



LEGISLATIVE MANAGEMENT

Friday, October 20, 2023
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Mike Lefor, Chairman, called the meeting to order at 10:02 a.m.

Members present: Representatives Mike Lefor, Glenn Bosch*, Josh Boschee, Zachary Ista, Dennis Johnson*, Ben Koppelman*, Emily O'Brien*, Paul J. Thomas, Robin Weisz*; Senators Brad Bekkedahl*, Kyle Davison*, Kathy Hogan, David Hogue, Jerry Klein, Tim Mathern*, Janne Myrdal, Donald Schaible*

Members absent: None

Others present: Representatives Larry Bellew, Minot, Jayme Davis, Rolette, Lisa Finley-DeVillie, Mandaree, Patrick Hatlestad, Williston, Pat D. Heinert, Bismarck, Dawson Holle, Mandan, SuAnn Olson, Baldwin, Brandon Prichard, Bismarck, Brandy Pyle, Casselton, Shannon Roers Jones, Fargo, Mark Sanford, Grand Forks, Cynthia Schreiber-Beck, Wahpeton, Greg Stemen, Fargo; Senators Sean Cleary, Bismarck, Curt Kreun, Grand Forks, Jeffery J. Magrum, Hazelton, Scott Meyer, Grand Forks, Bob Paulson, Minot

Allen H. Knudson and Emily Thompson, Legislative Council, Bismarck

See [appendix](#) for additional persons present.

**Attended remotely*

BILL DRAFTS INCORPORATING PROVISIONS OF SENATE BILL NO. 2015 (2023)

Chairman Lefor discussed a bill draft [\[23.1161.01000\]](#) relating to an appropriation to the Office of Management and Budget.

Chairman Lefor discussed a bill draft [\[23.1156.01000\]](#) relating to an appropriation to the Legislative Assembly and Legislative Council.

Chairman Lefor discussed a bill draft [\[23.1162.01000\]](#) relating to an appropriation to the Governor's office.

Chairman Lefor discussed a bill draft [\[23.1165.01000\]](#) relating to an appropriation to the judicial branch.

Chairman Lefor discussed a bill draft [\[23.1163.01000\]](#) relating to an appropriation for facility-related grants.

Chairman Lefor discussed a bill draft [\[23.1155.01000\]](#) relating to an appropriation for administrative expenses for boards and committees.

Chairman Lefor discussed a bill draft [\[23.1164.01000\]](#) relating to an appropriation to the Department of Commerce.

Chairman Lefor discussed a bill draft [\[23.1167.01000\]](#) relating to a special penalty for the distribution of drugs.

Chairman Lefor discussed a bill draft [\[23.1170.01000\]](#) relating to loans from the infrastructure loan fund.

Chairman Lefor discussed a bill draft [\[23.1169.01000\]](#) relating to water resource boards and the water infrastructure revolving loan fund.

Chairman Lefor discussed a bill draft [\[23.1168.01000\]](#) relating to a clean sustainable energy authority fertilizer development incentive program.

Chairman Lefor discussed a bill draft [\[23.1171.01000\]](#) relating to membership of the Public Employees Retirement System (PERS) Board.

Chairman Lefor discussed a bill draft [\[23.1166.01000\]](#) relating to membership of the PERS Board.

Chairman Lefor discussed a bill draft [\[23.1172.01000\]](#) relating to membership of the PERS retirement plans.

It was moved by Senator Myrdal, seconded by Representative Thomas, and carried on a roll call vote that the bill drafts discussed by Chairman Lefor be approved for introduction at the special session. Representatives Lefor, Bosch, Boschee, Ista, Johnson, Koppelman, O'Brien, Thomas, and Weisz and Senators Bekkedahl, Davison, Hogan, Hogue, Klein, Mathern, Myrdal, and Schaible voted "aye." No negative votes were cast.

