JOURNAL OF THE HOUSE - SPECIAL SESSION

Sixty-eighth Legislative Assembly

* * * * *

Bismarck, October 23, 2023

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

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

COMMUNICATION FROM SECRETARY OF STATE MICHAEL HOWE

I hereby certify the attached is a true and correct copy of Executive Order 2023-09, executed by Governor Doug Burgum on October 17, 2023, in which he convenes the North Dakota Legislative Assembly into special session on Monday, October 23, 2023.

I hereby certify the attached is a true and correct listing that contains the names of 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 that the attached is a true and correct listing that contains the name of Representative to whom I issued a Certificate of Appointment in accordance with Section 16.1-13-10 of the North Dakota Century Code to fill a vacancy in their respective district who continues to serve, and who is so noted with their effective date.

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.

68th Legislative Assembly of the State of North Dakota
Members of the House of Representatives
October 23, 2023

MEMBER	DISTRICT NUMBER
Patrick Hatlestad	1
David Richter	1
Bert Anderson	2
Donald Longmuir	2
Jeff Hoverson	3
Lori VanWinkle	3
Lisa Finley-DeVille	4A
Clayton Fegley	4B
Jay Fisher	5
Scott Louser	5
Richard Anderson	6
Paul Thomas	6
Jason Dockter	7
Matt Heilman	7
SuAnn Olson	8
Brandon Prichard	8
Jayme Davis	9A
Donna Henderson	9B
Hamida Dakane	10

MEMBER	DISTRICT NUMBER
Steve Swiontek	10
Liz Conmy	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
Dennis Johnson	15
Ben Koppelman	16
Andrew Marschall	16
Landon Bahl	17
Mark Sanford	17
Corey Mock	18
Steve Vetter	18
Karen Anderson	19
David Monson	19
Mike Beltz	20
Jared Hagert	20
LaurieBeth Hager	21
Mary Schneider	21
Brandy Pyle	22
Jonathan Warrey - appointment effective November 14, 2022	22
Scott Dyk	23
Nico Rios	23
Cole Christensen	24
Dwight Kiefert	24
Alisa Mitskog	25
Cynthia Schreiber-Beck	25
Jeremy Olson	26
Kelby Timmons	26
Josh Christy	27
Greg Stemen	27
Mike Brandenburg	28
Jim Grueneich	28
Craig Headland	29
Don Vigesaa	29
Glenn Bosch	30
Mike Nathe	30

MEMBER	DISTRICT NUMBER
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
Gary Kreidt	36
Mike Lefor	37
Vicky Steiner	37
Larry Bellew	38
Dam Ruby	38
Keith Kempenich	39
Mike Schatz	39
Matthew Ruby	40
Randy Schobinger	40
Jorin Johnson	41
Michelle Strinden	41
Claire Cory	42
Emily O'Brien	42
Zachary Ista	43
Eric Murphy	43
Joshua Boschee	44
Karla Rose Hanson	44
Carrie McLeod	45
Scott Wagner	45
Shannon Roers Jones	46
Jim Kasper	46
Lawrence Klemin	47
Mike Motschenbacher	47

EXECUTIVE ORDER 2023-09

WHEREAS, the North Dakota Supreme Court ruled Senate Bill 2015 of the 68th Legislative Assembly void in Board of Trustees of the ND Public Employees Retirement System v. ND Legislative Assembly; and,

WHEREAS, Senate Bill 2015 contained many important provisions, including the budget of the Office of Management and Budget, which need to be enacted by the Legislative Assembly in order to ensure the continued operation of state government and avoid interruption of state services to citizens; and,

WHEREAS, under Article V, Section 7 of the North Dakota Constitution, the Governor is

authorized to convene special sessions of the Legislative Assembly.

NOW, THEREFORE, pursuant to authority under Article V of the North Dakota Constitution, Governor Doug Burgum hereby convenes a special session of the North Dakota Legislative Assembly on Monday, October 23, 2023, in the legislative chambers at the State Capitol in Bismarck, North Dakota.

