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## **LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE**

Monday and Tuesday, June 27-28, 2022  
Harvest Room, State Capitol  
Bismarck, North Dakota

Senator Rich Wardner, Chairman, called the meeting to order at 1:30 p.m.

**Members present:** Senators Rich Wardner, Joan Heckaman, Kathy Hogan, Jerry Klein, Karen K. Krebsbach, Larry Luick; Representatives Joshua A. Boschee, Kim Koppelman, Alisa Mitskog, Chet Pollert

**Member absent:** Representative Scott Louser

**Others present:** Representative Glenn Bosch, Bismarck, member of the Legislative Management  
Senator Dick Dever, Bismarck  
John Bjornson, Legislative Council, Bismarck

**It was moved by Senator Hogan, seconded by Senator Krebsbach, and carried on a voice vote that the minutes of the December 15, 2021, meeting be approved as distributed.**

### **ACCESSIBILITY IMPROVEMENTS TO THE CAPITOL**

Mr. John Boyle, Director, Facilities Management Division, Office of Management and Budget, provided information regarding compliance with the federal Americans with Disabilities Act (ADA). He noted:

- The ADA enhancement project commenced in March and was broken into seven areas of work;
- Enhancements include conversion of restrooms to ensure ADA compliance, installation of ramps and electronic door openers, and the provision of listening devices and braille signage;
- Enhancements will be completed before the start of the legislative session; and
- Funding will be sought during the 2023 legislative session for ADA enhancements to other state-owned buildings in Bismarck.

Mr. John Bjornson, Director, Legislative Council, noted bids were received for assisted hearing devices for committee rooms and the chambers. He noted he would present the bids to Mr. Boyle because the costs should be covered under the accessibility study.

### **LEGISLATIVE AREA RENOVATIONS AND MAINTENANCE**

Mr. Bjornson provided an update on the progress in converting Legislative Council workspace into information technology offices and workstations. He noted:

- The balcony level area behind the Senate Chamber was converted into six offices to accommodate newly hired information technology staff authorized during the previous legislative session; and
- An additional area was converted to storage to house information technology equipment.

Ms. Emily Thompson, Legal Division Director, Legislative Council, presented information regarding maintenance and upkeep needs in legislatively controlled areas. She noted:

- Chairs in the chambers are 20 to 30 years old and are beginning to fail;
- Replacement of chairs in the chambers would consist of 141 chairs for legislators and additional chairs for chamber staff;

- An additional 35 to 40 chairs would be needed for the committee rooms located in the judicial wing;
- Chairs are available for purchase at various price points, ranging from \$300 to \$1,000 per chair;
- Carpeting in both chambers is worn and remnants to repair damaged areas are no longer available;
- The quote received to remove and replace carpeting is \$65,000 for the House and \$45,000 for the Senate;
- Portions of the woodwork in both chambers show signs of fading and wear; and
- The quote received to refinish the woodwork in the front areas of both chambers is \$30,000.

Mr. Bjornson noted carpeting and chairs were replaced most recently in the chambers in 1998, at a cost of \$56,000 for carpeting and \$107,000 for 195 chairs, and committee room chairs were last replaced in 2006. He noted the ceilings in the chambers could be painted in conjunction with the upgrades being made to the air handling system, but the Facilities Management Division likely would need to hire an architect to determine the feasibility of installing ramps in the chambers.

In response to a question from a committee member, Ms. Lori Ziegler, Legislative Administrative Officer, Legislative Council, noted information could be provided regarding the marketability of the current chairs.

In response to a question from a committee member, Mr. Bjornson noted a phased replacement schedule would be advantageous as opposed to all chairs being replaced at once. He noted:

- The maintenance items mentioned are not included in the current biennium's budget;
- The items are being brought to the committee's attention should the committee wish to recommend the maintenance costs be included in the next biennium's budget; and
- If the maintenance costs were included in the budget, it would be feasible to complete the painting and replace the chairs and carpeting in the chambers during the next biennium.

Committee members:

- Noted the value of completing maintenance items relating to chair and carpeting replacement and staining and painting in the chambers at the same time;
- Highlighted additional concerns regarding the condition of the desks in the chambers and the availability of ramps to meet ADA requirements; and
- Acknowledged the appropriation for maintenance items might be large, but additional costs might arise if maintenance is deferred.

