

JOURNAL OF THE HOUSE - SPECIAL SESSION**Sixty-ninth Legislative Assembly**

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Bismarck, September 2, 2026

The House convened at 8:30 a.m., with Speaker Weisz presiding.

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

COMMUNICATION FROM SECRETARY OF STATE MICHAEL HOWE

I hereby certify that I have attached a true and correct copy of Executive Order 2026-04, executed by Governor Kelly Armstrong on August 3, 2026, in which he convenes the North Dakota Legislative Assembly into special session on Wednesday, September 2, 2026.

I hereby certify the attached is a true and correct listing of State Representatives who were issued Certificates of Election by the State Canvassing Board prior to the beginning of their terms of office and who continue to serve in the respective legislative district to which they were elected.

I hereby certify the attached is a true and correct listing that contains the names of the State Representatives to whom I issued a Certificate of Appointment in accordance with Section 44-02-03.1 of the North Dakota Century Code to fill a vacancy in their respective district.

IN TESTIMONY WHEREOF, I have set my hand and affixed the Great Seal of the State of North Dakota at the Capitol in the City of Bismarck on this date.

**69th Legislative Assembly of the State of North Dakota
Members of the House of Representatives
September 2, 2026**

MEMBER	DISTRICT NUMBER
Patrick Hatlestad	1
David Richter	1
Bert Anderson	2
Donald Longmuir	2
Jeff Hoverson	3
Lori VanWinkle	3
Lisa Finley-DeVile	4A
Clayton Fegley	4B
Jay Fisher	5
Scott Louser	5
Dick Anderson	6
Dan Vollmer	6
Jason Dockter	7
Matthew Heilman	7
SuAnn Olson	8
Mike Berg	8
Colette Brown	9
Jayme Davis	9
Steve Swiontek	10
Jared Hendrix	10
Adam Goldwyn	11
Gretchen Dobervich	11
Mitch Ostlie	12
Bernie Satrom	12
Jim Jonas	13
Austen Schauer	13
Jon Nelson	14
Robin Weisz	14
Kathy Frelich	15

MEMBER	DISTRICT NUMBER
Donna Henderson	15
Ben Koppelman	16
Andrew Marschall	16
Landon Bahl	17
Mark Sanford	17
Steve Vetter	18
Nels Christianson	18
Karen Anderson	19
David Monson	19
Mike Beltz	20
Dave Rustebakke	20
LaurieBeth Hager	21
Mary Schneider	21
Brandy Pyle	22
Jonathan Warrey	22
Nico Rios	23
Dennis Nehring	23
Dwight Kiefert	24
Daniel Johnston	24
Kathy Skroch	25
Alisa Mitskog	25
Kelby Timmons	26
Roger Maki	26
Timothy Brown Jr	27
Greg Stemen	27
Mike Brandenburg	28
Jim Grueneich	28
Craig Headland	29
Don Vigesaa	29
Glenn Bosch	30
Mike Nathe	30
Dawson Holle	31
Karen Rohr	31
Pat Heinert	32
Lisa Meier	32
Anna Novak	33
Bill Tveit	33
Todd Porter	34
Nathan Toman	34
Karen Karls	35
Bob Martinson	35
Dori Hauck	36
Ty Dressler	36
Mike Lefor	37
Vicky Steiner	37
Dan Ruby	38
Christina Wolff	38
Keith Kempenich	39
Mike Schatz	39
Macy Bolinske	40
Matthew Ruby	40
Jorin Johnson	41
Karen Grindberg	41
Dustin McNally	42
Doug Osowski	42
Zachary Ista	43
Eric Murphy	43
Karla Hanson	44
Austin Foss	44
Carrie McLeod	45
Scott Wagner	45
Jim Kasper	46
Desiree Morton	46
Lawrence Klemin	47

MEMBER

Michael Motschenbacher

DISTRICT NUMBER

47

EXECUTIVE ORDER 2026-04

WHEREAS, kratom, scientific name *Mitragyna speciosa*, is a plant found in southeast Asia that is marketed in North Dakota, despite having no approved uses; and,

WHEREAS, kratom products are widely available at retail stores throughout the state of North Dakota without age restriction or regulation; and,

WHEREAS, kratom leaves contain two major psychoactive ingredients, mitragynine and 7-hydroxymitragynine (7-OH); and,

