Legislative Council
600 East Boulevard Avenue, Bismarck, ND 58505

LEGISLATIVE MANAGEMENT

Monday, August 17, 2026
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator David Hogue, Chairman, called the meeting to order at 10:01 a.m.

Members present: Senators David Hogue, Brad Bekkedahl, Ryan Braunberger, Kyle Davison, Kathy Hogan, Jerry Klein, Janne Myrdal, Ronald Sorvaag; Representatives Mike Berg, Glenn Bosch, Kathy Frelich, LaurieBeth Hager, Dori Hauck, Zachary Ista,* Mike Lefor, Jonathan Warrey, Robin Weisz

Members absent: None

Others present: Representatives Christina Wolff,* Pat D. Heinert, SuAnn Olson, Dustin McNally,* and Collette Brown; Senators Dean Rummel, Desiree van Oosting, and Michelle Axtman
Aaron Hummel, Attorney General's office
Victoria Christian and Liz Fordahl, Legislative Council
See Appendix A for additional persons present.
**Attended remotely*

It was moved by Senator Myrdal, seconded by Senator Bekkedahl, and carried on a voice vote that the minutes of the January 14, 2026, January 20, 2026, January 27, 2026, and June 11, 2026, meetings be approved as distributed.

LEGISLATIVE MANAGEMENT VACANCY

Chairman Hogue noted there is a vacancy on the Legislative Management as the result of the resignation from the Legislative Assembly of Senator Josh Boschee, which must be filled by the remaining members of the Legislative Management with another Senate member from the minority party.

It was moved by Senator Hogan, seconded by Senator Myrdal, and carried on a voice vote that Senator Ryan Braunberger be selected to fill the vacancy created by the resignation of former Senator Josh Boschee.

APPEAL OF ADMINISTRATIVE RULES COMMITTEE DECISION

Chairman Hogue noted under the administrative rulemaking process in North Dakota Century Code Section 28-32-18, an agency may appeal a decision of the Administrative Rules Committee. He noted the Gaming Commission submitted an appeal of the committee's decision to void a proposed rule relating to poker tournament fees.

Chairman Hogue called on Ms. Liz Fordahl, Counsel, Legislative Council, for a review of the actions of the Administrative Rules Committee. Ms. Fordahl noted the committee determined there was an absence of statutory authority for the Gaming Commission to adopt the proposed rule to increase the maximum entry fee for a poker tournament from $300 to $1,500.

In response to questions from committee members, Ms. Fordahl noted:

- If the Legislative Management takes no action, the voiding of the proposed rule will be upheld.

- In the proposed rule presented to the Administrative Rules Committee, the Gaming Commission listed its statutory authority for the proposed rule and the Attorney General's office approved the proposed rule as to its legality.
- Members of the Administrative Rules Committee expressed concern that the proposed rule would be an expansion of gaming and determined the Gaming Commission lacked the statutory authority to make the proposed amendment increasing poker tournament entry fees from $300 to $1,500.
- Since the adoption of the rule relating to poker tournament entry fees in 1998, the rule was amended to increase fees in 2002, 2004, and 2012, without objection from the Administrative Rules Committee.

Chairman Hogue called on Mr. Jamie McLean, Chairman, Gaming Commission, for comments (Appendix B) regarding the appeal (Appendices C and D).

In response to questions from committee members, Mr. McLean noted:

- It is his opinion and that of the Attorney General's office that the Gaming Commission has statutory authority to set poker tournament entry fees through rulemaking.
- Before the Gaming Commission established a cap on entry fees by rule, there was no limit under law.
- The Gaming Commission was not questioned when the commission adopted a rule capping poker tournament entry fees.
- The Legislative Assembly has the ability to set poker tournament entry fees by statute, but has not chosen to do so.
- Based upon no prior objections regarding rules adjusting the entry fees, the Gaming Commission has continued to adjust the fees.
- The Gaming Commission has not discussed a legal challenge regarding the authority of the Administrative Rules Committee to void the proposed rule.
- He is concerned with the precedent of the Administrative Rules Committee stripping power from an agency that has followed the appropriate process for adopting rules.