**It was moved by Representative Koppelman, and seconded by Senator Luick, that the committee recommend to the Legislative Management the cost of replacing chairs and carpeting and staining and painting both chambers be included in the Legislative Assembly's 2023-25 biennium budget, with the intent costs related to replacing chairs in committee rooms would be deferred until the 2025-27 biennium.**

Committee members requested the Legislative Council staff provide samples of chairs at various price points and bids relating to painting and desk replacement and repair options for the committee's consideration at the next meeting before the committee acts on a recommendation to the Legislative Management.

**The motion and second were withdrawn.**

## **DESK PHONES**

Committee members discussed whether desk phones should be retained in the chambers. Some committee members noted the phones could be removed, while others appreciated the convenience of having access to the phones during floor session.

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

- The cost to receive service for the desk phones is approximately \$20,000 per biennium for the 6-month period the Legislative Assembly uses the phones; and
- The Information Technology Department is moving to a soft phone option, with calling available through Microsoft Teams, and would like to know if the Legislative Assembly wishes to retain the phones in the chambers.

Chairman Wardner requested the Legislative Council staff inquire as to whether the desk phones could be converted into an intercom-based system to eliminate the need to maintain service for the phones.

Ms. Thompson noted the committee may wish to review the House Rule prohibiting the use of cell phones on the House floor if a decision is made to recommend the removal of the desk phones.

### COMPUTER BAGS

Committee members discussed the purchase of new computer bags and determined it was not necessary to purchase replacement bags for all members.

**It was moved by Senator Luick, seconded by Senator Hogan, and carried on a voice vote that new computer bags be provided only to new members of the Legislative Assembly.**

### ELECTRONIC LETTERHEAD

Committee members discussed the practice of receiving letterhead in an electronic format, rather than in paper, and noted the practice has worked well.

**It was moved by Representative Koppelman, seconded by Senator Luick, and carried on a roll call vote, that the practice of providing each legislator an electronic template for printing letterhead through word processing and email software be continued.** Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Mitskog, and Pollert voted "aye." No negative votes were cast.

Mr. Bjornson noted a large number of incoming new legislators will result in a tight time frame for the Legislative Council's information technology staff to wipe and reset the electronic devices issued to new legislators. He requested the committee's permission to send a letter requesting all outgoing legislators return state-issued electronic devices at their earliest convenience, but no later than the Legislative Management meeting in November.

Committee members were agreeable to Legislative Council sending the letter.

### PRINTING AND PHOTOGRAPHY SERVICES

Ms. Thompson reviewed the options available to the Legislative Assembly regarding printing services during the legislative session and noted the Legislative Assembly may either enter an agreement with Central Duplicating Services to print materials or request bids for printing services. She noted the Legislative Assembly used the services provided by Central Duplicating Services during the previous legislative session after no printing bids were received.

Mr. Bjornson noted the Legislative Assembly had a good experience using Central Duplicating Services for its printing needs during the previous legislative session.

**It was moved by Representative Pollert, seconded by Senator Klein, and carried on a roll call vote that the committee approve Central Duplicating Services as the printing services provider for the biennium.** Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Mitskog, and Pollert voted "aye." No negative votes were cast.

Ms. Thompson presented a draft legislative rule amendment [[23.9324.01000](#)] regarding journal and rule book printing and distribution. She noted:

- The entities currently receiving hard copies of the journal were contacted to determine whether the entities wished to continue receiving hard copies of the journal;
- All entities except the Attorney General's office wished to continue receiving hard copies;
- The Legislative Council determined its number of hard copies could be reduced by half;
- Language also was added to reduce the number of hard copies sent to the State Library from eight to five in the event a statutory change results in the State Library no longer requiring certain electronically available materials be provided in a hard copy format;
- The amendments to House and Senate Rules 204 reduce the total number of hard copies of the journal required to be distributed to 24 copies; and

- The amendment to Joint Rule 602 reduces the number of hard copies of rule books that must be printed from 1,000 books to 225, to align with current practices and prevent excessive numbers of rule books from remaining undistributed at the end of the legislative session.