WHEREAS, the effects of kratom depend on dose, with low doses having stimulant-like effects and high doses having opiate-like effects; and,

WHEREAS, the U.S. Food and Drug Administration (FDA) has warned consumers not to use kratom because of serious adverse events, including liver toxicity, seizures, and substance use disorder (SUD); and,

WHEREAS, the FDA is also aware of cases involving neonatal abstinence syndrome, in which newborns experienced withdrawal signs such as jitteriness, irritability, and muscle stiffness following prolonged exposure to kratom prior to birth; and,

WHEREAS, since 2019, 50 reported deaths in North Dakota have been associated with kratom, including 23 cases where kratom, 7-OH and/or another kratom derivative, pseudoindoxyl mitragynine, were part of the primary cause of death; and,

WHEREAS, the U.S. Drug Enforcement Administration (DEA) has designated kratom as a drug and chemical of concern; and,

WHEREAS, the DEA has filed its intent to temporarily place 7-OH and three related substances into Schedule 1 of the Controlled Substances Act on or after Aug. 5, 2026, to avoid an imminent hazard to public safety, and the temporary scheduling order will remain in effect for two years, with a possible extension of an additional year; and,

WHEREAS, the North Dakota Board of Pharmacy has issued an emergency rule to classify 7-OH as a Schedule 1 controlled substance to mitigate the immediate public health hazard posed by that substance and to be aligned with federal law; and,

WHEREAS, many kratom products currently available in North Dakota will not be affected by classifying 7-OH as a Schedule 1 controlled substance; and,

WHEREAS, lower dose kratom products still pose risks of toxicity, seizures, and SUD, and have been a contributing factor in deaths in North Dakota; and,

WHEREAS, kratom remains a high-risk substance with public health officials and providers across North Dakota reporting an increase in mental health and public health symptoms associated with kratom usage; and,

WHEREAS, executive orders declaring public health emergencies and administrative emergency rules are intended to serve as immediate, temporary protections, as the long-term enactment of statutory prohibitions, criminal penalties, and regulatory frameworks properly rests with the Legislative Assembly.

NOW, THEREFORE, Kelly Armstrong, as Governor of North Dakota, by virtue of the authority vested in Article V, Section 1 and Section 7 of North Dakota Constitution and Section 37-17.1-05, North Dakota Century Code, in an effort to limit the fatal overdoses and imminent public health threat caused by kratom, mitragynine, and 7-OH within the entire State:

1. Hereby orders:

- a. That a state of emergency for the state of North Dakota in response to the public health crisis resulting from the sale, possession, and use of kratom, mitragynine, and 7-OH, and products including the same, is declared in order to assist the state,

- as well as local and tribal communities and officials; to prevent overdoses and save lives; and to implement appropriate enforcement action and mitigation measures.
- b. Effective at 5:00 p.m. on August 5, 2026, a person may not knowingly or intentionally create, manufacture, deliver, distribute, sell, purchase, or possess kratom or a kratom product.
 - c. As used in this Executive Order:
 - i. "Kratom" means any part of the *mitragyna speciosa* plant containing the alkaloids mitragynine or 7-hydroxymitragynine; any substance or compound obtained by extraction of the *mitragyna speciosa* leaf; any alkaloid or alkaloid derivative that has been created by chemical synthesis or biosynthetic means that synthetically alters the composition of any kratom alkaloid or alkaloid derivative; any derivative, analog, or other preparation of kratom; and any derivative, analog, or other preparation thereof that is substantially chemically equivalent or identical to kratom.
 - ii. "Kratom product" means a food, dietary supplement, or beverage, or a food or dietary ingredient intended for human consumption, that contains kratom and is manufactured or served in an edible form, including a pill, powder, capsule, beverage, or liquid.
 - d. This prohibition is not intended to substantially burden a person's exercise of religion as prohibited by N.D.C.C. § 37-17.1-05(10).
 - e. This prohibition and public health emergency remains in effect until rescinded or until such time as the conditions of N.D.C.C. § 37-17.1-05(3)(b) or (c) have been met.
 - f. Any person who willfully violates this prohibition is guilty of an infraction under N.D.C.C. § 37-17.1-05(8).
2. Hereby convenes a special session of the North Dakota Legislative Assembly on September 2, 2026, in the legislative chambers at the State Capitol in Bismarck, North Dakota. The special session of the Legislative Assembly is convened to consider and enact a statutory framework to regulate or prohibit the creation, manufacture, delivery, distribution, sale, purchase, possession, and mislabeling of kratom and kratom products, including the establishment of appropriate criminal penalties. This Executive Order is issued based upon the following authority:
- a. The Governor is vested with the executive authority pursuant to Article V, Sections 1 and 7 of the North Dakota Constitution;
 - b. The Governor is vested with statutory authority to issue executive orders to minimize or avert the effects of a public health emergency pursuant to N.D.C.C. ch. 37-17.1;
 - c. A coordinated and effective effort of state agencies is required to address the impact of emergencies in this state; and
 - d. This executive order specifically addresses the mitigation of the declared public health emergency, as required by N.D.C.C. § 37-17.1-05(7).