1. This special session is convened under the following authority:
   a. The Governor is vested with the executive power under North Dakota Constitution Article V, Section 1
   b. The Governor is vested with the specific authority to convene a special session of the Legislative Assembly under Article V, Section 7 of the North Dakota Constitution.
2. The special session of the Legislative Assembly is convened for the following purposes:
   a. To enact and authorize an appropriations bill for the Office of Management and Budget of the State of North Dakota; and,
   b. To enact other components of Senate Bill 2015; and,
   c. To utilize a portion of the above-forecasted revenue from the 2021-2023 biennium to make strategic investments in areas such as tax relief and infrastructure to strengthen North Dakota's economic future.
3. Given the urgency of the matter stated above, and in order to avoid interruption to state government operations and services to citizens, the Legislative Assembly should complete these items by Friday, October 28, 2023.

Executed at Bismarck, North Dakota, this 17th day of October 2023.

ROLL CALL

The roll was called and all members were present except Representatives Bahl, Bosch, Nathe, O'Brien, Porter, Schatz, and Schobinger.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural **Rules Committee (Rep. Lefor, Chairman)** recommends that the House and Joint Rules of the 68th Legislative Assembly, as adopted on Wednesday, December 7, 2022, and further amended on January 6, 2023, be amended as follows for the special session of the 68th Legislative Assembly:

SECTION 1. AMENDMENT. House Rule 102 is amended as follows:

102. Absence and presence. As used in these rules, "absent" means not present, and "present" means being physically in the chamber or room where the session or meeting is being held, ~~and for purposes of a committee meeting, includes participation~~or participating in the session or meeting by means of interactive video or teleconference call. ~~No~~A member present and participating remotely has the same rights, privileges, and duties as a member physically present, is deemed to be "on the floor" for purposes of floor sessions, and may vote remotely. A member may not participate on the floor remotely unless the Speaker has determined circumstances dictate remote participation is necessitated. A member or officer of the House, unless unable to attend due to illness or other cause, may not be absent from a session of the House, during an entire day, without first having obtained leave from the House, and no one is entitled to draw pay while absent more than one day without leave.

SECTION 2. AMENDMENT. House Rule 303 is amended as follows:

303. Call of the House.

1. Thirty-two members of the House may cause a call of the House to be ordered and absent members to be sent for, but a call may not be ordered while a vote is being taken.

2. The call being requested, the Speaker shall require those desiring the call to rise or raise their hands, and if thirty-two or more members rise or raise their hands, the call must be ordered.

3. The call being ordered, the Sergeant-at-Arms shall close the door and allow no members to leave the chamber. A member present and participating remotely may not leave the remote proceeding.

4. The Chief Clerk shall then call the roll and furnish the Sergeant-at-Arms with a list of those members absent without leave, and that officer shall proceed to find and bring in those absentees or compel the absentees' remote participation.

5. While the House is under call, no business can be transacted except to receive and act on the report of the Sergeant-at-Arms and no motion is in order except a motion to suspend further proceedings under the call, and the motion may not be adopted unless a majority of all members-elect vote in favor of the motion.

6. Upon a report of the Sergeant-at-Arms showing that all members who were absent without leave, naming them, are present, the call is at an end, the door must be opened, and the House shall proceed with the business pending at the time the call was made.

SECTION 3. AMENDMENT. House Rule 305 is amended as follows:

305. Recognition by the Speaker. Every member who is present physically desiring to speak shall ~~rise and~~so indicate by pressing the "speak" button on the member's desk. If the "speak" button does not work, the member may rise, respectfully address the Speaker, and ~~shall~~ remain standing in place before proceeding to speak until recognized by the Speaker. Every member who is present and participating remotely who wishes to speak shall so indicate by the means designated by the Speaker and shall wait to speak until recognized by the Speaker. When two or more members rise at the same time to speak, the Speaker shall designate the member who is to speak first, but in all other cases the member who rises first and addresses the Speaker must be the first recognized.

SECTION 4. 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 5. AMENDMENT. House Rule 321 is amended as follows:

321. Vote by members. Every member who is present, before the vote is announced from the chair, shall vote for or against the question before the House, unless the House excuses the member. A member cannot cast a vote on behalf of another member unless the vote is cast according to verbal instructions announced to the House by that other member while ~~in the chamber~~present. However, any member who has a personal or private interest

in any measure or bill shall disclose the fact to the House and may not vote thereon without the consent of the House. A "personal or private interest" is an interest that affects the member directly, individually, uniquely, and substantially.