Mr. Aaron Hummel, Director, Gaming Division, Attorney General's office, noted entry fees are paid out in prizes. He noted wager amounts on table play are limited by statute.

In response to questions from committee members, Mr. Hummel noted although gaming rules generally originate within the Gaming Division, the proposed change to the poker tournament entry fee rule was brought forward by a citizen because tournaments were losing players to other states that have higher buy-ins.

Mr. Hummel noted Section 53-06.1-07.2 governs poker tournaments and states the sponsoring organization shall charge an entry fee. He noted entry fees have been limited only by the rules of the Gaming Commission.

Committee members noted:

- Because the Legislative Assembly may set or limit the poker tournament entry fee in statute, expansive rulemaking could lead to the Legislative Assembly limiting rulemaking authority through more specific legislation.
- The question of an appropriate entry fee can be addressed in the 2027 legislative session.
- The Administrative Rules Committee serves as a check on executive branch power to prevent executive branch agencies from circumventing the Legislative Assembly through the rulemaking process.
- If the Legislative Management takes no action on the appeal, the proposed rule remains void.

It was moved by Senator Davison, seconded by Senator Bekkedahl, and failed on a roll call vote that the Legislative Management overrule the decision of the Administrative Rules Committee to void the proposed rule relating to an increase in the poker tournament entry fee. Senators Bekkedahl and Davison and Representatives Berg, Hauck, and Weisz voted "aye." Senators Hogue, Braunberger, Hogan, Klein, Myrdal, and Sorvaag and Representatives Bosch, Frelich, Hager, Ista, Lefor, and Warrey voted "nay."

FISCAL IMPACT OF INITIATED MEASURE

Mr. John Bjornson, Director, Legislative Council, reviewed Section 16.1-01-17, which requires the Legislative Council to issue a report regarding the actual fiscal impact of an initiated measure approved by the voters after the close of the first complete fiscal year after the measure became effective. He noted the Secretary of State and Attorney General (Appendices E and F) reported there was no fiscal impact of Constitutional Measure No. 1 (2024 Primary Election), relating to congressional term limits.

Chairman Hogue noted although the measure has not been challenged, the measure is very likely unconstitutional.

BILL AND RESOLUTION DRAFTS SUBMITTED BY LEGISLATORS

Representative Christina Wolff reviewed a bill draft [25.1443.01000] relating to scheduling of kratom synthetic derivatives as a Schedule I controlled substance. She noted she had the bill drafted as an alternative to a total ban on kratom; however, because a working group prepared a similar bill draft she will withdraw her request for introduction of the bill draft.

Representative Pat D. Heinert reviewed a bill draft [25.1453.02000] relating to the regulation of kratom products. He noted:

- Under the bill draft, natural kratom would be legal to purchase and use by individuals over the age of 21, and would be regulated similarly to tobacco.
- The license fee of $10,000 to sell natural kratom would not be considered high due to the cost and large volume of kratom sold.
- The bill draft would prohibit marketing and packaging that would target children and would require dosage information on the label.

Senator Michelle Axtman reviewed a bill draft [25.1431.01000] relating to scheduling of mitragynine synthetic derivatives as a Schedule I controlled substance. She noted:

- This bill draft works with the bill draft presented by Representative Heinert to address natural kratom and synthetic derivatives.
- The penalty structure in the bill draft mirrors that of the regulation of marijuana.

Chairman Hogue requested Ms. Victoria Christian, Counsel, Legislative Council, to review a bill draft [25.1428.01000], requested by Representative Daniel Johnston, relating to regulation of kratom products. Ms. Christian noted the bill draft:

- Designates the Agriculture Commissioner to regulate kratom similar to the regulation of hemp.
- Sets labeling standards for kratom processors and retailers.
- Prohibits the sale of kratom products to individuals under the age of 21.

The committee reviewed a bill draft [25.1422.02000] and testimony (Appendix G) submitted by Senator Sean Cleary relating to public improvement projects.

Chairman Hogue requested Vice Chairman Lefor to assume the position of Chairman.