**It was moved by Representative Boschee, seconded by Representative Mitskog, and carried on a roll call vote that the proposed amendments [23.9324.01000] to House and Senate Rules 204 and Joint Rule 602 be approved as distributed and recommended to the Legislative Management.** Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Mitskog, and Pollert voted "aye." No negative votes were cast.

Ms. Thompson presented a memorandum titled [Invitation to Bid - Legislative Assembly Photography Services](#).

**It was moved by Representative Koppelman, seconded by Senator Krebsbach, and carried on a roll call vote that the invitation to bid be approved as distributed.** Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Mitskog, and Pollert voted "aye." No negative votes were cast.

### **POLICY AGAINST WORKPLACE HARASSMENT**

Ms. Thompson presented an overview ([Appendix A](#)) of the [Legislative Assembly Policy Against Workplace Harassment](#). She noted the policy includes the checklist for intake and investigations under the policy.

Committee members expressed a variety of opinions regarding the policy, including:

- A desire for the policy to include an obligation for individuals who witness harassment to report the harassment;
- The need for an alternate contact person if the complaint pertains to the conduct of the Majority or Minority Leaders;
- The benefit of identifying contact persons and designees during the organizational session;
- The potential to designate the Executive Director of the Ethics Commission or another outside entity as the contact person for complaints and investigations;
- The need for those designated as a contact person and those investigating a complaint to receive additional training on how to properly handle a complaint and investigation;
- The Legislative Assembly's lack of a human resources department to provide guidance on how to handle complaints;
- A desire to include additional followup measures to ensure retaliation is not occurring; and
- The need for each chamber to discipline its members if an investigation determines misconduct occurred.

In response to a question from a committee member, Mr. Bjornson noted a statutory change may be required if the committee wishes to designate the Ethics Commission as the entity tasked with investigating complaints. He noted it is ultimately the responsibility of each chamber to discipline its members and the Legislative Assembly's potential for liability increases substantially if complaints are not addressed.

The committee reviewed language to add the Speaker of the House and the President Pro Tempore as the contact person in each respective chamber if the complaint is against the Majority or Minority Leader and language to require separate, additional training sessions for contact persons in regard to receiving and processing complaints.

### **CHAPLAINCY AND TOUR GUIDE PROGRAMS**

Ms. Thompson provided information regarding the chaplaincy and tour guide programs. She noted:

- The committee has authorized a chaplaincy program for the Legislative Assembly each biennium and historically the local ministerial association has been asked to coordinate scheduling chaplains to provide opening prayers in both houses each day during the floor sessions;
- The committee also has authorized a tour guide program to run during the legislative session to coordinate tour groups and provide tours of the Capitol, although last session's program did not proceed due to COVID-19; and
- The Legislative Council's administrative staff has been developing a program for tour guides to follow.

**It was moved by Senator Luick, seconded by Representative Koppelman, and carried on a roll call vote that the chaplaincy and legislative tour guide programs be continued.** Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Mitskog, and Pollert voted "aye." No negative votes were cast.

### **ADDRESSES TO THE LEGISLATIVE ASSEMBLY**

Ms. Thompson presented information regarding the State of the State address, the Tribal-State Relationship Message, and the State of the Judiciary address. She noted all three addresses were given during the 1<sup>st</sup> day of the last regular session in a joint session, with the Tribal-State Relationship Message being delivered at 10:00 a.m., the State of the Judiciary address being delivered at 11:00 a.m., and the State of the State address being delivered at 1:00 p.m.

Committee members noted scheduling the addresses in this manner worked well.

**It was moved by Senator Hogan, seconded by Senator Krebsbach, and carried on a roll call vote that the Legislative Council be requested to contact the Governor with respect to scheduling the State of the State address at 1:00 p.m. on the 1<sup>st</sup> legislative day (January 3, 2023), contact the Chief Justice to make plans for the State of the Judiciary address at 11:00 a.m. on the 1<sup>st</sup> legislative day, and to invite a representative of the Indian tribes to address the Legislative Assembly at 10:00 a.m. on the 1<sup>st</sup> legislative day.** Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Mitskog, and Pollert voted "aye." No negative votes were cast.