SECTION 6. AMENDMENT. House Rule 329 is amended as follows:

329. Measures referred to the Joint Appropriations Committee.

1. ~~Every bill providing an appropriation of fifty 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 fifty 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 fifty 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 department.

~~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 7. 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 8. REPEAL. House Rule 338 is repealed.

SECTION 9. 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 10. AMENDMENT. House Rule 360 is amended as follows:

360. Electrical voting system and remote voting. Unless otherwise ordered, any vote may be taken by means of the electrical voting system, which is under the control of the Speaker. A member who is present and participating remotely may vote using a system established for that purpose. The system must provide means to record and make public the member's roll call votes.

SECTION 11. 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 12. 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 fifth legislative day. No~~ A bill or resolution may be introduced ~~after the tenth 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 after the adjournment of the organizational session, 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 thirty-fourth legislative day~~.

SECTION 13. REPEAL. House Rule 403 is repealed.

SECTION 14. 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 are:~~

   ~~a. Education: (14 members)~~

      ~~Public Schools; Libraries; Institutions of Higher Learning.~~

   ~~b. Finance and Taxation: (13 members)~~

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

   ~~c. Human Services: (14 members)~~

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

   ~~d. Industry, Business and Labor: (14 members)~~

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

   ~~e. Judiciary: (13 members)~~

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

~~4.~~ ~~The two-day standing committees are:~~

   ~~a. Agriculture: (13 members)~~

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

   ~~b. Energy and Natural Resources: (14 members)~~

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

   ~~c. Government and Veterans Affairs: (13 members)~~

      ~~State and Federal Affairs; Government Pensions and Benefits; Military and Veterans Affairs; Industrial Commission and institutions under its supervision; State Historical Society and State Parks.~~

~~d. Political Subdivisions: (14 members)~~

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

~~e. Transportation: (14 members)~~

~~Highways and Bridges; Railroads; Motor Vehicles; Airlines and Airports.~~

~~5.~~ The procedural committees are:

a. Arrangements for House Committee Rooms, to consist of three members.

b. Correction and Revision of the Journal, to consist of five members.

c. ~~Delayed Bills, to consist of five members.~~

~~d.~~ Employment, to consist of five members.

~~e. Inaugural Planning, to consist of three members.~~

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

SECTION 15. REPEAL. House Rule 502 is repealed.

SECTION 16. 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 17. REPEAL. House Rules 505 and 509 are repealed.

SECTION 18. 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~~If practicable, the Chief Clerk shall ensure that the daily calendar contains appropriate notation of committee reports.

SECTION 19. 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 20. 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 21. REPEAL. Joint Rules 208 and 211 are repealed.

SECTION 22. Joint Rule 303 is created as follows:

303. Joint Appropriations Committee.

1. A Joint Appropriations Committee must be appointed during a special or reconvened 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. 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 23. Joint Rule 304 is created as follows:

304. Joint Policy Committee.

1. A Joint Policy Committee must be appointed during a special or reconvened session.

2. The committee consists of twenty-eight members, fourteen from the House and fourteen 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 24. 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 25. 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.

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

JOINT APPROPRIATIONS COMMITTEE

REPRESENTATIVE LEFOR APPOINTED the following House members to the Joint Appropriations Committee: Representatives Vigesaa, Kempenich, B. Anderson, Bellew, Brandenburg, Rose Hanson, Kreidt, Martinson, Meier, Mitskog, Mock, Monson, Nathe, Nelson, O'Brien, Pyle, Richter, Sanford, Schatz, Schobinger, Stemen, Strinden and Swiontek.

JOINT POLICY COMMITTEE

REPRESENTATIVE LEFOR APPOINTED the following House members to the Joint Policy Committee: Representatives Thomas, D. Ruby, Longmuir, D. Anderson, Schauer, Headland,

Klemin, Heinert, Louser, Weisz, Kasper, B. Koppelman, Schneider, and Dobervich

MOTION

REP. LOUSER MOVED that a committee of two be appointed to escort the Honorable Lt. Governor Tammy Miller to the rostrum, which motion prevailed.

SPEAKER JOHNSON APPOINTED Representative Vigesaa and Senator Bekkedahl to the escort committee.

MOTION

REP. LOUSER MOVED that a committee of four be appointed to escort the Honorable Doug Burgum, Governor, to the podium and that Governor Burgum's remarks as submitted to the front desk, be printed in the journal, which motion prevailed.

