



LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Thursday, September 19, 2024
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Jerry Klein, Chairman, called the meeting to order at 9:00 a.m.

Members present: Senators Jerry Klein, Kathy Hogan, Merrill Piepkorn*, Kristin Roers; Representatives Glenn Bosch, Josh Boschee, Zachary Ista, Dennis Johnson*, Emily O'Brien*, Austen Schauer*

Members absent: Senators David Hogue, Ronald Sorvaag; Representative Mike Lefor

Others present: Senator Brad Bekkedahl*, Williston, member of the Legislative Management

Representative Anna S. Novak, Hazen

John Bjornson and Lori Ziegler, Legislative Council, Bismarck

**Attended remotely*

It was moved by Representative Bosch, seconded by Senator Roers, and carried on a voice vote that the minutes of the July 11, 2024, meeting be approved as distributed.

LEGISLATIVE COMPENSATION

Ms. Lori Ziegler, Legislative Administrative Officer, Legislative Council, presented memorandums entitled *Legislative Compensation Adjustment Process*, *Legislative Compensation and Expenses*, and *Legislative Compensation Increases Compared to Inflation and State Employee Salary Increases - 1981 Through 2024*.

In response to questions from committee members, Ms. Ziegler noted the state employee increases approved during the 2023 legislative session were 6 percent for the 1st year of the biennium and 4 percent for the 2nd year of the biennium.

It was moved by Senator Hogan, seconded by Representative Bosch, and carried on a roll call vote that the committee ~~support~~recommend the inclusion in the appropriation bill for the legislative branch the statutory changes and funding for legislative compensation adjustments of 3 percent for the 1st year and 3 percent for the 2nd year for the 2025-27 biennium, to be adjusted during the 2025 legislative session to the appropriate level as compared to state employee salary adjustments. Senators Klein, Hogan, Piepkorn, and Roers and Representatives Bosch, Boschee, Ista, Johnson, O'Brien, and Schauer voted "aye." No negative votes were cast.

Committee members discussed the additional daily statutory compensation amounts of \$10 and \$15 provided to legislative leaders and committee chairman and noted these amounts have been increased only once since the 1980s. Some committee members ~~saw value in~~supported considering an increase to these amounts given the additional responsibilities assumed by legislative leaders and committee chairmen.

It was moved by Senator Hogan, seconded by Representative Bosch, and carried on a roll call vote that the committee **support**~~recommend~~ the inclusion in the appropriation bill for the legislative branch the statutory changes and funding to increase by \$5 per day the legislative compensation provided for legislative leaders and standing committee chairmen. Senators Klein, Hogan, and Roers and Representatives Bosch, Boschee, Johnson, O'Brien, and Schauer voted "aye." Senator Piepkorn and Representative Ista voted "nay."

ORGANIZATIONAL SESSION

Ms. Emily Thompson, Legal Division Director, Legislative Council, reviewed the proposed agenda for the *Legislative Organizational Session*, which includes computer and tablet training for legislators. She noted changes compared to the prior organizational session agenda include:

- Targeted training for workplace harassment policy contact persons and panel members conducted by the Legislative Council staff, rather than the more generalized training provided during the previous organizational session by an outside entity.
- A formal mentorship session providing the opportunity for more **seasoned**~~experienced~~ standing committee chairman to share their knowledge with newer standing committee chairmen.

Ms. Thompson noted additional materials, not specifically listed on the organizational session agenda, also will be provided in the orientation materials for legislators, including a Legislative Staff Guidebook, information on resources provided by the National Conference of State Legislators, and guidance on the allowable use of legislator photographs.

It was moved by Representative Ista, seconded by Senator Roers, and carried on a roll call vote that the committee approve the agenda for the legislative organizational session, which includes legislator computer and tablet training, subject to any required changes by the Legislative Council. Senators Klein, Hogan, Piepkorn, and Roers and Representatives Bosch, Boschee, Ista, Johnson, O'Brien, and Schauer voted "aye." No negative votes were cast.

LEGISLATIVE ASSEMBLY EMPLOYEES AND INTERNS

Ms. Thompson provided an update on the Legislative Assembly intern program. She noted two applications were received for the 32 internship openings approved by the committee, which leaves the House and Senate employment committees to fill the remaining 85 of the 87 Legislative Assembly employee positions.

In response to a question from a committee member, Ms. Thompson noted the internship program was promoted widely to colleges and universities in the state. She noted the hope of expanding the pool of applicants for next session based on word of mouth by providing an enriching experience to this session's interns.

Ms. Thompson reviewed the proposed agenda for the *Orientation and Training Sessions for Certain Legislative Employees*. She noted changes compared to the prior orientation and training agenda include:

- Cross training for all types of committee clerk positions to allow the committee clerks to fill in for other clerks in the event of illness or staff turnover.
- More robust sessions simulating mock hearings to allow legislative session employees to apply the training they received during the orientation sessions.

