 - bb. The state board of pharmacy for a wholesale drug distributor seeking licensure under chapter 43-15.3.
 - cc. The board of dental examiners for investigations of applicants or dentists under section 43-28-11.2, except that criminal history record checks need not be made unless required by the board.
 - dd. The department of financial institutions for each applicant for a specified occupation with the department as specified by the commissioner and principal owners and managing officers of applicants for a license from the department of financial institutions.
 - ee. The office of tax commissioner for all employees, final applicants for employment with the tax commissioner, and contractors with access to federal tax information.
 - ff. The state board of examiners for nursing home administrators for applicants for licensure or licensees under chapter 43-34, except that criminal history record checks for licensees need not be made unless required by the board.
 - gg. The marriage and family therapy licensure board for applicants, licensees, or investigations under chapter 43-53, except that criminal history record checks need not be made unless required by the board.
 - hh. The state board of chiropractic examiners for applicants, licensees, certificates, or investigations under chapter 43-06, except that criminal history record checks need not be made unless required by the board.
 - ii. Workforce safety and insurance for a final applicant for a specified occupation with workforce safety and insurance as designated by the director, or for contractors who may have access to confidential information as designated by the director.
 - jj. The board of counselor examiners for applicants for licensure or licensees under chapter 43-47, except that criminal history record

- checks for licensees need not be made unless required by the board.
- kk. The state board of respiratory care for applicants, licensees, or investigations under chapter 43-42, except that criminal history record checks need not be made unless required by the board.
 - ll. The North Dakota real estate appraiser qualifications and ethics board for applicants for permits or registration or permittees, registrants, owners, or controlling persons under chapters 43-23.3 and 43-23.5, except that criminal history record checks for permittees, registrants, owners, or controlling persons need not be made unless required by the board.
 - mm. The insurance department for criminal history record checks authorized under chapters 26.1-26 and 26.1-26.8.
 - nn. The office of the adjutant general for employees and volunteers working with the recruiting and retention, sexual assault, and youth programs.
 - oo. The parks and recreation department for volunteers and final applicants for employment, as determined by the director of the parks and recreation department.
 - pp. The North Dakota medical imaging and radiation therapy board of examiners for licensure and licensees under chapter 43-62, except that criminal history record checks for licensees need not be made unless required by the board.
 - qq. The game and fish department for volunteers and final applicants for employment, as determined by the director of the game and fish department.
 - rr. The North Dakota board of massage for applicants, licensees, or investigations under chapter 43-25.
 - ss. The North Dakota board of physical therapy for physical therapist and physical therapist assistant applicants and for licensees under investigation, except that criminal history record checks need not be made unless required by the board.
 - tt. The department of commerce for volunteers and employees providing services through eligible organizations, as determined by the commissioner of commerce.
 - uu. The state court administrator for a guardian ad litem who provides direct services to youth.
 - vv. The department of environmental quality for a final applicant for a job opening or a current employee with the department; an individual being investigated by the department; or, when requested by the department, an applicant for a radioactive materials license under chapter 23.1-03 or a solid waste permit under chapter 23.1-08.
 - ww. The housing finance agency for criminal history record checks authorized under section 54-17-07.13.
 - xx. The office of state treasurer for each individual who has access to federal tax information.
 - yy. The public service commission for initial applicant licenses under chapter 51-05.1, except that criminal history record checks need not be made unless required by the public service commission.

- zz. The department of health and human services for a criminal history record check for a children's advocacy center as authorized under section 50-25.1-11.1.
 - aaa. The state historical society for volunteers and final applicants for employment, except that criminal history record checks need not be made unless requested by the society.
 - bbb. The department of transportation for volunteers and final applicants for employment, as determined by the director of the department of transportation.
 - ccc. The commission on legal counsel for indigents for a volunteer or final applicant for employment, as determined by the director of the commission on legal counsel for indigents.
 - ddd. The board of dietetic practice for applications for licensure or renewal under chapter 43-44, except that criminal history record checks need not be made unless required by the board.
 - eee. The secretary of state for employees with access to personally identifying information of residents or businesses of the state or with access to elections systems that are critical infrastructure under section 44-04-24.
 - fff. The department of health and human services for applicants for initial licensure for emergency medical services personnel, such as emergency medical technicians, advanced emergency medical technicians, and paramedics, as required by subdivision d of subsection 3 of section 23-27.1-03.
3. a. The bureau of criminal investigation shall conduct a statewide and nationwide criminal history record check for the purpose of determining eligibility for a concealed weapons license for each applicant for an initial license or the renewal of a concealed weapons license under chapter 62.1-04. The nationwide criminal history record check must include an inquiry of the national instant criminal background check system, and if the applicant is not a United States citizen, an immigration alien query.
- b. Each applicant for a concealed weapons license shall provide to the bureau of criminal investigation written consent to conduct the criminal history record check, to maintain, release, and disclose the information in accordance with state and federal law, and to make a determination on the application; two sets of fingerprints from a law enforcement agency or other individual authorized to take fingerprints; and any other information required under chapter 62.1-04. The person who takes fingerprints under this subsection may charge a reasonable fee for fingerprinting.
- c. The bureau of criminal investigation shall resubmit the fingerprints to the federal bureau of investigation. Except as otherwise provided by law, federal bureau of investigation criminal history record information is confidential.

SECTION 2. Section 23-27-06 of the North Dakota Century Code is created and enacted as follows:

23-27-06. Criminal history record check.

The department may require an applicant for emergency medical services personnel licensure to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24. All costs associated with the criminal history record check are the responsibility of the applicant."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2349: Joint Technical Corrections Committee (Rep. Weisz, Co-Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2349 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE BILLS

Reps. Heinert, Bosch, Klemin, Meier, Nehring, Porter and Sens. Bell, Dever, Larson, Poolman introduced:

HB 1515: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an individual income tax credit; to provide an effective date; to provide an expiration date; and to declare an emergency.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

Rep. Bellew introduced:

HB 1516: A BILL for an Act to amend and reenact subsection 4 of section 57-38-01.28 and subdivision t of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the marriage penalty credit and an income tax exclusion for social security benefits; and to provide an effective date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

FIRST READING OF SENATE BILLS

SB 2346: A BILL for an Act to authorize the department of public instruction to withhold state school aid for information technology project upgrades to the state automated reporting system and the statewide longitudinal data system; to provide a statement of legislative intent; and to provide an effective date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

SB 2347: A BILL for an Act to amend and reenact sections 46-02-05, 46-02-06, 46-02-10, 46-02-20, 46-03-18, and 46-03-19 of the North Dakota Century Code, relating to printing legislative materials; and to provide an effective date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

SB 2348: A BILL for an Act to create and enact section 23-27-06 of the North Dakota Century Code, relating to criminal history record checks; to amend and reenact sections 12-60-24 and 50-06-41.3 of the North Dakota Century Code, relating to criminal history records checks and the behavioral health bed management system; and to provide an effective date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

SB 2349: A BILL for an Act to amend and reenact section 48-08-04 of the North Dakota Century Code, relating to the use of legislative assembly rooms; and to provide an effective date.

Was read the first time and referred to the **Joint Technical Corrections Committee**.

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

Buell J. Reich, Chief Clerk