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

SPECIAL LEGISLATIVE SESSION ADDRESS
The Honorable Doug Burgum
Governor of the State of North Dakota
October 23, 2023

Good morning, Mr. Speaker, Lieutenant Governor Miller, distinguished members of the 68th Legislative Assembly, Chief Justice Jensen and justices of the Supreme Court, fellow elected officials, tribal leaders, cabinet members, First Lady Kathryn,family and friends, and all fellow citizens of North Dakota – welcome, and thank you all for joining us today, whether it's in person, online or over the airwaves.

It is not only my duty, but my great honor, to address this special convening of the 68th Legislative Assembly. Tammy, Kathryn and I are grateful to serve the incredible citizens of North Dakota every day, and a historic day like today is no different. Today marks only the 17th special session in our state's 134-year history.

At this time of global conflicts and national economic uncertainty, we are blessed to live in a state with abundant resources, safe communities and a thriving economy, with citizens who cherish the values of freedom and liberty.

We're here today because a long-standing legislative process has been deemed unconstitutional by the Supreme Court. This process of using the Office of Management and Budget's appropriations bill as an omnibus bill at the end of session had been the practice for at least three decades.

As a result of the Supreme Court's ruling last month, Senate Bill 2015, the OMB budget bill, is now void.

Without action, there is no appropriations authority to pay our OMB team members come Nov. 1, and the agency – and the many services it provides – will effectively shut down.

As you know, Senate Bill 2015 contained 68 sections, and those provisions beyond the OMB budget also must be addressed.

And I want to share gratitude with the Supreme Court for NOT having its recent opinion apply to the State of the State Address, because I WILL be addressing multiple subjects.

Thanks to the work of Legislative Council, this assembly will consider some straightforward, simple, procedural fixes.

But beyond that, I want to challenge this legislative body to seize this historic opportunity to provide tax relief to our citizens whose family budgets have been hit hard by inflation, and to make strategic investments in our state's future.

This is made possible by a record ending fund balance driven by higher-than-forecasted revenues and turnback.

The conservative budgeting and wise investments by our Legislature, and our thriving

economy driven by entrepreneurs and a strong focus on innovation over regulation, have created this opportunity to take action for the benefit of our citizens.

We would especially like to thank Majority Leaders Lefor and Hogue and Minority Leaders Ista and Hogan for their leadership and dedication to all North Dakotans.

We also give thanks to our military members for defending our freedom – the freedom that allows a body of democratically elected senators and representatives like this to convene and conduct business on behalf of the people.

This especially includes our courageous and highly skilled North Dakota National Guard members. Last week, another 125 soldiers deployed to help U.S. Customs and Border Protection secure the southern border. They and their fellow men and women in uniform have earned our thanks and our respect.

To all our military members, past and present, and your families, we share our gratitude for your incredible service and sacrifice. Will those who have served or are currently serving please stand and be recognized?

Sadly, there is one member of the military and this assembly whose presence in this chamber and on this Earth is greatly missed today.

Senator Doug Larsen was a true patriot who served his community, his state and his country with honor, courage and dignity.

The sudden and tragic loss of Senator Larsen, his wife, Amy, and their children, Christian and Everett, has profoundly impacted their family and friends, the Mandan community and, of course, this assembly and all those in state government touched by his passionate service.

Senator Larsen's legacy will live on in these chambers and in the work you carry on in his honor and memory, including preserving the individual liberties and freedoms he fought so hard to protect as both a legislator and lieutenant colonel in the North Dakota National Guard.

Please join me in a moment of silence for Senator Larsen and his family, may they rest in peace.

We also continue to hold in our hearts all the victims of the terrorist attacks in Israel and pray for those still in harm's way or being held hostage.

Two weeks ago today, I was on the phone with Father Phil Ackerman, as he led a group of 84 North Dakotans on a Holy Land tour of Israel, discussing how we could assist in getting his group safely home. He explained his group was eager to get home but in good spirits, and we are grateful for their safe return.

Our support for our longtime friend and ally Israel is unwavering, and today I have issued a proclamation declaring a week of prayer for Israel. While doing so, we pray for all innocent citizens impacted by these terrorist attacks, including Americans, Israeli citizens and all others. We will continue to stand firmly beside our allies and resolutely oppose the evil forces that are bent on committing atrocities against them.