Executed at Bismarck, North Dakota, this 3rd day of August, 2026.

OATH OF OFFICE

SPEAKER WEISZ ADMINISTERED the Oath of Office to Rep. Rustebakke from District 20 and Rep. Goldwyn from District 11.

ROLL CALL

The roll was called and all members were present except Representative Ostlie.

A quorum was declared by the Speaker.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural **Rules Committee (Rep. Jonas, Chairman)**

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 329 is amended as follows:

329. Measures referred to the Joint Appropriations Committee.

- 1. ~~Every bill providing an appropriation of one hundred thousand dollars or more must be referred or rereferred to and acted on by the Appropriations Committee before final action by the House thereon, unless~~Unless otherwise ordered by a majority vote of the members present:
- 2. before final action by the House, the following must be referred or rereferred to and acted on by the Joint Appropriations Committee:
 - a. Every bill approved for introduction by a two-thirds vote of the members of the House present and voting which provides an appropriation of one hundred thousand dollars or more or resolution with~~has~~ a fiscal note stating the measure has an effect of two hundred thousand dollars or more on the appropriation for a state agency or department must be rereferred to and acted on by the Appropriations Committee before final action by the House thereon, unless otherwise ordered by a majority vote of the members present; and
 - b. Every bill amended to include an appropriation of one hundred thousand dollars or more or amended in a manner that results in a fiscal note stating the measure has an effect of two hundred thousand dollars or more on the appropriation for a state agency or institution.
- 3.2. A bill or resolution required to be referred or rereferred to the Joint Appropriations Committee which received a do not pass recommendation from committee and which then is passed by the House is deemed reconsidered and must be referred to and acted upon by the Joint Appropriations Committee if that measure has not been referred or rereferred to the Joint Appropriations Committee before passage. The Joint Appropriations Committee shall report the measure back to the House for action in accordance with these rules.
- 4. ~~Except for bills approved for introduction after the deadline for introduction of bills, all House bills required to be rereferred to the Appropriations Committee must be rereferred not later than the twenty-third legislative day and all Senate bills required to be rereferred to the Appropriations Committee must be rereferred not later than the fifty-fifth legislative day. If an appropriation bill is not reported to the floor and~~

~~rereferred as required herein, the bill is deemed rereferred and is under the jurisdiction of the Appropriations Committee at the end of the twenty-third or fifty-fifth legislative day, as appropriate.~~

SECTION 3. 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 4. 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. ~~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.~~
2. 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 5. 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 6. AMENDMENT. House Rule 402 is amended as follows:

402. When introduced.

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~~A bill or resolution may be introduced after the eighth legislative day, and no resolution, except those resolutions described in subsection 3, may be introduced after the sixteenth legislative day, ~~except only~~ upon approval of a majority of the ~~Delayed Bills Committee~~Legislative Management or upon two-thirds vote of the members of the House present and voting.
2. ~~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 before Thanksgiving Day in even-numbered years, except upon approval of a majority of the Delayed Bills Committee.~~
3. ~~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 twenty-seventh legislative day.~~

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

501. ~~Standing~~Procedural and 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~~committee members to the Joint Policy Committee under Joint Rule 304 and may appoint replacement members to any committee in the event of an absence.
2. ~~The five-day standing committee is Appropriations: (23 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, each with up to 14 members, are:~~
 - a. ~~Education:~~
~~Public Schools; Libraries; Institutions of Higher Learning.~~
 - b. ~~Finance and Taxation:~~