### **REPORTS TO THE LEGISLATIVE ASSEMBLY**

Ms. Thompson provided information regarding the reports to the Legislative Assembly. She noted:

- North Dakota Century Code Sections 4.1-44-04 and 4.1-36-04 require a report of 14 agricultural commodity promotion groups be provided to the Agriculture Committee of each house and the biennial report of the Agriculture Commissioner on the status of the pesticide container disposal program be provided to a joint hearing of the Senate and House Agriculture Committees;
- Section 54-60-03 requires the Commissioner of the Department of Commerce to give a report on the department's goals, objectives, activities, measurable results, and commerce benchmarks to a standing committee of each house;
- The standing committee receiving the report generally has been the Industry, Business and Labor Committee; and
- These reports must be given between the 1<sup>st</sup> and 10<sup>th</sup> legislative days of the session.

**It was moved by Representative Pollert, seconded by Senator Luick, and carried on a roll call vote that Thursday, January 12, 2023, be designated as the day for a joint hearing by the Senate and House Agriculture Committees to receive the report of the agriculture commodity promotion groups under Section 4.1-44-04 and to receive the report of the Agriculture Commissioner on the status of the pesticide container disposal program under Section 4.1-36-04; and Wednesday, January 11, 2023, be designated as the day the Commissioner of the Department of Commerce reports to the Industry, Business and Labor Committees.** Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Mitskog, and Pollert voted "aye." No negative votes were cast.

### **WATS TELEPHONE LINE**

Ms. Thompson provided information regarding the WATS telephone line. She noted the WATS line is used infrequently with 437 calls being received on the WATS line during the 2019 legislative session and 1,139 calls being received during the 2021 legislative session.

**It was moved by Senator Luick, seconded by Representative Pollert, and carried on a roll call vote that the WATS telephone line be continued.** Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Mitskog, and Pollert voted "aye." No negative votes were cast.

### **LEGISLATIVE ASSEMBLY EMPLOYEE POSITIONS AND COMPENSATION**

Ms. Thompson presented a memorandum titled [Legislative Assembly Employee Positions and Compensation](#). She noted:

- The memorandum provides information regarding the number of employee positions proposed for the 2023 legislative session and the compensation proposed for those positions;

- The memorandum also contains modifications to employment positions recommended by the Employment Committee Chairmen and the rationale for the changes;
- A visual depiction of the changes recommended in the memorandum can be seen in the House of Representatives ([Appendix B](#)) and Senate ([Appendix C](#)) organizational charts; and
- Updated session staff job descriptions for the House of Representatives ([Appendix D](#)) and Senate ([Appendix E](#)) are provided.

Ms. Renae Doan, former Administrative Assistant to the Senate Majority Leader, noted the recommendation to combine the Bill Clerk position and Recording Clerk position into a single Bill and Recording Clerk position is feasible because the Recording Clerk has a substantial amount of downtime during the legislative session.

Senator Dick Dever, appearing in his capacity as the Employment Committee Chairman for the Senate, noted the modifications to make all clerks 5-day clerks and divide the clerk positions into technological clerks and procedural clerks will provide individuals with a clear understanding of their duties during the legislative session. He noted the addition of a Quality Assurance Clerk also will ensure the materials needed for legislative histories are completed in a consistent and timely manner.

Representative Glenn Bosch, appearing in his capacity as the Employment Committee Chairman for the House of Representatives, noted:

- Eliminating the Parking Lot Attendant position and shifting those duties to the duties of the Assistant Sergeant-at-Arms is sensible because the busiest times for the Parking Lot Attendants are the slowest times for the Assistant Sergeant-at-Arms;
- Parking Lot Attendant positions historically have been difficult to fill and retain;
- Eliminating the Information Kiosk Attendant position and shifting those duties to the duties of the pages is possible because the pages have a large amount of downtime in which to staff the information kiosk on a rotating basis;
- A sign can be placed on the information kiosk during the periods the pages are occupied during the floor sessions; and
- There is potential to add a more sophisticated wayfinding system in the future.

Committee members expressed concerns with the visibility of parking space lines during the winter months and the legislative lot not being cleared of snow in a timely manner. Some committee members questioned whether flags could be positioned to identify the location of parking spaces. Many committee members were receptive to moving forward with the modified Sergeant-at-Arms and Page positions which absorb the parking lot and information kiosk duties. Committee members acknowledged some position consolidations may be needed simply as a result of staffing shortages. Some committee members liked the idea of pursuing an electronic kiosk option for wayfinding, while others saw the value of human interaction at the information kiosk.