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Almost 10 months ago, on Jan. 3rd, as this assembly convened in regular session, you heard from me that the State of the State was "one of strength and infinite opportunity, blessed with our abundant natural resources, inherent freedoms and industrious, caring people."

Those words remain just as true now as they were then. Our list of best state achievements continues to grow.

We're the 4th youngest state, 4th best state to raise a family. We're 2nd in the nation for infrastructure and have the 2nd happiest workforce. We're the #1 state for business friendliness, and we're #1 in labor force participation.

North Dakota companies are hiring. Total employment is growing, up more than 3 percent from a year ago. And our unemployment rate of 1.9 percent is the second lowest in the country.

When North Dakota's economy is strong, our state tax revenues follow.

On June 30th, we closed out the 2021-23 biennium with a record general fund ending balance of nearly one-and-a-half **billion** dollars! – that's billion with a B.

And this is **$288 million** OVER the legislative forecast estimate from April, due to strong revenue collections and more general fund turnback from agencies than expected.

And that's just the ending fund balance. Let's look at reserves.

Our rainy-day Budget Stabilization Fund is at a record high of $944 million.

The Foundation Aid Stabilization Fund, which is a K-12 rainy day fund, stands at $428 million, and the Common Schools Trust Fund now sits at around $6 billion.

The Strategic Investment and Improvements Fund ended the biennium with $1.55 billion, of which over $370 million is unobligated.

And the Legacy Fund is valued at just below **$10 billion** and continues to grow rapidly each month.

Also, we project that we will end the current budget cycle in June 2025 with an unobligated general fund balance of $417 million, leaving plenty of cushion for the current budget.

Already, after just three months, July, August and September, we're running $52 million, or 6.1%, ahead of forecast for this biennium.

When our state government collects more than it needs to operate and to fill reserves, our first option should **always** be to return excess money to taxpayers.

And we should ensure that any tax dollars that **are** being utilized have a high return on investment for taxpayers.

By a twist of fate, we now have this special session to accelerate our economic success by capitalizing on this opportunity to provide tax relief and invest in our citizens and our state's future.

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During your regular session last April, we worked together to pass and sign the largest income tax relief and property tax relief package in state history, providing a combined $515 million in savings for taxpayers.

We zeroed out the bottom income tax brackets and combined the top four into two – 1.95% for middle income and 2.5% for the top bracket – and we provided property tax relief by expanding the homestead tax credit and providing a primary residence tax credit.

This week, given our financial windfall, we have an opportunity to provide additional income tax relief for hardworking North Dakotans.

North Dakotans, like all Americans, are suffering under the insidious effects of inflation, which is raising their costs and eroding their savings.

We can save income taxpayers $91 million by raising the eligibility threshold for the bottom, or zero percent, tax bracket so that more North Dakotans will pay zero state income tax.

For single filers, the zero tax bracket's eligibility cutoff would increase from $44,725 to $60,000. For married filing jointly, the cutoff would increase from $74,570 to $100,000.

This will move about 50,000 more filers into the zero tax bracket so they will no longer have

to pay state income tax. 50,000 filers is more than the entire population of Minot or nearly the population of Grand Forks.

What's great about this approach is that it not only moves more earners into that zero tax bracket, it also helps those middle income filers who will have a greater share of their income not taxed by the state.

Based on current average wages, those who will benefit from this include nurses, schoolteachers, roofers, CDL truck drivers, and the list goes on.

And again, anyone in the bottom tax bracket already had their state income tax zeroed out, so they will continue to pay just that – zero.

This $91 million in income tax relief will allow North Dakota workers to keep more of their hard-earned money in their pockets so they can invest it in their families, their communities and themselves. This is a simple thing to do – and it's the RIGHT thing to do.

This also will help us address our No. 1 barrier to economic growth – our workforce shortage. Moving us closer to being a zero income tax state will help North Dakota compete with other states for talent and capital. It will help our employers recruit and retain workers. And most importantly, it will benefit those individuals who are actually working and contributing to our state's economic success.

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After funding $91 million in tax relief package, this Legislature would still find itself with $197 million in extra cash lying around in low interest-bearing accounts.

We propose investing $70 million of that in North Dakota's future to enhance our infrastructure and workforce attraction.

