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## LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Thursday, December 14, 2023  
Roughrider Room, State Capitol  
Bismarck, North Dakota

Senator Jerry Klein, Chairman, called the meeting to order at 8:02 a.m.

**Members present:** Senators Jerry Klein, David Hogue, Merrill Piepkorn, Kristin Roers, Ronald Sorvaag; Representatives Glenn Bosch\*, Zachary Ista, Mike Lefor, Emily O'Brien, Austen Schauer

**Members absent:** Senator Kathy Hogan; Representatives Josh Boschee, Dennis Johnson

**Others present:** Senator Brad Bekkedahl, Williston, member of the Legislative Management John Bjornson, Lori Ziegler, and Cody Malloy, Legislative Council, Bismarck  
See [Appendix A](#) for additional persons present.

*\*Attended remotely*

**It was moved by Senator Sorvaag, seconded by Representative Bosch, and carried on a voice vote that the minutes of the August 9, 2023, meeting be approved as distributed.**

### EXPANDED INTERNSHIP PROGRAM

Ms. Emily Thompson, Legal Division Director, Legislative Council, presented organizational charts for the 2023 Legislative Assembly staff in the [House](#) and [Senate](#) and promotional materials for a proposed internship program for Legislative Assembly staff positions. She presented a [combined flier](#) for all staff positions and individual fliers for the positions of [procedural committee clerk](#), [technological committee clerk](#), [quality assurance clerk](#), [bill and journal clerk](#), and [sergeant-at-arms](#).

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

- Each house has 5 procedural committee clerks, 5 technological committee clerks, 4 procedural appropriations committee clerks, and 4 technological appropriations committee clerks, for a combined total of 36 clerks.
- The committee has discretion to determine the number of Legislative Assembly session staff positions it would like to convert to an internship option.
- At its last meeting, the committee approved a stipend of \$3,500 per month for up to 10 legal interns for the 2025 legislative session.
- A stipend of \$3,500 per month for Legislative Assembly internships would be slightly lower than the monthly compensation received during the 2023 legislative session by hired Legislative Assembly staff; however, the Legislative Assembly interns also will receive college credit for the internship.
- The Legislative Council staff will reach out to colleges and universities with information regarding the number and type of internship opportunities and the monthly stipend approved by the committee.
- The colleges and universities will determine the number of credits awarded for the internship.

Mr. John Bjornson, Director, Legislative Council, noted a sergeant-at-arms internship might be a good fit for a criminal justice student. He noted representatives of the Highway Patrol are open to discussing whether this could be a joint internship opportunity between the Legislative Assembly and the Highway Patrol.

Committee members noted:

- It was difficult to find individuals to fill Legislative Assembly staff positions during the 2023 legislative session.
- It might be beneficial to have a combination of interns and returning hired staff for the 2025 legislative session.
- The lead procedural and technological committee clerk positions in the House and Senate appropriations committees might be best served by returning hired staff due to the more complex nature of the appropriations committees.

**It was moved by Representative Schauer, seconded by Representative Roers, and carried on a roll call vote that the Legislative Council staff advertise for up to 32 internship positions of the types listed in the fliers presented.** Senators Klein, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Bosch, Ista, Lefor, O'Brien, and Schauer voted "aye." No negative votes were cast.

**It was moved by Representative Bosch, seconded by Senator Sorvaag, and carried on a roll call vote that a stipend of up to \$3,500 per month be allowed per internship.** Senators Klein, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Bosch, Ista, Lefor, O'Brien, and Schauer voted "aye." No negative votes were cast.

### TERM LIMITS STUDY

Ms. Thompson distributed an update to the memorandum entitled [Impact of Term limits on the Legislative Assembly - Background Memorandum](#). She noted there was a reporting error related to the data cited in the memorandum. South Dakota underreported its data by inadvertently failing to include the state's 33 permanent legislative audit staff. The updated data indicates in 2021, North Dakota had the fewest number of permanent legislative service staff in the nation.

Ms. Thompson presented a memorandum entitled [Legislative Council Workforce Demographics](#). She noted:

- The memorandum provides an organizational chart that details the positions comprising the Legislative Council's 45 full-time equivalent positions.
- The amount of turnover at the agency has fluctuated greatly over the past 10 years, with no turnover in some years and up to 17 percent turnover in other years.
- The highest amount of turnover is among staff with 1 to 3 years of experience, which is typical for most agencies, followed by staff with 20 or more years of experience, who generally are departing due to retirements.
- 38 percent of the agency's staff fall within the 30- to 39-years of age demographic, rather than the more evenly spread age demographics seen nationwide, which may set the agency up for another large wave of retirements if these staff can be retained.
- 44 percent of the agency's staff is comprised of individuals with less than 3 years at the agency.
- Training and onboarding new staff becomes challenging when faced with nearly double the number of new staff as compared to more seasoned staff, especially in light of the specialized nature of the agency's work and the time needed to train staff on the variety of tasks that arise during a biennium cycle.
- The agency also is competing for staff at a national level due to remote work options becoming more prevalent and salaries increasing as a result of staffing shortages.
- The current size of the agency's staff makes the agency vulnerable in terms of meaningful succession planning and cross-training, as well as operational consistency.