~~Public Debt; Taxes and Tax Laws.~~

c. ~~Human Services:~~

~~Human Services; Public Health; Public Safety.~~

d. ~~Industry, Business and Labor:~~

~~Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; Workers' Compensation; Unemployment Compensation; Labor Laws and kindred subjects.~~

e. ~~Judiciary:~~

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

4. ~~The two-day standing committees, each with up to 14 members, are:~~

a. ~~Agriculture:~~

~~Agriculture; Livestock; Drainage and Irrigation; Warehouse and Grain Grading.~~

b. ~~Energy and Natural Resources:~~

~~Game and Fish; Public Lands; Mines and Mining; Gas and Oil; Forestry.~~

c. ~~Government and Veterans Affairs:~~

~~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:~~

~~Cities; Counties; Townships; Park Districts; Apportionment.~~

e. ~~Transportation:~~

~~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. d. ~~Rules, to consist of seven members.~~

SECTION 8. 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 9. 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 Joint 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~~ practicable, the Chief Clerk shall ensure that the daily calendar contains appropriate notation of committee reports.

SECTION 10. AMENDMENT. Joint Rule 202 is amended as follows:

202. Receding before conference. Either house may recede from any subject matter of difference existing between the two houses at any time before a conference whether the papers on which the difference has arisen are before the house receding formally or informally, and a majority of the members-elect governs, except in a case where two-thirds of the members-elect is required by the Constitution, and the question having been put and lost, may ~~not~~ be again put the same day, and the consideration thereof in other respects is regulated by the rules of the respective houses.

SECTION 11. AMENDMENT. Joint Rule 207 is amended as follows:

207. Consideration of items on consent calendar.

1. ~~No item on the consent calendar may be considered for adoption on the same legislative day it is placed on the consent calendar.~~
2. Bills or resolutions on the consent calendar are not debatable, except that the presiding officer shall allow a reasonable time for questions from the floor and shall permit the proponents of the bills or resolutions to answer the questions.
- ~~3-2.~~ The question of the final passage of more than one item contained on the consent calendar may be voted on in a single vote if the vote is on either bills or resolutions and not on any combination thereof in the same vote.
- ~~4-3.~~ Immediately before voting on the first consent calendar bills or resolutions, the presiding officer shall call to the attention of the members the fact that the next vote will be the vote on the bills or resolutions on the consent calendar. A recorded roll call vote is necessary on items on the consent calendar only if a recorded roll call vote is required under Senate or House Rule 341.

SECTION 12. AMENDMENT. Joint Rule 208 is amended as follows:

208. Introduction of executive agency and Supreme Court bills.

1. Each executive agency and the Supreme Court shall file with the Legislative Council those bills, other than bills making appropriations, ~~they wish~~the agency or Supreme Court wishes to have introduced no later than the close of business on the day ~~after the adjournment of the organizational session~~before Thanksgiving in even-numbered years.
2. Each filed bill is deemed introduced by the standing committee of the House or Senate with general jurisdiction over the subject matter of the bill; ~~but, However,~~ if the filing entity receives the approval of a legislator to sponsor the bill, that bill is ~~to~~must be introduced by the legislator rather than by the standing committee. A bill sponsored by a legislator may not have more sponsors than ~~the number~~allowed/permitted under Senate and House Rules 401. The
3. ~~As required under North Dakota Century Code Section 54-44.1-07, the director of the budget, the Supreme Court, and the Legislative Council shall deliver to the Legislative Council bill drafts making appropriations to implement the budget recommended by the Governor no later than the close of business on the seventh day after the adjournment of the organizational session, as required by North Dakota Century Code Section 54-44.1-07; however, those~~ The bill drafts are not deemed ~~to be~~ introduced but must be provided to the appropriations committees and printed in the journals of the Senate and House of Representatives.
4. The Legislative Council shall number and deliver bills introduced under this rule to the appropriate house for recording. Each bill introduced under this rule must ~~be identified by noting~~identify the name of the agency or the court under the name of the sponsoring committee or legislator. The identification of a bill introduced by a standing committee may include the names of not more than five entities authorized to file bills under this rule.