To justify additional investments during a special session, the bar should be set high. Investments should meet three criteria: They must 1) build on an existing program, 2) meet a need that's in high demand or oversubscribed, and 3) have a statewide impact.

With these criteria as guardrails, we propose investing an additional $50 million of our excess revenue in the North Dakota Department of Transportation's Flexible Transportation Fund created last session.

By making this investment, we can complete more road and bridge projects across the state that leverage federal funding and corridor improvements on county, city and township roadways. And we can help advance very large, private sector capital investments for value-added ag and value-added energy.

Upgrading our roads will not only enhance the driving experience and safety for travelers across our state, it also will support our farmers, ranchers, energy producers, manufacturers and other industries that haul equipment and goods up and down North Dakota roads every day.

We also propose investing an additional $20 million into the Destination Development Grant Program, which received $25 million last session. When this matching grant program was opened up for applications in July, the demand exceeded all expectations – we received 81 applications seeking more than **$151 million** in funding! This additional funding would remain capped at $5 million per project, prioritize projects with private sector matches and be utilized for only projects that have already submitted applications.

By boosting the total grants available to $45 million, we can support more private sector investment and the creation of even more tourism destinations that will attract visitors and workforce to our state, strengthening our economy.

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Workforce continues to be our biggest barrier to economic growth. Our competition for workers never ends. We're always competing with other states to attract capital and talent.

Low taxes, modern, efficient infrastructure and exciting destinations and amenities – all of these make North Dakota more competitive in the battle for workforce.

These investments will support growth, diversify our economy and help every business in our state.

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There also are a few very specific, low-hanging fruit items that can be resolved while you are here without adding any days to this short session.

These include fixing the income tax exemption for military members to help keep us on track toward being the most military-friendly state in the nation, as well as authorizing UND and Bismarck State College to receive non-state funding for campus improvements.

These were straightforward, common-sense, cleanup bills that were introduced last week but turned down. Let's show North Dakota we can cut through the red tape and bureaucracy. We are here – let's be nimble, efficient and wise.

In our roles as representatives of the people of the great state of North Dakota, we have an opportunity every day to "Empower People, Improve Lives, and Inspire Success."

We can enact the OMB budget. We can provide meaningful income tax relief. And we can make strategic investments that will strengthen our economy and pave the way for a brighter future ahead for North Dakota. We've been here before, and you've got this!

President Theodore Roosevelt said, "Far and away the best prize that life offers is the chance to work hard at work worth doing."

The agenda presented here is work worth doing. Let's work hard to capture that prize for the citizens of North Dakota.

Thank you, God bless America, and God Bless the Great State of North Dakota.

MOTION

REP. LOUSER MOVED that the Joint Session be dissolved, which motion prevailed on a voice vote.

MOTION

REP. LOUSER MOVED that the House stand in recess until 4:00 p.m., which motion prevailed.

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

REPORT OF PROCEDURAL COMMITTEE

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

2023 SPECIAL SESSION HOUSE EMPLOYEES

Chief Clerk

Buell Reich — Bismarck

Journal Reporter

Mark Zimmerman — Bismarck

Calendar Clerk

Mary Brucker — Wilton

Sergeant-at-Arms

Jerry Moszer — Bismarck

Assistant Sergeant-at-Arms/Recording Clerk

Dean Eberle — Bismarck

Administrative Assistant to the Speaker

ReMae Kuehn — Mandan

Administrative Assistant to the Majority Leader

Ellen LeTang	Mandan

Chief Page/Chief Legislative Assistant

Marge Conley	Wilton

Committee Clerks

Risa Berube	Bismarck
Kenneth Karls	Bismarck

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

MOTION

REP. HAGERT MOVED the introduction of LC# 23.1201.02000 relating to income tax.

ROLL CALL

The question being on the motion to introduce LC# 23.1201.02000 relating to income tax, the roll was called and there were 71 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Brandenburg; Christensen; Christy; Cory; Dockter; Dyk; Fegley; Fisher; Frelich; Grueneich; Hagert; Hatlestad; Hauck; Headland; Heilman; Heinert; Holle; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Motschenbacher; Nathe; Nelson; Novak; Olson, J.; Ostlie; Porter; Pyle; Richter; Rios; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schreiber-Beck; Steiner; Stemen; Strinden; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Wagner; Warrey; Speaker Johnson, D.