Senator Hogue reviewed a bill draft [25.1421.02000] relating to an appropriation to the State Historical Society. He noted:

- Legislators have a constitutional duty to protect the interests of the state and should not allow a breach of a $74 million contract to construct a military museum.
- The structure is on state property and is a project approved by the Legislative Assembly.
- Waiting until January to address the problem will cost the state additional funds for insurance and likely will cause damage to the foundation of the structure.
- The appropriation will help avoid additional costs and allow construction to continue.

In response to questions from committee members, Senator Hogue noted:

- Although the State Historical Society will continue to raise funds for the project, there is no guarantee the State Historical Society will be able to raise the remainder of funds as provided in the bill authorizing the project, House Bill 1018 (2025).
- Because the Capitol Grounds Planning Commission includes four members of the Legislative Assembly, there will be legislative oversight of the project.
- If the State Historical Society is able to gather pledges of $12.8 million, it will be able to access the $15 million in funding from the Strategic Investment and Improvements Fund provided for in House Bill 1018.

Senator Hogue returned to the chairmanship.

Representative SuAnn Olson provided written comments (Appendix H) and reviewed a bill draft [25.1429.01000] relating to requiring English to be used for driver's license examinations.

In response to questions from committee members, Representative Olson noted:

- She is unaware of any statistics regarding accidents caused by non-English speaking drivers.
- There does not appear to be data available with respect to the number of driver's license examinations given in languages other than English.

Senator Hogan noted the lack of the ability to drive is the greatest barrier to employment for new Americans. She noted she has seen no evidence that new Americans have a higher rate of automobile accidents.

In response to a question from a committee member, Representative Frelich noted some law enforcement officers are provided training at the School for the Deaf to assist drivers who have hearing impairments. She noted some drivers use a visor card, which also has been used by non-English speaking individuals, to aid law enforcement and avoid the need for an interpreter.

Representative Dustin McNally reviewed a bill draft [25.1424.01000] relating to direct sales of motor vehicles. He noted the bill draft would:

- Acknowledge automobile manufacturers that do not generally use dealerships, like Rivian and Tesla.
- Provide consumers more options to purchase vehicles from manufacturers that sell fewer than 1,000 vehicles per year in the state.

In response to questions from committee members, Representative McNally noted:

- Tesla is involved in a lawsuit with the state related to not being able to engage in vehicle sales in the state and the bill draft likely would resolve the issue.
- Because of the limited scope of the authorization to sell vehicles in the state, most car dealers would not be significantly impacted.

Senator Chuck Walen reviewed a bill draft [25.1438.02000] relating to the right to repair motor vehicles and equipment. He noted:

- A constituent was concerned with the ability of farmers to repair equipment without jeopardizing warranties during harvest season when an authorized dealer is not available to quickly obtain parts and complete repairs.
- The bill draft also would apply to motor vehicles and equipment such as lawnmowers.
- 10 states have similar laws and legislators in another 20 states are considering similar legislation.

Senator Dean Rummel reviewed a bill draft [25.1447.01000] relating to state reimbursement under the primary residence credit. He noted:

- The bill draft would address some unintended consequences resulting from the adoption of House Bill 1626 (2025) during the January special session.
- The software providers working with counties have been unable to program county tax software to address the changes made in House Bill 1626 with respect to the $80 discount, which will cost counties about $13 million.

In response to questions from committee members, Senator Rummel noted:

- If the additional $80 is removed to revert the law to the form in which it was before the adoption of House Bill 1626, the appropriation would not be necessary.
- The issue is largely related to technical problems.

Representative Kathy Frelich submitted written testimony (Appendix I) and reviewed a bill draft [25.1423.02000] relating to township mill levies and the County and Township Infrastructure Fund.

Representative Eric J. Murphy reviewed a bill draft [25.1448.02000] relating to the regulation of the sale of electronic smoking devices. He noted:

- Vapes are a significant problem in schools because the products are replacing cigarettes and are very addictive.
- The country of origin of the electronic products is a concern, with many originating in China. Certain electronic devices in vapes may be able to connect to smartphones.
- A high percentage of vapes sold are not authorized for sale in the United States.