SECTION 13. Joint Rule 303 is created as follows:**303. Joint Appropriations Committee.**

1. A Joint Appropriations Committee must be appointed during a special session.
2. The committee consists of thirty-nine members, the twenty-three members from the House who served on the Appropriations Committee during the most recent legislative session and the sixteen members from the Senate who served on the Appropriations Committee during the most recent legislative session. In the event a member who served on the Appropriations Committee during the most recent legislative session is no longer a member of the Legislative Assembly, the respective house's Majority Leader may appoint a substitute member to serve on the committee. The first-named member from each house is co-chairman of the committee.
3. The presiding officer shall refer to the committee all bills and resolutions that serve primarily to provide an appropriation. The committee shall meet at the call of the co-chairmen. For each bill under consideration by the committee, the co-chairman from the house of introduction of the bill shall preside. Members of the committee are excused from attending a meeting of any other committee while the members are attending a meeting of the Joint Appropriations Committee.
4. The committee shall issue joint reports on the measures referred to it, with a report first being presented to the house having possession of the measure, and later presented to the other house if appropriate. A majority of each house's committee members must approve a recommendation before the committee may issue a joint report.
5. If there is a successful division or floor amendment in the house of introduction after the joint report is reported out of the joint committee, a bill messaged to the second house must be rereferred to the joint committee by the second house.

SECTION 14. Joint Rule 304 is created as follows:

304. Joint Policy Committee.

1. A Joint Policy Committee must be appointed during a special session.
2. The committee consists of eighteen members, ten from the House and eight from the Senate, appointed by the Majority Leader in each house. The first-named member from each house is co-chairman of the committee.
3. The presiding officer shall refer all bills and resolutions not referred to the Joint Appropriations Committee to the Joint Policy Committee. The committee shall meet at the call of the co-chairmen. For each bill under consideration by the committee, the co-chairman from the house of introduction of the bill shall preside. Members of the committee are excused from attending a meeting of any other committee while the members are attending a meeting of the Joint Policy Committee.
4. The committee shall issue joint reports on the measures referred to it, with a report first being presented to the house having possession of the measure, and later presented to the other house if appropriate. A majority of each house's committee members must approve a recommendation before the committee may issue a joint report.
5. If there is a successful division or floor amendment in the house of introduction after the joint report is reported out of the joint committee, a bill messaged to the second house must be rereferred to the joint committee by the second house.

SECTION 15. Joint Rule 305 is created as follows:

305. Remote testimony and participation. The Joint Appropriations Committee and the Joint Policy Committee shall allow remote testimony during committee meetings. Committee members may participate remotely upon approval from the Majority Leader of the Senate or the Speaker of the House.

SECTION 16. AMENDMENT. Subsection 4 of Joint Rule 501 is amended as follows:

4. a. The agency or department preparing the fiscal note for a bill or resolution as introduced shall complete and return the fiscal note to the Legislative Council not later than ~~five days~~one day from the date of the request. The agency or department preparing the fiscal note for an amended bill or resolution shall complete and return the fiscal note to the Legislative Council not later than one day from the date of the request.
- b. The Legislative Council shall provide an electronic copy of the fiscal note to the Office of Management and Budget and the Governor. The Legislative Council shall make an electronic or paper copy of the fiscal note available to the Secretary of the Senate or the Chief Clerk of the House.

SECTION 17. SUSPENSION. House Rules 338, 403, 502, and 509 are suspended.

SECTION 18. EFFECTIVE DATE. The amendment to Joint Rule 208, in Section 12 of this rules amendment, becomes effective upon the conclusion of the 69th special session of the Legislative Assembly, convening on September 2, 2026.

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

MOTION

REP. ISTA MOVED the introduction of LC number 25.1426.02000, relating to an appropriation to the department of health and human services for child care assistance program grants, and to provide an effective date.

ROLL CALL

The question being on the motion on the introduction of LC number 25.1426.02000, relating to an appropriation to the department of health and human services for child care assistance program grants, and to provide an effective date, the roll was called and there were 21 YEAS, 72 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING.

