

VETO MEASURE

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed House Bill 1298 and return it to the House. North Dakota today has a level playing field and fairness in girls' sports. House Bill 1298 purports that this long fairness is in immediate danger. There is no evidence to suggest this is true. North Dakota has fairness in girls' and boys' sports in large part because of the caring and thoughtful leadership of the North Dakota High School Activities Association (NDHSAA) Board and its members. We have every confidence they will continue to ensure a level playing field for the more than 27,000 students who participate in North Dakota high school sports. To date there has not been a single recorded incident of a transgender girl attempting to play on a North Dakota girls' team. Further, the NDHSAA already has regulations in place for participation in sex-separated interscholastic contests by transgender students. These regulations require transgender girls to undergo testosterone suppression treatment for gender transition for a full calendar year before they are eligible to compete in girls' sports. This bill's proposed blanket prohibitions do not extend to students attending tribal or privately funded schools, thereby creating the potential for an unlevel playing field. The most responsive sports governance is the organization closest to the teams and athletes they govern. If a question should arise related to a transgender student and athletic competition, the NDHSAA, parents, child, their health care provider, their school and their coaches are in the best position to manage that unique situation, especially given the child's right to privacy. This bill would unnecessarily inject the state into a local issue by creating a ban with myriad unforeseen consequences. For the reasons stated above, House Bill 1298 is vetoed.

MOTION

REP. LOUSER MOVED that Enrolled HB 1298 be placed on the Eleventh order of business on the calendar for purpose of overriding the Governor's veto pursuant to Article V Section 9 of the Constitution of North Dakota, which motion prevailed on a voice vote.

CONSIDERATION OF VETOED MEASURE

HB 1298: AN ACT to create and enact a new section to chapter 14-02.4 of the North Dakota Century Code, relating to participation in athletic events exclusively for males or females; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, the roll was called and there were 68 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Adams; Anderson, P.; Beltz; Boe; Boschee; Buffalo; Dobervich; Guggisberg; Hager; Hagert; Hanson; Ista; Johnson, M.; Keiser; Martinson; Mitskog; Mock; Nelson, J.; Nelson, M.; O'Brien; Roers Jones; Sanford; Schneider; Schreiber-Beck; Westlind

ABSENT AND NOT VOTING: Ostlie

The House overrode the Governor's veto of HB 1298, as enrolled.

VETO MEASURE

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed House Bill 1323 and return it to the House. North Dakota law assigns the governor the responsibility "to minimize or avert the adverse effects of a disaster or emergency." Likewise, the state health officer is responsible for issuing "any orders relating to disease control measures deemed necessary to prevent the spread of communicable disease." House Bill 1323 would prohibit a statewide elected official or the state health officer from mandating the use of a face mask, face shield or other face covering. To strip future governors and their state health officers of

any low-cost tool that might be used to save lives and livelihoods in a future pandemic or other emergency would be both irresponsible and an unnecessary risk to the future public health and well-being of North Dakota citizens. North Dakota implemented the shortest statewide mask requirement in the country, lasting 65 days. This tool was used briefly and judiciously, in combination with other protocols, at a time when North Dakota's health care facilities and staff were overwhelmed with patients and pandemic-related deaths of North Dakota citizens were peaking. These measures were followed by dramatic reductions in COVID-19 cases and hospitalizations. The current pandemic has painfully demonstrated that viruses do not respect borders and localized protocols may, at peak times, not be adequate to mitigate infection rates and protect our most vulnerable citizens of all ages. The statewide mask requirement was implemented in November only after officials in North Dakota's largest cities had already enacted local mask measures and they, along with an overwhelming majority of our health care leaders, doctors and medical professionals, were requesting a statewide mask requirement to help relieve the immense pressure on our overtaxed hospitals, long-term care facilities and exhausted frontline health care workers, and to slow the spread of COVID-19 and save lives. The statewide mask requirement was lifted on Jan. 18. This bill removes a tool from the emergency toolkit that may be needed to help our state save lives and nimbly navigate future pandemics and their unknowable challenges. For the reasons stated above, House Bill 1323 is vetoed.

MOTION

REP. LOUSER MOVED that Enrolled HB 1323 be placed on the Eleventh order of business on the calendar for purpose of overriding the Governor's veto pursuant to Article V Section 9 of the Constitution of North Dakota, which motion prevailed on a voice vote., which motion prevailed on a voice vote.

CONSIDERATION OF VETOED MEASURE

HB 1323: AN ACT to create and enact a new section to chapter 23-07 of the North Dakota Century Code, relating to limitations on mask wearing requirements.

ROLL CALL

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, the roll was called and there were 66 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Adams; Anderson, P.; Beltz; Boe; Boschee; Buffalo; Dobervich; Guggisberg; Hager; Hagert; Hanson; Ista; Johnson, M.; Karls; Keiser; Klemm; Martinson; Mitskog; Mock; Nelson, J.; Nelson, M.; O'Brien; Roers Jones; Sanford; Schneider; Schreiber-Beck; Trottier

ABSENT AND NOT VOTING: Ostlie

The House overrode the Governor's veto of HB 1323, as enrolled.

MOTION

REP. LOUSER MOVED that Enrolled HB 1378 be placed on the Eleventh order of business on the calendar for purpose of overriding the Governor's veto pursuant to Article V Section 9 of the Constitution of North Dakota, which motion prevailed on a voice vote., which motion prevailed on a voice vote.

CONSIDERATION OF VETOED MEASURE

HB 1378: A BILL for an Act to amend and reenact subsection 1 of section 54-03-02 of the North Dakota Century Code, relating to authority for the legislative assembly to conduct business in December of even-numbered years.