BILL DRAFTS SUBMITTED BY LEGISLATORS

It was moved by Representative Thomas, seconded by Senator Hogan, and carried on a roll call vote that any bill draft not requested for a separate vote by a member of the Legislative Management not be recommended for introduction at the special session. Representatives Lefor, Bosch, Boschee, Ista, Johnson, O'Brien, Thomas, and Weisz and Senators Bekkedahl, Davison, Hogan, Hogue, Klein, Mathern, Myrdal, and Schaible voted "aye." Representative Koppelman voted "nay."

Senator Magrum provided a bill draft [\[23.1176.01000\]](#) relating to foreign adversary land ownership. He noted:

- The purpose of the bill draft is to strengthen and address deficiencies relating to foreign adversary land ownership in North Dakota.
- The bill draft is necessary given polarized relations with China and Russia.

Representative Heinert provided a bill draft [\[23.1178.01000\]](#) relating to fees for courses through the North Dakota Center for Distance Education. He noted school districts are required to pay student fees. This bill would exclude a school district from paying fees for courses offered by the school district of residence.

Representative Heinert provided a bill draft [\[23.1175.01000\]](#) relating to delinquency referral to juvenile court. He noted the bill draft:

- Would reinstate criminal mischief and theft into the juvenile justice code.
- Is necessary to assist school districts.

Representative Heinert provided a bill draft [\[23.1186.01000\]](#) relating to DNA testing, sampling, and procedures. He noted the bill draft would correct an issue relating to the authority to collect DNA samples by certified correctional officers.

Representative Heinert provided a bill draft [\[23.1190.01000\]](#) relating to income tax rates. He noted:

- The bill draft is a one-time adjustment relating to income tax rates for individuals, estates, and trusts.
- The adjustment would result in reduced income to the state of \$92 million.

Committee members expressed concerns regarding the timing of the income tax rate proposal and the ongoing costs of operating state government. Other committee members expressed support for the bill draft to provide additional relief to individuals in the lowest income tax bracket.

It was moved by Senator Hogue, seconded by Representative Koppelman, and failed on a roll call vote, that bill draft [\[23.1190.01000\]](#) relating to income tax rates be approved for introduction at the special session. Representatives Lefor and Koppelman and Senators Davison and Hogue voted "aye." Representatives Bosch, Boschee, Ista, Johnson, O'Brien, Thomas, and Weisz and Senators Bekkedahl, Hogan, Klein, Mathern, Myrdal, and Schaible voted "nay."

Representative Heinert provided a bill draft [\[23.1188.01000\]](#) relating to a property tax credit on a primary residence. He noted the bill draft would provide property tax assistance to North Dakota residents at a time when property tax is a growing concern affecting property owners.

Representative Holle provided a bill draft [\[23.1183.01000\]](#) relating to raw milk and raw milk products. He noted the bill draft:

- Would expand the raw milk industry by allowing the sale of raw milk products in the state.
- Is needed because the Department of Agriculture has sent several warnings to North Dakota farmers attempting to sell raw milk products.

Representative Holle provided a bill draft [\[23.1174.01000\]](#) relating to a cheese processing facility feasibility study. He noted the bill draft:

- Would provide for a study relating to a North Dakota milk and cheese processing facility and a cheese processing facility advisory committee.
- Is necessary to further the advancement of the dairy industry in North Dakota.

Representative Hatlestad provided a bill draft [\[23.1184.01000\]](#) relating to a political subdivision housing development loan fund. He noted the bill draft:

- Would create a housing revolving loan fund to assist contractors in the down payment of construction loans and is necessary to address the critical nature of affordable housing in western North Dakota.
- Could be expanded to address the critical nature of affordable housing across the entire state.

Representative Davis provided a bill draft [\[23.1180.01000\]](#) relating to a motor vehicle excise tax exemption for tribal members. She noted:

- The bill draft adjusts the motor vehicle excise tax exemption for tribal members by removing the provision that requires tribal members to reside on the reservation to receive the tax exemption.
- Car dealers brought the idea forward during the 2023 regular legislative session because transportation costs associated with bringing vehicles to a reservation are high.