YEAS: Anderson, K.; Brown, C.; Davis; Dobervich; Finley-DeVile; Foss; Frellich; Goldwyn; Hager; Hanson; Hatlestad; Ista; McLeod; McNally; Mitskog; Murphy; Rios; Schauer; Schneider; Skroch; Wagner

NAYS: Anderson, B.; Anderson, D.; Bahl; Beltz; Berg; Bolinske; Bosch; Brandenburg; Brown, T.; Christianson; Dockter; Dressler; Fegley; Fisher; Grindberg; Grueneich; Hauck; Headland; Heilman; Heinert; Henderson; Hendrix; Holle; Hoverson; Johnson, J.; Johnston, D.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Lefor; Longmuir; Louser; Maki; Marschall; Martinson; Meier; Monson; Morton; Motschenbacher; Nathe; Nehring; Nelson; Novak; Olson; Osowski; Porter; Pyle; Richter; Rohr; Ruby, D.; Ruby, M.; Rustebakke; Sanford; Satrom; Schatz; Steiner; Stemen; Swiontek; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Vollmer; Warrey; Weisz; Wolff

ABSENT OR EXCUSED AND NOT VOTING: Ostlie

The motion on the introduction of LC number 25.1426.02000, relating to an appropriation to the department of health and human services for child care assistance program grants, and to provide an effective date failed.

MOTION

REP. DOBERVICH MOVED the introduction of LC number 25.1452.01000, relating to a moratorium on issuing data center permits.

ROLL CALL

The question being on the motion on the introduction of LC number 25.1452.01000, relating to a moratorium on issuing data center permits, the roll was called and there were 25 YEAS, 68 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING.

YEAS: Brown, C.; Davis; Dobervich; Finley-DeVile; Foss; Goldwyn; Hager; Hanson; Heilman; Henderson; Hendrix; Holle; Hoverson; Ista; Johnson, J.; Johnston, D.; Mitskog; Morton; Olson; Osowski; Rios; Rohr; Schneider; Tveit; VanWinkle

NAYS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Beltz; Berg; Bolinske; Bosch; Brandenburg; Brown, T.; Christianson; Dockter; Dressler; Fegley; Fisher; Frellich; Grindberg; Grueneich; Hatlestad; Hauck; Headland; Heinert; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Lefor; Longmuir; Louser; Maki; Marschall; Martinson; McLeod; McNally; Meier; Monson; Motschenbacher; Murphy; Nathe; Nehring; Nelson; Novak; Porter; Pyle; Richter; Ruby, D.; Ruby, M.; Rustebakke; Sanford; Satrom; Schatz; Schauer; Skroch; Steiner; Stemen; Swiontek; Timmons; Toman; Vetter; Vigesaa; Vollmer; Wagner; Warrey; Weisz; Wolff

ABSENT OR EXCUSED AND NOT VOTING: Ostlie

The motion on the introduction of LC number 25.1452.01000, relating to a moratorium on issuing data center permits failed.

MOTION

SPEAKER WEISZ ANNOUNCED that the House will stand in recess until 10:00 a.m.

THE HOUSE RECONVENED in Joint Session, with Speaker Weisz presiding.

MOTION

REP. BOSCH MOVED that a committee of two be appointed to escort the Honorable Lt. Governor Michelle Strinden to the rostrum, which motion prevailed on a voice vote.

SPEAKER WEISZ APPOINTED Representative Dockter and Senator Klein to the escort committee.

MOTION

REP. BOSCH MOVED that a committee of four be appointed to escort the Honorable Kelly Armstrong, Governor, to the podium and First Lady Kjersti Armstrong to a reserved seat in the chamber and that Governor Armstrong's remarks as submitted to the front desk, be printed in the journal, which motion prevailed on a voice vote.

SPEAKER WEISZ APPOINTED Representatives Lefor and Ista and Senators Hogue and Hogan to the escort committee.

SPECIAL LEGISLATIVE SESSION ADDRESS
The Honorable Kelly Armstrong
Governor of the State of North Dakota
September 2, 2026

Good morning. First Lady Kjersti, Lieutenant Governor Strinden, Justices of the North Dakota Supreme Court, Mr. Speaker, legislators, elected officials, tribal leaders, family and friends, and fellow citizens. Thank you for joining us today, and welcome.

It is my constitutional duty and great honor to address this special session of the 69th Legislative Assembly.

Calling a special session is not a decision I take lightly. And I recognize the timing of this session is less than ideal, with harvest underway, school starting and the Labor Day Weekend ahead.

However, as I said one month ago when we announced this special session, we are here to address a public safety and a public health issue that simply cannot wait for the regular legislative calendar to run its course.