In response to questions from committee members, Mr. Bjornson noted exit interviews are not a standard practice at Legislative Council because those departing the agency generally inform their supervisors of their reasons for leaving. He noted:

- Some staff have been lost to other state or federal agencies, generally due to higher pay or career advancement opportunities.
- The Legislative Assembly has provided very generous pay increases in recent years; however, those departing for higher pay usually have departed for increases ranging from \$10,000 to \$40,000 over their current salaries, which the Legislative Council would not be able to match. Though the agency is realistic in not being able to compete with the private sector in terms of pay, we would like to be the agency setting the bar among state government agencies.

- Another larger area of turnover has been among administrative services staff, who handle the proofing and processing of legislative documents. During the legislative session, these staff do not leave until the work needed for the following day is complete, which often can run into the early hours of the following day. This causes a strain on these employees, especially those with young children.
- The legal, fiscal, and information technology staff are more accustomed to the longer hours required during the legislative session, but generally have been able to count on more regular working hours during the interim. However, this has not been the case for the last decade because issues continually arise which require longer than normal hours and make taking time off difficult. From the delayed conclusion of the 2015 legislative session, the veto lawsuits in 2017, the pandemic in 2020, redistricting in 2021, and ongoing redistricting lawsuits thereafter, a normal interim seems to be a thing of the past.

In response to a question from a committee member, Ms. Thompson noted:

- In other states that have passed term limits, research generally has shown an increased reliance on staff to provide educational resources to new members.
- The loss of senior legislative staff due to retirements, and the loss of more senior legislators due to term limits, sets up a scenario of less experienced legislators relying on less experienced legislative staff.
- This scenario, combined with a very thinly staffed legislative service agency might have a detrimental impact on the power balance of the legislative branch as compared to the two other co-equal branches of government.

A committee member noted:

- In addition to having term limits, the Legislative Assembly is part-time legislature.
- Members are expected to be subject matter experts in all areas in which they are proposing legislation, which is not a realistic expectation.
- The Legislative Assembly routinely approves staff positions for policy analysts and communications specialists in executive branch budgets, yet, as the policymaking branch of government, the state's legislative service agency has neither of these positions.
- The lack of having dedicated policy analysts might result in legislators becoming overly reliant on lobbyists and executive branch agency heads for guidance on policy matters.
- The size of the Legislative Council staff needs to be fundamentally altered to prepare for the rapid turnover that will occur in the Legislative Assembly due to term limits.
- In addition to the need for policy staff, the legislative branch is in need of communications specialists.
- Due to the compressed nature of the legislative session and the time constraints imposed on legislators, legislators rely on the media to inform the public of the actions of the Legislative Assembly when the legislative branch should be providing that public information directly.

Representative Lefor suggested the Legislative Council staff meet with both majority leaders to develop a 5-year plan for expanding staffing at the Legislative Council. He noted, despite being understaffed, he has never seen a more well run organization. He noted the Legislative Council needs to remain competitive in its ability to attract and retain talent and the Legislative Assembly needs to take its need for additional staff seriously in light of term limits.

Chairman Klein noted he agreed the prudent next step would be for leadership to meet with the Legislative Council staff to develop a 5-year plan. He noted it is not an enviable position to be leading the pack as the state with the smallest number of staff.

Committee members noted:

- They often are met with shock when their counterparts in other states learn of the limited number of staff resources available to both the Legislative Assembly and individual legislators.
- One aspect that might be increasing the strain on staff is the number of bills requested by legislators. The committee might wish to look at placing limits on the number of bills legislators may introduce.
- Another area of concern is the number of duplicative bills and duplicative bill topics. One approach might be finding a way to consolidate bills, rather than limiting the number of bills a legislator may introduce.

Ms. Thompson discussed additional staff resources that might be helpful to legislators, including a staff guide. She noted the agency intends to place additional subject matter informational materials on the Legislative Council's website and welcomed any suggestions from the committee regarding additional resources for new and returning legislators.

In response to a question from a committee member, Mr. Bjornson noted before the last interim, the agency generally did not engage with individual caucuses, but in consultation with legislative leaders determined it might be time for a shift in policy to provide information upon request as long as the opportunity for engagement would be available to each caucus.

