



LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Wednesday, September 28, 2022
Harvest Room, State Capitol
Bismarck, North Dakota

Senator Rich Wardner, Chairman, called the meeting to order at 1:00 p.m.

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

Members absent: None

Others present: Representative Glenn Bosch, Bismarck, member of the Legislative Management
John Bjornson and Brady A. Larson, Legislative Council, Bismarck

**Attended remotely*

It was moved by Senator Hogan, seconded by Senator Krebsbach, and carried on a voice vote that the minutes of the June 27-28, 2022, meeting be approved as distributed.

LEGISLATIVE COMPENSATION

Mr. Brady A. Larson, Assistant Legislative Budget Analyst and Auditor, 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 2022](#).

Some committee members recalled periods in which legislators did not receive a salary increase, while others questioned whether a salary increase of 1 percent for the 1st year of the biennium and 2 percent for the 2nd year of the biennium would be sufficient in light of rising inflation.

It was moved by Representative Boschee, seconded by Representative Louser, and failed on a roll call vote that the committee support the inclusion in the appropriation bill for the legislative branch the statutory changes and funding for legislative compensation adjustments of 1 percent for the 1st year and 2 percent for the 2nd year for the 2023-25 biennium, to be adjusted during the 2023 legislative session to the appropriate level as compared to state employee salary adjustments. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Louser, Mitskog, and Pollert voted "nay." Representative Koppelman voted "aye."

Committee members expressed interest in a higher level of compensation increases reasoning:

- The level of increase recommended sends a message to legislators regarding their value.
- A larger increase is necessary to keep pace with inflation.
- It is easier to reduce the amount requested than increase the amount requested during the legislative session.
- The amount recommended for legislator salary increases sets the tone for state employee salary increases.

It was moved by Senator Krebsbach, seconded by Senator Hogan, and carried on a roll call vote that the committee support the inclusion in the appropriation bill for the legislative branch the statutory changes and funding for legislative compensation adjustments of 2 percent for the 1st year and 3 percent for the 2nd year for the 2023-25 biennium, to be adjusted during the 2023 legislative session to the appropriate level

as compared to state employee salary adjustments. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Louser, Mitskog, and Pollert voted "aye." Representative Koppelman voted "nay."

LEGISLATIVE ASSEMBLY EMPLOYEE POSITIONS AND COMPENSATION

Ms. Emily Thompson, Legal Division Director, Legislative Council, presented information regarding House ([Appendix A](#)) and Senate ([Appendix B](#)) legislative session staff position descriptions and compensation. She noted the committee approved various increases to the compensation offered during the previous legislative session but refrained from approving the compensation for certain positions that had been merged or expanded with the assignment of additional duties.

Chairman Wardner noted discussion with the Employment Committee Chairmen indicated:

- One Assistant Sergeant-at-Arms will be designated as the primary Assistant Sergeant-at-Arms to provide parking lot supervision from 6:00 a.m. to 1:00 p.m. each day.
- If parking lot assistance is needed after 1:00 p.m., additional Assistant Sergeants-at-Arms and Deputy Sergeants-at-Arms in either house will assist members of the Legislative Assembly with parking concerns.
- The Senate will employ a Supply Room Coordinator, who also will assist the Sergeant-at-Arms upon request.
- The House will designate one page to serve as the lead staff member in the Bill and Journal Room and two additional pages in the House and Senate will staff the Bill and Journal Room and information kiosk on a rotating basis.
- Increased compensation is warranted for these positions and the Bill and Recording Clerk position due to the assignment of additional duties.

It was moved by Senator Heckaman, seconded by Representative Koppelman, and carried on a roll call vote that the committee recommend compensation of \$145 per day for the Deputy Sergeant-at-Arms position, compensation of \$135 per day for the Assistant Sergeant-at-Arms and Supply Room Coordinator positions, and compensation of \$124 per day for the Legislative Assistant - Desk Page and Legislative Assistant - Page positions. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, Mitskog, and Pollert voted "aye." No negative votes were cast.

It was moved by Representative Koppelman, seconded by Senator Klein, and carried on a roll call vote that the committee recommend compensation of \$188 per day for the Bill and Recording Clerk position. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, Mitskog, and Pollert voted "aye." No negative votes were cast.

The committee was informed the advertisement for legislative session staff has been placed on the Legislative Council's website and will be extended to state job search websites and students at Bismarck State College.

It was moved by Representative Pollert, 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 Senate Concurrent Resolution No. 4003 (2021) with the recommended compensation levels for legislative session staff. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, Mitskog, and Pollert voted "aye." No negative votes were cast.