People were overdosing and dying from a product they could buy off the shelf without any regulations or age restrictions. That's why we took it off the shelves until you all could convene.

I know you have a lot of work to do, and I promise to be brief. But for context, it's worth revisiting what drove the timing of this special session.

On July 1st, the DEA notified us of its intent to classify powerful synthetic kratom products as Schedule 1 narcotics as early as August 5th. That would put these opioid-like substances on the same schedule with LSD and heroin – drugs with a high potential for abuse and no legitimate medical use.

The DEA's notice prompted the North Dakota Board of Pharmacy to approach our office about approving an emergency order to add synthetic kratom to North Dakota's Schedule 1 list to align with the federal action.

From my time as an attorney and in the state Senate, I know that scheduling a drug in an emergency rule does not magically create enforcement authority in state law for local police. That needs to happen through the legislative process. It would have been irresponsible of me to sign a pharmaceutical order and then not give law enforcement, retailers and communities the ability to enforce that order.

So, that's Step 1 of what I'm asking you to do this week: Ban the sale, possession and distribution of synthetic kratom by adding it to the Schedule 1 list in state law, clarify the authority to enforce that ban, and set reasonable criminal penalties for the purchase and sale of all synthetic kratom.

On August 26th, the DEA implemented a two-year ban on three potent opioid compounds that are chemically related to 7-OH, which is one of the two psychoactive alkaloids found naturally in kratom. These three compounds are commonly known as pseudo, MGM-15 and MGM-16. They're sold under brand names like Kama, Hydroxie, Fruity Perks and Happie Tabs.

I'm not an expert on these substances, but the folks at the DEA are. And here's what they had to say about them.

Quote: "They are easily purchased on the internet, as well as in gas stations, corner shops, and vape shops. These products are available in consumer-friendly forms, including flavored chewable tablets, which increases their appeal to a broader demographic."

"Also, the aggressive marketing of these semisynthetic opioids as 'precision-formulated products,' 'botanical extracts,' or as 'mood boosters' for the treatment of health conditions is

deeply concerning. The branding creates a false sense of safety for unknowing consumers who may equate the term 'botanical' with lower risk."

"Furthermore, there is a paucity of data on quality control or standardized dosage available for these products, making their use especially dangerous." End quote.

As for 7-OH itself, the DEA's stated intent is to ban it at any level above the trace amount that occurs naturally in the kratom leaf. Last week, the public comment period on that proposed rule was extended until Sept. 10.

Which brings me to the second step I'm asking you to take, and that's to ban kratom in all its forms, as several other states have done and as recommended by public health officials and our state's top law enforcement officer, Attorney General Drew Wrigley, who has provided valuable leadership and guidance on this issue.

I'm not interested in anecdotal "wonder drug" testimonials. I'm interested in verifiable data, and the problem with this product is there is none.

Kratom is not regulated by the FDA. It is not regulated by the USDA. The synthetics are now regulated by the DEA. But that doesn't mean natural kratom is A-OK.

Because the fact is, it's still completely unregulated. The consumer can never be 100% certain that what's on the label is what's in the bottle. If you find that unnerving, that's the correct reaction.

What the U.S. Food and Drug Administration has said about kratom is this: Quote, "FDA continues to warn consumers not to use kratom because of the risk of serious adverse events, including liver toxicity, seizures, and substance use disorder." End quote.

At the very least, we should have a 21-and-older age restriction on purchasing kratom, and a truth-in-labeling law so consumers actually know what they're taking.

But how would that even work? Who is going to test the products to ensure that 7-OH levels aren't too high and that they are not laced with synthetics? The state certainly does not have that capacity. And I don't think anyone in this room wants to spend the money to add a separate testing program and staff for a product that is packaged out-of-state or overseas with little to no regulatory oversight and far outside the jurisdiction of North Dakota law enforcement.

What we're left with is the kratom industry to police itself. Name me another psychotropic substance where we allow that to happen. You can't.

No, the correct answer also happens to be the simplest one: Ban kratom and kratom products all together, just as Alabama, Arkansas, Connecticut, Indiana, Kansas, Louisiana, Tennessee, Vermont and Wisconsin have already done.

We empathize with those addicted to these products, because we know the road to recovery is never easy.

Our Behavioral Health Division has an entire page of addiction recovery resources available at hhs.nd.gov, and we have eight state-operated Behavioral Health Clinics across the state whose locations also are on the website, along with a directory of local treatment providers.