In response to a question from a committee member, Representative Murphy noted stores that sell unauthorized vapes should be subject to steep penalties because a significant amount of money is made selling unauthorized products.

Senator Kathy Hogan submitted written testimony (Appendix J) and reviewed a bill draft [25.1426.02000] relating to an appropriation for Child Care Assistance Program grants.

In response to questions from committee members, Senator Hogan noted:

- The lack of child care assistance grants is causing the number of available child care providers to decrease.
- Although the Legislative Assembly has made major investments in child care, appropriated funds have been depleted.
- State assistance should focus on the lowest income families.
- The State of New Mexico operates a public system for child care.

Chairman Hogue distributed a memorandum entitled *North Dakota Child Care Assistance and Workforce Participation*.

Senator Tim Mathern submitted written testimony (Appendix K) and reviewed a bill draft [24.1452.01000] relating to a moratorium on data centers, a bill draft [25.1425.01000] relating to prohibiting nondisclosure agreements for data centers, and a resolution draft [25.3122.01000] relating to a study of data centers.

In response to questions from committee members, Senator Mathern noted:

- He would support a revision to the bill draft relating to nondisclosure agreements to expand the application beyond data centers to include other types of industrial development.
- The purpose of the bill draft with respect to nondisclosure agreements is to provide clarity because there is no enforcement when open records laws are violated.

Senator Desiree van Oosting reviewed a bill draft [25.1439.01000] relating to data center owner and operator requirements. She noted:

- The bill draft is similar to a bill from Nebraska.
- The industry is new and unique and the state must be prepared to hold the operator of a data center accountable for the closing of a data center and to address concerns with respect to water use and the disposal of materials.

Representative Collette Brown submitted written testimony (Appendix L) and reviewed a bill draft [25.1440.01000] relating to an independent study of prediction markets.

In response to questions from committee members, Representative Brown noted prediction markets are not considered gambling under federal law.

Senator Jeffery J. Magrum submitted written testimony (Appendix M) and reviewed a resolution draft [25.3121.02000] relating to urging the President to grant clemency to Scott Faul and Yorie Kahl.

Representative Ista noted the individuals mentioned in the resolution draft are unrepentant cop killers and the draft should be withdrawn.

It was moved by Representative Ista that the resolution not be recommended for introduction during the special session.

Chairman Hogue ruled the motion out of order.

Representative Roger A. Maki reviewed a resolution draft [25.3123.02000] relating to condemning sanctions against Israel by the Netherlands. He noted the purpose of the resolution draft is to support Israel's right to exist as a legal and free nation.

It was moved by Senator Myrdal, seconded by Representative Lefor, and carried on a roll call vote that the bill draft [25.1431.01000] relating to scheduling mitragynine derivatives as a Schedule I controlled substance be approved for introduction at the special session. Senators Hogue, Bekkedahl, Braunberger, Davison, Hogan, Klein, Myrdal, and Sorvaag and Representatives Berg, Bosch, Frelich, Hager, Hauck, Lefor, Warrey, and Weisz voted "aye." No negative votes were cast.

It was moved by Representative Lefor, seconded by Representative Bosch, and carried on a roll call vote that the bill draft [25.1453.02000] relating to regulation of kratom products be approved for introduction at the special session. Senators Hogue, Bekkedahl, Braunberger, Davison, Hogan, Klein, Myrdal, and Sorvaag and Representatives Berg, Bosch, Frelich, Hager, Hauck, Lefor, Warrey, and Weisz voted "aye." No negative votes were cast.

It was moved by Senator Sorvaag, seconded by Senator Davison, and carried on a roll call vote that the bill draft [25.1421.02000] relating to an appropriation to the State Historical Society be approved for introduction at the special session. Senators Hogue, Bekkedahl, Braunberger, Davison, Hogan, Klein, Myrdal, and Sorvaag and Representatives Berg, Bosch, Hager, Hauck, Lefor, Warrey, and Weisz voted "aye." Representative Frelich voted "nay."