Mr. Bjornson noted:

- The Facilities Management Division contracts with an outside provider to clear the legislative parking lot during the winter months;
- He will have discussions with the Facilities Management Division to determine whether the parking lot can be cleared in a more timely fashion;
- Pursuant to statute, parking tickets are not issued on the Capitol grounds during the legislative session, with the exception of accessibility violations, so it is difficult to enforce the prohibition on visitors parking in the legislative parking lot; and
- Consideration has been given to placing a touchscreen kiosk in a central location to allow for the use of QR codes and possibly even on-demand bill printing at some point in the future.

**It was moved by Representative Koppelman, seconded by Senator Hogan, and carried on a roll call vote that the committee accept the recommendations of the Employment Committee Chairmen and recommend the 35 Senate employee positions and 44 House of Representatives employee positions, as presented to the committee.** Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Mitskog, and Pollert voted "aye." No negative votes were cast.

Committee members discussed outreach and advertising to fill the staff positions. A committee member raised the option of reaching out to the Department of Public Instruction to potentially recruit high school students who have finished their coursework early and are looking for internships.

Representative Bosch noted Bismarck State College students are a potential source of applicants for the newly created Technological Committee Clerk position.

Committee members noted the compensation for the Assistant Sergeant-at-Arms position and Page position should be reviewed further before the committee makes any recommendations regarding compensation because both of these positions have absorbed additional duties.

**It was moved by Senator Krebsbach, seconded by Senator Luick, and carried on a roll call vote that the committee recommend the compensation increases consistent with state employee compensation increases for legislative session staff, as presented to the committee, with the exception of the compensation listed for the Assistant Sergeant-at-Arms and Page positions, which will be determined at a future meeting date.** Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Mitskog, and Pollert voted "aye." No negative votes were cast.

### LEGISLATIVE SESSION MEETING ROOMS AND WORKSPACES

Ms. Thompson presented a memorandum entitled [2021 Legislative Session Meeting Rooms and Workspaces](#). She noted the memorandum provides information regarding the meeting rooms used during the 2021 regular legislative session by House and Senate standing committees and the occupancy capacity of each room.

Mr. Bjornson noted the House standing committees met in the four rooms added in the judicial wing during the previous legislative session. He noted:

- Legislation was approved during the 2021 special legislative session to allow the Legislative Assembly to retain the use of those four rooms;
- Committee clerks have office space within the rooms in the judicial wing;
- Conversion of space behind the upper level of the Senate Chamber and the loss of the stage area in the Brynhild Haugland Room requires the addition of workspaces for approximately 15-17 legislative session staff;
- Three options ([Appendix F](#)) for rooms that could be converted for workspaces are the Lewis and Clark Room, Medora Room, and the Roosevelt Park Room;
- The Lewis and Clark Room could accommodate up to 13 workspaces, the Medora Room could accommodate 8 workspaces, and the Roosevelt Park Room could accommodate 16 workspaces; and
- Minimal changes would be needed to reconfigure the rooms and existing cubicles could be repurposed.

**It was moved by Senator Klein, seconded by Representative Koppelman, and carried on a roll call vote that the Legislative Council proceed with reconfiguring the Roosevelt Park Room to accommodate additional legislative session staff workspaces.** Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Mitskog, and Pollert voted "aye." No negative votes were cast.

Committee members discussed the potential restructuring of standing committees and noted consideration should be given to creating a separate energy committee from the Energy and Natural Resource Committee and combining the remaining natural resources portion of the committee with the Agriculture Committee to create an agriculture and natural resources committee.

### REQUEST TO USE LEGISLATIVE SPACES

The committee reviewed a request from the Marketplace for Kids to use Memorial Hall and Legislative Hall for a student exhibit display on Tuesday, December 6, 2022.

**It was moved by Representative Pollert, seconded by Senator Krebsbach, and carried on a roll call vote that the Marketplace for Kids request to use Memorial Hall and Legislative Hall for a student exhibit display on December 6, 2022, be approved.** Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Mitskog, and Pollert voted "aye." No negative votes were cast.

No further business appearing, Chairman Wardner adjourned the meeting at 10:50 a.m.

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Emily Thompson  
Legal Division Director

ATTACH:6