It was moved by Representative Pollert, seconded by Senator Klein, and carried on a roll call vote that Senator Dick Dever and Representative Bosch be authorized to begin the process to recruit and hire employees for the 68th Legislative Assembly. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, Mitskog, and Pollert voted "aye." No negative votes were cast.

LEGISLATIVE ASSEMBLY PHOTOGRAPHY SERVICES

Ms. Thompson presented a memorandum entitled [Legislative Assembly Photography Services Options](#). She noted:

- The invitation to bid for photography services for the 68th Legislative Assembly was sent to 333 photography firms in the state.
- Two photographers submitted bids, one of which did not comply with the bid requirement to provide sample photographs.

- The conforming bid was Deborah Kates Fine Photography, Mandan, in the amount of \$13,500 for photography services and \$65 for each additional oak frame.
- The winning bid for photography services for the previous two Legislative Assemblies was \$4,000.
- An alternative option of in-house photography services could be considered in light of increasing costs and the low number of bids historically received for photography services.
- One-time costs associated with the establishment of in-house photography services include up to \$600 for a camera, an additional \$600 for a camera lens, \$300 for lighting, \$200 for backdrops, and \$60 for an adjustable stool.
- Costs relating to printing would vary each legislative session based on market conditions.
- No additional software or staffing costs would be incurred for the Legislative Council staff to provide in-house photography services.

Committee members weighed the benefits of professional versus in-house photography services. Committee members noted:

- The use of professional photography services would support local businesses.
- The use of in-house photography services would provide flexibility and cost-savings to the state.

Mr. John Bjornson, Director, Legislative Council, noted the use of in-house versus professional photography services would not eliminate the prohibition on legislators using photographs produced with state resources for political purposes.

It was moved by Senator Heckaman, seconded by Senator Klein, and carried on a roll call vote that the committee recommend the Legislative Council staff provide photography services for the 68th Legislative Assembly. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Louser, Mitskog, and Pollert voted "aye." Representative Koppelman voted "nay."

LEGISLATIVE AREA RENOVATIONS AND MAINTENANCE

Ms. Thompson provided an update on legislative area estimated renovation and maintenance costs. She noted:

- Chairs in the legislative chambers were last replaced in 1998 and are beginning to fail.
- Replacement of chairs in the legislative chambers would consist of 141 chairs for legislators and additional chairs for legislative chamber staff.
- Carpeting was last replaced in the legislative chambers in 1998.
- Carpeting is very worn and remnants to replace damaged areas are no longer available.
- The estimated cost to replace carpeting in the House is \$65,000 and the cost to replace carpeting in the Senate is \$45,000.
- The finishing on the woodwork in the front of the legislative chambers shows signs of fading and wear.
- The estimated cost to refinish the woodwork in the front of both legislative chambers is \$30,000.
- Costs relating to painting the legislative chambers could be included in the costs of updating the air handling system in the legislative chambers, which is funded with federal funds.
- An estimate on the amount needed to repair or replace desks and add ramps in the legislative chambers is not known because the services of an architect would be required to receive an estimate.

Committee members:

- Viewed samples of chairs at various price points.
- Indicated a price point of \$1,000 per chair was too high.
- Noted the legislative chambers are the peoples' houses and should be kept in good repair.
- Acknowledged deferring needed maintenance until a later date could be more costly in the long run.

It was moved by Senator Hogan, seconded by Representative Koppelman, and carried on a roll call vote that the committee prioritize costs for replacing chairs, at a price point of \$500 per chair, in both chambers for inclusion in the Legislative Assembly's budget for the 2023-25 biennium. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, Mitskog, and Pollert voted "aye." No negative votes were cast.

It was moved by Representative Koppelman, seconded by Representative Pollert, and carried on a roll call vote that the committee prioritize costs for refinishing woodwork in the front of the legislative chambers and the replacement of carpeting in both chambers for inclusion in the Legislative Assembly's budget for the 2023-25 biennium. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, Mitskog, and Pollert voted "aye." No negative votes were cast.

The committee reviewed the service plan for desk phones in the legislative chambers. Committee members recognized the convenience of having access to desk phones during floor sessions and approved continuation of service for desk phones.

RULE AMENDMENTS

Ms. Thompson presented a draft legislative rule amendment [[23.9373.01000](#)] to reflect the recommended officer and employee positions in the House and Senate.

It was moved by Senator Klein, seconded by Senator Hogan, and carried on a roll call vote that the proposed amendments [[23.9373.01000](#)] to House and Senate Rules 206, regarding House and Senate employee positions, be approved as distributed and recommended to the Legislative Management. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, Mitskog, and Pollert voted "aye." No negative votes were cast.