It was moved by Representative Warrey, seconded by Senator Braunberger, and carried on a roll call vote that the bill draft [25.1425.01000] relating to prohibiting nondisclosure agreements be revised to apply to all industrial projects and be approved for introduction at the special session. Senators Hogue, Bekkedahl, Braunberger, Davison, Hogan, Klein, Myrdal, and Sorvaag and Representatives Berg, Bosch, Frelich, Hager, Hauck, Lefor, Warrey, and Weisz voted "aye." No negative votes were cast.

It was moved by Senator Bekkedahl, seconded by Representative Hauck, and carried on a roll call vote that the bill draft [25.1447.01000] relating to state reimbursement under the primary residence credit be revised to remove the appropriation and eliminate the additional $80 credit enacted at the January special session and be approved for introduction at the special session. Senators Hogue, Bekkedahl, Braunberger, Davison, Hogan, Klein, Myrdal, and Sorvaag and Representatives Berg, Bosch, Frelich, Hager, Hauck, Lefor, Warrey, and Weisz voted "aye." No negative votes were cast.

It was moved by Representative Hauck, seconded by Representative Frelich, and failed on a roll call vote that the bill draft [25.1423.02000] relating to township mill levies and the County and Township Infrastructure Fund be approved for introduction at the special session. Senator Myrdal and Representatives Frelich and Hauck voted "aye." Senators Hogue, Bekkedahl, Braunberger, Davison, Hogan, Klein, and Sorvaag and Representatives Berg, Bosch, Hager, Lefor, Warrey, and Weisz voted "nay."

It was moved by Senator Hogan, seconded by Senator Braunberger, and failed on a roll call vote that the bill draft [25.1426.02000] relating to an appropriation for Child Care Assistance Program grants be approved for introduction at the special session. Senators Braunberger, Davison, Hogan, and Sorvaag and Representatives Frelich and Hager voted "aye." Senators Hogue, Bekkedahl, Klein, and Myrdal and Representatives Berg, Bosch, Hauck, Lefor, Warrey, and Weisz voted "nay."

It was moved by Senator Braunberger, seconded by Senator Hogan, and failed on a roll call vote that the bill draft [25.1452.01000] relating to a moratorium on data centers be approved for introduction at the special session. Senators Braunberger and Hogan and Representatives Frelich and Hager voted "aye." Senators Hogue, Bekkedahl, Davison, Klein, Myrdal, and Sorvaag and Representatives Berg, Bosch, Hauck, Lefor, Warrey, and Weisz voted "nay."

It was moved by Representative Frelich that the bill draft [25.1429.01000] relating to requiring English be used for driver's license examinations be approved for introduction at the special session. The motion failed for lack of a second.

It was moved by Senator Hogan, seconded by Senator Braunberger, and failed on a roll call vote that the resolution draft [25.3122.01000] relating to a study of data centers be approved for introduction at the special session. Senator Braunberger and Representative Hager voted "aye." Senators Hogue, Bekkedahl, Davison, Hogan, Klein, Myrdal, and Sorvaag and Representatives Berg, Bosch, Frelich, Hauck, Lefor, Warrey, and Weisz voted "nay."

SPECIAL SESSION RULES AND AGENDA

At the request of Chairman Hogue, Ms. Emily Thompson, Legal Division Director, Legislative Council, reviewed proposed rules amendments, House and Joint Rules [25.9581.01000] and Senate and Joint Rules [25.9584.01000], for the special session. Ms. Thompson noted the rules are essentially the same as the rules adopted for use in the January special session.

It was moved by Senator Myrdal, seconded by Senator Klein, and carried on a voice vote that the proposed rules amendments for the special session be approved for submission to the House and Senate Rules Committees.

It was moved by Representative Lefor, seconded by Representative Weisz, and carried on a voice vote that the members to be appointed to the special session Joint Policy Committee act as an ad hoc committee to receive public input before the convening of the special session.

Ms. Thompson reviewed a proposed agenda for the House and Senate for the 1st day of the special session.

It was moved by Senator Klein, seconded by Representative Bosch, and carried on a voice vote that the proposed agendas for the 1st day of the special session be approved.

No further business appearing, Chairman Hogue adjourned the meeting at 5:03 p.m.

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John Bjornson
Director

ATTACH:13