Representative Finley-DeVillie provided a bill draft [\[23.1199.01000\]](#) relating to an appropriation for tribally controlled community college workforce development grants. She noted the bill draft:

- Would appropriate \$500,000 to the Department of Commerce for the purpose of providing workforce development grants to tribally controlled community colleges.
- Is necessary and essential in creating jobs and economic growth, advancing a skilled workforce, closing the skills gap, leading industry demands, and helping provide for a stronger community.

Senator Hogan, on behalf of Senator Mathern, provided a bill draft [\[23.1179.01000\]](#) relating to the Dakota promise forgivable loan program. She noted the bill draft is parallel to the forgivable student loan program administered by the State of Minnesota.

Dr. Mark R. Hagerott, Chancellor, North Dakota University System provided comments relating to bill draft [\[23.1179.01000\]](#). He noted:

- There are 10,000 Minnesota students enrolled in the North Dakota University System.
- The bill draft would assist roughly 1,400 Minnesota students.

In response to questions from committee members, Representative Boschee noted the bill draft would require Minnesota students to reside and work in North Dakota for student loan forgiveness eligibility.

Senator Mathern withdrew the bill draft [\[23.1179.01000\]](#) relating to the Dakota promise forgivable loan program from further consideration for introduction at the special session.

Representative Koppelman provided a bill draft [\[23.1158.01000\]](#) relating to the possession of a firearm while on probation. He noted:

- The bill draft would amend the laws relating to unsupervised probation and Second Amendment rights.
- If an individual is placed on unsupervised probation for an infraction, that individual's gun rights are suspended until the conclusion of the probationary sentence.

- There have been 5,400 individuals in North Dakota on unsupervised probation who have lost their gun rights.
- The bill draft is an emergency in nature due to the infringement on Second Amendment rights.

It was moved by Representative Koppelman, seconded by Senator Klein, and failed on a roll call vote that bill draft [23.1158.01000] relating to the possession of a firearm while on probation be approved for introduction at the special session. Representative Koppelman and Senators Hogue and Klein voted "aye." Representatives Lefor, Bosch, Boschee, Ista, Johnson, O'Brien, Thomas, and Weisz and Senators Bekkedahl, Davison, Hogan, Mathern, Myrdal, and Schaible voted "nay."

Representative Olson provided a bill draft [23.1159.02000] relating to the creation of an emergency resources fund. She noted:

- The bill draft would direct an interim study to ensure financial resource availability in mitigating large-scale damage recovery if an emergency arises because of infrastructure projects across North Dakota.
- Many smaller communities rely on voluntary emergency response services which may not be equipped to handle a large-scale emergency.
- If North Dakota continues to strive to be an energy leader, the state should ensure communities are equipped to handle all types of emergency situations.

Senator Kreun provided a bill draft [23.1173.01000] relating to the establishment of a career academy loan program. He noted:

- The bill draft would require the Bank of North Dakota to administer a career academy loan program to provide loans to entities approved by the State Board for Career and Technical Education to establish a career academy facility under the statewide area career center initiative grant program.
- Loans would be required to be repaid in 10 years, with a 2-year window for school districts to apply.
- The bill draft is time sensitive because it relates to workforce development.

Representative Bellew provided a bill draft [23.1160.01000] relating to the homestead tax credit. He noted the bill draft:

- Simplifies the homestead tax credit.
- Aligns the definition of "income" for purposes of the credit with the definition of North Dakota taxable income.

Senator Paulson provided a resolution draft [23.3099.01000] relating to the support for the welfare, security, and survival of the state of Israel. He noted support for Israel is paramount, given recent global events.

It was moved by Representative Boschee and seconded by Senator Davison that the resolution be amended to support all victims of the violence in Israel and also Palestinian-Americans.