Ms. Thompson presented a draft legislative rule amendment [[23.9372.01000](#)] to establish a deadline for submitting bills providing a health insurance mandate to the Legislative Council to ensure adequate time for a cost-benefit analysis to be conducted. The proposed rule requires measures providing a health insurance mandate be submitted to Legislative Council by the close of business on the second Friday following the organizational session, which would be Friday, December 16, 2022.

It was moved by Representative Boschee, seconded by Representative Pollert, and carried on a roll call vote that the proposed amendment [[23.9372.01000](#)] to House Rule 402 and the creation of Joint Rule 211, regarding the deadline to submit measures proposing a health insurance mandate, be approved as distributed and recommended to the Legislative Management. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, Mitskog, and Pollert voted "aye." No negative votes were cast.

Ms. Thompson presented a draft legislative rule amendment [[23.9378.01000](#)] to provide the contact person for a complaint of workplace harassment is the President Pro Tempore of the Senate or the Speaker of the House of Representatives if the complaint is regarding the conduct of the House or Senate Majority or Minority Leader.

It was moved by Senator Hogan, seconded by Representative Koppelman, and carried on a roll call vote that the proposed amendments [[23.9378.01000](#)] to Joint Rule 901, regarding alternate contact persons for complaints of workplace harassment, be approved as distributed and recommended to the Legislative Management. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, Mitskog, and Pollert voted "aye." No negative votes were cast.

LEGISLATIVE ASSEMBLY POLICY AGAINST WORKPLACE HARASSMENT

Ms. Thompson reviewed the changes requested to the [North Dakota Legislative Assembly Policy Against Workplace Harassment](#) and the [Checklist for Intake and Investigations Under the North Dakota Legislative Assembly Policy Against Workplace Harassment](#). She noted both documents have been amended to require separate and additional training for contact persons and provide the contact person for a complaint of workplace harassment is the President Pro Tempore of the Senate or the Speaker of the House of Representatives if the complaint is regarding the conduct of the House or Senate Majority or Minority Leader.

It was moved by Representative Koppelman, seconded by Senator Hogan, and carried on a roll call vote that the committee approve the amendments to the [North Dakota Legislative Assembly Policy Against Workplace Harassment](#) and the [Checklist for Intake and Investigations Under the North Dakota Legislative Assembly Policy Against Workplace Harassment](#) as distributed. Senators Wardner, Heckaman, Hogan, Klein,

Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, Mitskog, and Pollert voted "aye." No negative votes were cast.

ORGANIZATIONAL SESSION AGENDA AND TRAINING SESSIONS FOR LEGISLATIVE EMPLOYEES

Ms. Thompson reviewed the proposed agenda for the [Legislative Organizational Session](#), which includes computer and tablet training for legislators. She noted changes compared to prior organizational session agendas include the addition of:

- An informational session for human resource and benefit information for new legislators at various times throughout the organizational session.
- Training for contact persons regarding complaints and investigations under the workplace harassment policy, which could be provided free of charge by Catholic Health Initiatives St. Alexius Health.
- An informational session for standing committee chairmen regarding a committee desk manual.

It was moved by Representative Pollert, seconded by Senator Krebsbach, 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 Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, and Pollert voted "aye." No negative votes were cast.

Ms. Thompson reviewed the proposed agenda for the [Orientation and Training Sessions for Certain Legislative Employees](#). She noted changes compared to prior orientation and training agendas reflect the restructuring of legislative session staff employment positions and include a full-day simulation for committee clerks, which allows clerks to apply the training they received during the orientation sessions.

It was moved by Representative Pollert, seconded by Representative Boschee, 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 Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, Mitskog, and Pollert voted "aye." No negative votes were cast.

REQUEST TO USE LEGISLATIVE SPACE

The committee reviewed a request ([Appendix C](#)) from the North Dakota High School Activities Association to use the House and Senate Chambers and the Harvest, Roughrider, Pioneer, and J-Wing 327C rooms for a State Student Congress on November 2-3, 2023.

It was moved by Senator Hogan, seconded by Senator Klein, and carried on a roll call vote that the North Dakota High School Activities Association request to use the House and Senate Chambers and committee rooms for the 2023 North Dakota High School Activities Association State Student Congress on November 2-3, 2023, be approved. Senators Wardner, Heckaman, Hogan, Klein, Krebsbach, and Luick and Representatives Boschee, Koppelman, Louser, Mitskog, and Pollert voted "aye." No negative votes were cast.

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

No further business appearing, Chairman Wardner adjourned the meeting at 3:05 p.m.

Emily Thompson
Legal Division Director

ATTACH:3