It was moved by Senator Roers, seconded by Representative Bosch, and carried on a roll call vote that the committee approve the orientation and training agenda for legislative employees, subject to any

required changes by the Legislative Council. Senators Klein, Hogan, Piepkorn, and Roers and Representatives Bosch, Boschee, Ista, Johnson, O'Brien, and Schauer voted "aye." No negative votes were cast.

It was moved by Representative Bosch, seconded by Senator Roers, and carried on a roll call vote that Senator Dick Dever and Representative Anna S. Novak be authorized to begin the process to recruit and hire employees for the 69th Legislative Assembly. Senators Klein, Hogan, Piepkorn, and Roers and Representatives Bosch, Boschee, Ista, Johnson, O'Brien, and Schauer voted "aye." No negative votes were cast.

Representative Novak noted she is excited to get started on the process of hiring and recruiting candidates for employment.

It was moved by Senator Roers, seconded by Senator Hogan, and carried on a roll call vote that the committee request the Legislative Council staff to prepare a draft resolution based upon House Concurrent Resolution 3003 (2023) with the recommended compensation levels for legislative session staff. Senators Klein, Hogan, Piepkorn, and Roers and Representatives Bosch, Boschee, Ista, Johnson, O'Brien, and Schauer voted "aye." No negative votes were cast.

LEGISLATIVE ARRANGEMENTS AND RENOVATIONS

Ms. Thompson presented updated cost information (Appendix-B) provided by Michael J. Burns, President, Michael J. Burns Architects, Ltd., regarding the estimated cost of an alternative accessibility option for the chambers which places only one ramp in each chambers, rather than a ramp on each side of the chambers. She noted the cost of adding only one ramp in each chamber is \$302,200 more than the cost of adding two ramps in each chamber, mostly due to additional design fees and expenses.

In response to a question from a committee member, Ms. Thompson noted the previous cost estimates for accessibility options presented to the committee included an estimate of:

- \$1,533,300 to add ramps to the far left and right sides of the House Chambers.
- \$2,005,700 to raise the area by the rostrum by 5 inches and add ramps to all the isles except one in the House Chambers.
- \$2,536,200 to demolish the whole floor area and create a 2 percent slope in the House Chambers.
- \$985,300 to raise the area by the rostrum by 5 inches and add ramps to the far right and left sides of the Senate Chambers.
- \$1,466,700 to demolish the whole floor area and create a 2 percent slope in the Senate Chambers.

Some committee members noted it would be prudent to take advantage of the strong fiscal position of the state to make accessibility improvements to the chambers. Some committee members expressed a preference for the option of demolishing the entire floor and creating a gradual slope rather than installing ramps. Committee members discussed the option of deferring a recommendation on the preferred accessibility option and instead recommending funding on the high end of the cost estimates be included in the legislative branch budget to allow flexibility on the option ultimately selected.

It was moved by Representative Bosch, seconded by Representative Boschee, and carried on a roll call vote that the committee support recommend the inclusion of \$4 million in the appropriation bill for the legislative branch for purposes of making accessibility improvements to the legislative chambers. Senators Klein, Hogan, Piepkorn, and Roers and Representatives Bosch, Boschee, Ista, Johnson, O'Brien, and Schauer voted "aye." No negative votes were cast.

Mr. John Bjornson, Director, Legislative Council, noted discussions with the Facility Management Division of the

Office of Management and Budget indicated the lighting in the chambers and Legislative Hall is original to the building and parts such as dimming and relay switches are becoming extremely difficult to replace when the parts fail. He noted:

- There are concerns that if future replacement parts are needed, options may be limited to leaving lights on around the clock or leaving areas partially in the dark.
- The Facilities Management Division requested consideration of a study of the options and estimated costs to repair or update lighting to give the Legislative Assembly a clearer view of the scope of the project if the Legislative Assembly chooses to incorporate the costs of lighting improvements in the 2025-27 biennium budget.
- The initial study could be completed for approximately \$22,000.

It was moved by Senator Hogan, seconded by Senator Roers, and carried on a roll call vote that the Legislative Council be approved to expend up to \$22,000 to secure a study of the options for, and estimated costs of, lighting improvements to the legislative chambers and Legislative Hall and that the committee recommends funding be included in the Legislative Assembly's 2025-27 biennium budget for completion of the lighting improvements based upon the results of the study. Senators Klein, Hogan, Piepkorn, and Roers and Representatives Bosch, Boschee, Ista, Johnson, O'Brien, and Schauer voted "aye." No negative votes were cast.

Ms. Thompson presented a memorandum entitled *2023 Legislative Session Meeting Rooms and Workspaces*. She noted the memorandum provides an overview of the capacity and use of workspaces during the 2023 legislative session for the committee's consideration when determining how spaces may be used during the 2025 legislative session.