NAYS: Boschee; Conmy; Dakane; Davis; Dobervich; Finley-DeVille; Hager; Hanson; Henderson; Hoverson; Ista; Mitskog; Mock; Monson; Murphy; Olson, S.; Prichard; Roers Jones; Schneider; Vigesaa; Weisz

ABSENT AND NOT VOTING: O'Brien; Schobinger

The motion to introduce LC# 23.1201.02000 relating to income tax prevailed.

MOTION

REP. LOUSER MOVED that the absent members be excused, which motion prevailed.

MOTION

REP. LOUSER 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., Tuesday, October 24, 2023, which motion prevailed.

FIRST READING OF HOUSE BILLS

Legislative Management introduced:

HB 1541: A BILL for an Act to provide an appropriation to the legislative assembly for the payment of dues and the legislative council for the payment of fees and employer retirement contributions; to amend and reenact section 24-02-37.3 of the North Dakota Century Code, as amended by section 10 of House Bill No. 1012, as approved by the sixty-eighth legislative assembly, relating to budget section approval limits for the flexible transportation fund; to provide for a legislative management study; to provide for a legislative management report; to provide for retroactive application; and to provide an effective date.

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

Legislative Management introduced:

HB 1542: A BILL for an Act to provide an appropriation to the judicial branch for employer retirement contribution funding; to provide for retroactive application; and to provide an effective date.

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

Legislative Management introduced:

HB 1543: A BILL for an Act to provide an appropriation to the department of health and human services and department of career and technical education for facility-related grants; to provide for a legislative management report; to provide for retroactive application; and to provide an effective date.
Was read the first time and referred to the **Joint Appropriations Committee**.

Legislative Management introduced:
HB 1544: A BILL for an Act to provide an appropriation to the department of commerce for workforce development grants and to defray the expenses of the office of legal immigration; to create and enact subsection 6 of section 10-30.5-02 of the North Dakota Century Code, relating to use of the North Dakota development fund; to provide for a legislative management report; to provide for retroactive application; and to provide an effective date.
Was read the first time and referred to the **Joint Appropriations Committee**.

Legislative Management introduced:
HB 1545: A BILL for an Act to provide an exemption relating to refinancing loans from the infrastructure revolving loan fund; to provide for retroactive application; and to provide an effective date.
Was read the first time and referred to the **Joint Policy Committee**.

Legislative Management introduced:
HB 1546: A BILL for an Act to amend and reenact section 54-63.1-04 of the North Dakota Century Code, relating to the clean sustainable energy authority's fertilizer development incentive program; to provide for retroactive application; and to provide an effective date.
Was read the first time and referred to the **Joint Policy Committee**.

Legislative Management introduced:
HB 1547: A BILL for an Act to amend and reenact section 54-52-03 of the North Dakota Century Code, relating to the membership of the public employees retirement system board; to provide for duties of the public employees retirement system and public employees retirement system board; to provide an exemption; to provide for retroactive application; and to provide an effective date.
Was read the first time and referred to the **Joint Policy Committee**.

Legislative Management introduced:
HB 1548: A BILL for an Act to amend and reenact sections 54-52-02.5, 54-52-02.9, 54-52-02.11, 54-52-02.12, 54-52-02.15, 54-52.2-09, 54-52.6-01, 54-52.6-02, 54-52.6-02.1, 54-52.6-02.2, 54-52.6-03, and 54-52.6-09 of the North Dakota Century Code, relating to the public employees retirement system retirement plans; to provide an exemption; to provide a contingent effective date; and to provide an effective date.
Was read the first time and referred to the **Joint Policy Committee**.

Reps. Hagert, Headland, Lefor, Motschenbacher, J. Olson and Sens. Hogue, Kannianen, Meyer introduced:
HB 1549: A BILL for an Act to amend and reenact subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to income tax relief; and to provide an effective date.
Was read the first time and referred to the **Joint Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1542: Appropriations Committee (Rep. Vigesaa, Chairman) recommends **DO PASS** (17 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). HB 1542 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1545: Joint Policy Committee (Rep. Thomas, Co-Chairman) recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1545 was placed on the Eleventh order on the calendar.

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

Buell J. Reich, Chief Clerk