After further discussion, **Representative Boschee withdrew his motion.**

It was moved by Senator Myrdal, seconded by Senator Klein, and carried on a roll call vote that the resolution draft [23.3099.01000] relating to the support for the welfare, security, and survival of the state of Israel be approved for introduction at the special session. Representatives Lefor, Bosch, Boschee, Ista, Johnson, Koppelman, O'Brien, and Weisz and Senators Bekkedahl, Davison, Hogue, Klein, Myrdal, and Schaible voted "aye." Representative Thomas and Senators Hogan and Mathern voted "nay."

Senator Cleary and Representative Sanford provided a bill draft [23.1187.01000] relating to an appropriation to Bismarck State College and the authorization to convey real property owned by the state.

Senator Cleary noted:

- Bismarck State College supports the project with no state funding.
- The ability to bond now rather than waiting for the 2025 legislative session is estimated to save Bismarck State College about \$1.5 million.

Representative Sanford noted:

- The bill draft is necessary because parties are seeking to purchase property owned by the state which is situated on the campus of the University of North Dakota.
- The parties' interest in the property is conditioned on current land values and construction prices, which are subject to change over time.

It was moved by Representative Bosch, seconded by Senator Myrdal, and failed on a roll call vote that bill draft [23.1187.01000] relating to an appropriation to Bismarck State College and the authorization to convey real property owned by the state be approved for introduction at the special session. Representatives Lefor, Bosch, Boschee, Johnson, O'Brien, and Weisz and Senator Hogue voted "aye." Representatives Ista, Koppelman, and Thomas and Senators Bekkedahl, Davison, Hogan, Klein, Mathern, Myrdal, and Schaible voted "nay."

Representative Stemen provided a bill draft [23.1185.01000] relating to the PERS defined contribution plans. He noted:

- The current law does not afford new hires the eligibility to enroll in the current defined contribution plan.
- The bill draft would address the oversight by creating a parallel defined contribution plan to allow for variable contributions.

Representative Schreiber-Beck provided a bill draft [23.1182.01000] relating to an appropriation to the State Board of Higher Education for workforce education innovation funds. She noted:

- The bill draft provides an appropriation to the State Board of Higher Education for workforce education innovation funds.
- Workforce education innovation funds were not provided during the 2023 regular legislative session.
- The bill draft is necessary to address the mental and physical health emergency in North Dakota.

Representative Boschee provided a bill draft [23.1193.01000] relating to an appropriation to the Department of Health and Human Services for the child care stabilization and recovery grant program. He noted:

- The bill draft appropriates \$110 million to the Department of Health and Human Services for the purpose of continuing the child care stabilization and recovery grant program.
- The appropriation will focus specifically on the improvement of the workforce relating to child care.
- North Dakota needs about 12,000 more child care workers to meet its workforce demands.

It was moved by Representative Boschee, seconded by Senator Hogan, and failed on a roll call vote that bill draft [23.1193.01000] relating to the appropriation to the Department of Health and Human Services for the child care stabilization and recovery grant program be approved for introduction at the special session. Representative Boschee and Senator Hogan voted "aye." Representatives Lefor, Bosch, Ista, Johnson, Koppelman, O'Brien, Thomas, and Weisz and Senators Bekkedahl, Davison, Hogue, Klein, Mathern, Myrdal, and Schaible voted "nay."

Representative Boschee provided a bill draft [23.1196.01000] relating to an appropriation to the Department of Public Instruction for grants for school meals. He noted:

- The bill draft appropriates \$83.5 million to the Department of Public Instruction for the purpose of providing grants to school districts to defray the expenses of providing meals, free of charge, for all students enrolled in public or nonpublic schools.
- Hunger is an issue for kids in all communities.
- The bill draft would open free lunches to all children, rather than only children under the federal poverty line.

Representative Boschee provided a bill draft [23.1195.01000] relating to the establishment of the Roosevelt horse herd. He noted the bill draft:

- Establishes the Roosevelt horse herd in Theodore Roosevelt National Park and creates a misdemeanor offense for any individual who harms or harasses the horses.
- Is necessary because the horses continue to be targeted for removal by the National Park Service.