In response to a question from Chairman Klein, Mr. Bjornson noted every available space is being used to capacity, including the Legislative Council office area. He noted:

- There are two empty office spaces in the Legislative Council office area, and with the three new positions recently added by the Emergency Commission, either a storage area will need to be cleared or a cubical used at the end of a corridor to accommodate the additional staff.
- A plan for additional office space was not included in the proposed 25-member staff expansion approved by the committee for recommendation for inclusion in the legislative branch's 2025-27 biennium budget.
- There are a number of spaces in other areas of the capitol which are not being used on a regular basis due to many executive branch staff working remotely, but it is unclear if those staff will be returning to work onsite under the new administration.

WORKPLACE HARASSMENT POLICY

Ms. Thompson reviewed the changes requested to the *North Dakota Legislative Assembly Policy Against Workplace Harassment* and corresponding checklist for intake and investigations under the policy, which have been broken into two ~~separate~~ checklists entitled *Workplace Harassment Complaint Intake Checklist* and *Workplace Harassment Complaint Investigation Checklist*. She noted the documents have been modified to:

- Revise the definition of "sexual harassment" to ensure the definition does not depend on the conduct impacting an individual's work environment, because some individuals may be participating in the legislative process in a manner unrelated to a work capacity.
- Clarify the definition of "workplace harassment" to indicate the term includes sexual harassment, harassment directed at a protected class, and harassment that has the purpose or effect of substantially

interfering with an individual's work performance or creating a hostile environment.

- Provide a clear process for intaking complaints, including the creation of an online workplace harassment complaint form.
- Provide a requirement for legislative leaders to receive a completed intake checklist within 24 hours of a complaint being submitted.
- Provide a process for a complaint to be summarily dismissed upon the unanimous consent of the four legislative leaders.
- Provide a requirement for the review panel to convene within 72 hours.
- Provide the opportunity to use informal negotiation or mediation to resolve a complaint.
- Clarify the application of a reasonable person standard when determining if the policy has been violated.
- Clarify the open nature of complaint and investigation documents upon the completion of the investigation or 75 days, whichever period is shorter.
- Require all documents relating to a complaint be forwarded to the Director of the Legislative Council to ensure documents are retained in a secure, permanent file.

Committee members noted the revisions provided clarity, flexibility, more realistic timelines to complete required actions, and better recordkeeping practices.

It was moved by Senator Hogan, seconded by Senator Roers, and carried on a roll call vote that the committee approved the changes to the *North Dakota Legislative Assembly Policy Against Workplace Harassment*, and corresponding *Workplace Harassment Complaint Intake Checklist* and *Workplace Harassment Complaint Investigation Checklist*, as distributed. Senators Klein, Hogan, Piepkorn, and Roers and Representatives Bosch, Boschee, Ista, Johnson, O'Brien, and Schauer voted "aye." No negative votes were cast.

Committee members expressed interest in further discussion during the legislative session regarding an appeal process, both for the accused and the complainant, of findings adverse to their positions.

In response to a question from a committee member, Mr. Bjornson noted the policy does not forbid the individual who is the subject of the complaint from speaking about the complaint.

TERM LIMITS STUDY

Ms. Thompson presented a memorandum entitled *Volume of Drafting Requests and State Workflow Processes*. She noted:

- As of September 13, 2024, 392 bill and resolution drafting requests had been submitted to the Legislative Council staff.
- This drafting count was far ahead of similar drafting counts from the previous legislative session, which did not reach the 400 mark until the end of November in the previous interim.
- Current drafting counts are approximately double the drafting counts on the same date in the previous interim and the heaviest drafting periods generally do not occur until November and December ~~prior~~ before the legislative session.
- Bill introduction limits vary from state-to-state and have been used by some states as a means of reducing the volume of legislation considered during the legislative session.
- Montana places limits on the number of drafting requests that may be submitted after a certain date to reduce bill drafting volumes.

- In Montana, a legislator may request an unlimited number of bill and resolution drafts through December 5th of the year before a legislative session, and after December 5th, a legislator may request up to seven additional bills or resolutions be drafted, five of which must be requested before the 1st day of the legislative session.
- Montana also has robust sunshine laws, with both the main subject description and text of bill and resolution drafts prepared in Montana posted online.

In response to a question from a committee member, Mr. Bjornson noted absent a statutory change regarding the confidential nature of legislator communications and work product, the Legislative Council staff may not share more detailed information regarding bill drafts that have not been introduced.

Committee members expressed support for more transparency regarding the topics on which bill drafts have been requested and interest in receiving information during the organizational session on best practices for submitting bill draft requests. Committee members also expressed interest in receiving information regarding which states require a floor vote be held on every bill.

In response to question from a committee member, Ms. Thompson noted a single compiled data source of bills introduced by topic over multiple sessions is something the Legislative Council staff could look into developing.

It was moved by Representative Ista, seconded by Representative Bosch, and carried on a voice vote that the Chairman and the Legislative Council staff be requested to prepare a report and the rules amendments recommended by the committee, and to present the report and recommended rules amendments to the Legislative Management.

No further business appearing, Chairman Klein adjourned the meeting at 11:38 a.m.

Emily Thompson
Legal Division Director

ATTACH:1