Our four largest cities have opioid treatment programs with experience in treating kratom addiction and withdrawal. And counselors are always available at the 9-8-8 hotline for those experiencing a behavioral health crisis.

The task ahead of you is challenging and deserves your full attention. Getting the criminal policy correct on this is especially important – I don't want to make someone a felon in September for something they could buy legally over the counter in July.

Also, I am aware of the risk of calling a special session in September of an election year. There will be some who cannot resist the urge for political grandstanding.

My unsolicited advice is this: If whatever political statement you are trying to make does not

involve preventing people from overdosing on an over-the-counter drug that you can buy without an ID, you're probably on the wrong side of said political issue.

Others may still ask: Why not wait four months until regular session? Because the risk is that it's not four months – it's almost a year. Regular session convenes in January, and unless non-budget bills get an emergency clause – which requires a two-thirds vote in both chambers, no small hurdle – the bill doesn't take effect until August 1st of 2027.

We cannot wait that long to provide certainty and address this health risk. Our law enforcement, our retailers, and most of all our citizens deserve clarity.

Thank you for giving this subject the serious attention it demands. I look forward to signing legislation that provides clarity and protects the health and well-being of the citizens of North Dakota.

God bless you, God bless the great State of North Dakota, and God bless the United States of America.

MOTION

SPEAKER WEISZ ANNOUNCED that the Joint Session is now dissolved and the House and Senate will stand in recess until 4:00 p.m.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Weisz presiding.

JOINT APPROPRIATIONS COMMITTEE

REP. LEFOR APPOINTED the following House members to the Joint Appropriations Committee: Representatives Vigesaa, B. Anderson, Berg, Bosch, Brandenburg, Fisher, Hanson, Kempenich, Louser, Martinson, Meier, Mitskog, Monson, Murphy, Nathe, Nelson, Pyle, Richter, Sanford, Stemen, Swiontek, Vollmer, and Wagner.

JOINT POLICY COMMITTEE

REP. LEFOR APPOINTED the following House members to the Joint Policy Committee: Representatives M. Ruby, Belz, D. Anderson, Foss, Frelich, Heinert, Karls, Porter, Rohr, and Warrey.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural **Committee on Employment (Rep. Novak, Chairman)** recommends the following House employees for the special session of the Sixty-ninth Legislative Assembly:

2026 SPECIAL SESSION HOUSE EMPLOYEES

	<u>Chief Clerk</u>	
Buell Reich		Bismarck
	<u>Journal Reporter</u>	
Audrey Grafsgaard		Bismarck
	<u>Calendar Clerk</u>	
Edwin Whetham		Wilton
	<u>Bill Clerk/Recording Clerk</u>	
Mark Zimmerman		Bismarck
	<u>Sergeant-at-Arms</u>	
Dean Eberle		Bismarck
	<u>Administrative Assistant to the Speaker</u>	
ReMae Kuehn		Mandan
	<u>Administrative Assistant to the Majority Leader</u>	
Ellen LeTang		Mandan
	<u>Chief Page/Chief Legislative Assistant</u>	
Mary Monson		Osnabrock

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

MOTION

REP. BOSCH MOVED that the absent member be excused, which motion prevailed on a

voice vote.

MOTION

REP. BOSCH MOVED that the House be on the Fourth, Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Thursday, September 3, 2026, which motion prevailed on a voice vote.

FIRST READING OF HOUSE BILL

Rep. Heinert introduced:

HB 1628: A BILL for an Act to create and enact chapter 51-38 of the North Dakota Century Code, relating to the regulation of kratom products; to amend and reenact section 12.1-31-03 of the North Dakota Century Code, relating to the sale of kratom to individuals under twenty-one years of age; to provide a penalty; to provide an appropriation; and to provide an effective date.

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

REPORT OF STANDING COMMITTEE

HB 1628

Joint Policy Committee (Rep. M. Ruby, Co-Chairman) recommends **AMENDMENTS (25.1453.03001)** and when so amended, recommends **DO PASS** (8 YEAS, 1 NAY, 1 ABSENT OR EXCUSED AND NOT VOTING). HB 1628 was placed on the Sixth order on the calendar.

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

Buell J. Reich, Chief Clerk