It was moved by Representative Boschee, seconded by Senator Bekkedahl, and failed on a roll call vote that bill draft [23.1195.01000] relating to the establishment of the Roosevelt horse herd be approved for introduction at the special session. Representatives Lefor and Boschee voted "aye." Representatives Bosch, Ista, Johnson, Koppelman, O'Brien, and Weisz and Senators Bekkedahl, Davison, Hogan, Hogue, Klein, Mathern, Myrdal, and Schaible voted "nay."

Representative Roers Jones provided a bill draft [23.1192.01000] relating to the creation of a workforce-forgivable student loan program. She noted the bill draft:

- Creates a workforce-forgivable student loan program through the State Board of Higher Education and the Bank of North Dakota.
- Provides forgivable student loans to individuals who demonstrate financial need and who are enrolled at an institution under the control of the State Board of Higher Education.
- Appropriates \$10 million from the Office of Management and Budget to the newly created workforce-forgivable student loan program.

Representative Pyle provided a bill draft [23.1189.01000] relating to an appropriation for a rapid population growth grant program. She noted:

- The bill draft appropriates \$4.5 million to the State Treasurer for the purpose of a rapid growth grant program to distribute grant funds to a city with a population of at least 3,000 and a population increase of at least 35 percent from the 2020 decennial census to July 1, 2022.
- The city of Horace is one of the fastest growing towns and faces an immediate need for assistance for funding relating to school districts and city infrastructure.
- Horace is averaging approximately 200 new homes per year.

Representative Prichard, on behalf of Senator Magrum, provided a bill draft [23.1157.01000] relating to permits for the construction of an electric transmission facility. He noted:

- The bill draft authorizes political subdivisions to issue permits for the construction of gas or liquid transmission facilities.
- This bill draft is urgent because the Public Service Commission is issuing permits for these facilities.

Senator Meyer provided a bill draft [23.1197.01000] relating to an income tax deduction for military pay. He noted the bill draft:

- Corrects an oversight in Senate Bill No. 2293 (2023) relating to the omission of National Guard technicians from the income tax deduction for military pay.
- Is necessary because the 2023 tax returns will be due after December 31, 2023.

It was moved by Senator Hogue, seconded by Representative Koppelman, and failed on a roll call vote that bill draft [23.1197.01000] relating to an income tax deduction for military pay be approved for introduction at the special session. Representatives Lefor, Bosch, Boschee, Ista, Johnson, Koppelman, and O'Brien and Senator Hogue voted "aye." Representatives Thomas and Weisz and Senators Bekkedahl, Davison, Hogan, Klein, Mathern, Myrdal, and Schaible voted "nay."

PROPOSED SPECIAL SESSION AGENDA

Ms. Emily Thompson, Legal Division Director, Legislative Council, presented the special session agendas for the [House](#) and the [Senate](#).

Ms. Thompson presented the Proposed House and Joint Rules Amendments Relating to a Special Session [23.9621.01000].

Ms. Thompson presented the Proposed Joint Rule Amendment Relating to a Special Session [23.9622.01000].

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

- All bills introduced at the special session are subject to amendment, and it is the decision of the respective committees and houses whether to amend a particular bill.

- If asked by a committee chairman or a legislator, the Legislative Council will offer a response to determine whether a proposed amendment is germane to a bill.

It was moved by Senator Klein, seconded by Senator Myrdal, and carried on a roll call vote that the bill drafts not voted upon separately not be recommended for introduction at the special session. Representatives Lefor, Bosch, Boschee, Ista, Johnson, Koppelman, O'Brien, Thomas, and Weisz and Senators Bekkedahl, Davison, Hogan, Hogue, Klein, Mathern, Myrdal, and Schaible voted "aye." No negative votes were cast.

No further business appearing, Chairman Lefor adjourned the meeting at 3:22 p.m.

John Bjornson
Director

ATTACH:1