### MAINTENANCE AND REPLACEMENT UPDATES

Ms. Lori Ziegler, Legislative Administrative Officer, Legislative Council, presented options for replacement chairs for the legislative chambers. She noted:

- The displayed chairs have the features requested by committee members at the previous meeting.
- If the committee is interested in the feature of moveable arms, that feature will be found in a task chair, rather than a traditional conference room chair.
- All the chairs on display can be modified in terms of color and fabric.

Committee members narrowed their selection to three preferred chair options and requested Ms. Ziegler to bring additional options of chairs with movable arms for consideration at the next meeting.

In response to a question from a committee member, Mr. Bjornson noted:

- Last interim's Legislative Procedure and Arrangements Committee recommended adding funding to the budget for the replacement of carpeting and chairs in the legislative chambers.
- The committee did not recommend funding for replacement of chairs in the legislative committee rooms or the conference rooms.
- The hope is the committee will provide guidance later in the interim regarding whether it recommends including funding in 2025 legislation for the replacement of legislative committee room chairs.

Mr. Bjornson provided information regarding the accessibility of the legislative chambers. He noted:

- The temporary ramps placed in the chambers on an as-needed basis have been deemed a reasonable accommodation. However, temporary ramp options are not available to make the area occupied by the President of the Senate or the Speaker of the House accessible.
- It is more difficult to install permanent ramps in the Senate than the House due to the shorter distance from the back to the front of the chambers.
- The addition of a permanent ramp might create trip hazards at the points at which the end of seating rows meet the ramp.
- If the committee would like the chambers modified for purposes of permanent compliance with the Americans with Disabilities Act, an architect would need to be hired to present the committee with options.
- The cost to hire an architect ranges from \$15,000 to \$35,000.

**It was moved by Representative Schauer, seconded by Senator Sorvaag, and carried on a roll call vote that the Legislative Council be approved to expend up to \$35,000 on architectural services to determine accessibility options for the legislative chambers.** Senators Klein, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Ista, Lefor, O'Brien, and Schauer voted "aye." No negative votes were cast.

Mr. Bjornson provided information on the carpeting in the Legislative Council office areas. He noted the carpeting is showing signs of wear and he will seek an estimate on the cost to replace the carpeting for the committee review at its next meeting.

## PHONES AND COMPUTERS

Mr. Cody Malloy, Information Technology Manager, Legislative Council, presented information on the Wide Area Telephone Service (WATS) line. He noted:

- The WATS line is a 1-800 number that was implemented in 2001 to allow individuals to express their views to legislators.
- Comments from individuals calling the WATS line are summarized by Legislative Assembly staff and provided to legislators.
- Use of the WATS line has decreased dramatically, from 19,500 calls in 2001 to 325 calls in 2023, due to the ability of individuals to submit comments to legislators online through the constituent views application.
- Call volume also has decreased due to an individual's ability to submit digital testimony. During the most recent legislative session, 14,527 pieces of digital testimony were submitted.
- The cost to maintain the line is negligible, at \$25 per month per line, plus long-distance costs.

Some committee members expressed interest in maintaining the WATS line, due to its negligible cost, while others expressed support for eliminating the line due to the alternative contact methods that are available, including dialing the Legislative Council's main office number.

**It was moved by Senator Sorvaag, seconded by Representative Schauer, and carried on a roll call vote that the WATS line be eliminated.** Senators Klein, Hogue, Roers, and Sorvaag and Representatives Lefor, O'Brien, and Schauer voted "aye." Senator Piepkorn and Representative Ista voted "nay."

Mr. Malloy provided information regarding desk phones in the chambers. He noted:

- The contract with the Information Technology Department for the Avaya phone system ends in June 2025.
- The cost of each phone in the chambers is \$25 per month per line and the phones are active only during the legislative session.
- The Legislative Council staff is seeking direction on whether legislators would like to retain desk phones using an alternative phone system.
- One alternative phone system is a soft phone option, such as Microsoft Teams, which uses a cloud-based telephone platform.
- The majority of state agencies use the soft phone option, although that system has reliability issues.
- A soft phone option would be \$16 per month per line, year round, plus a one-time \$8,000 setup fee.

In response to a question from a committee member, Mr. Malloy noted the Legislative Council does not have a way to track the frequency of phone usage by members.

Committee members noted:

- Desk phones are used occasionally, but for the most part, legislators have other options for communicating from the floor.
- If desk phones are eliminated, rules regarding the use of cell phones on the floor might need to be revisited.

**It was moved by Representative Schauer, seconded by Senator Roers, and carried on a roll call vote that desk phones in the legislative chambers be eliminated as of January 1, 2024.** Senators Klein, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Ista, Lefor, O'Brien, and Schauer voted "aye." No negative votes were cast.

Ms. Thompson presented a memorandum entitled [Policy on Use of Computers by Legislators](#). She noted the policy governs the use of privately owned personal and tablet computers by legislators while in the chambers or committee rooms and the use of state-owned personal and tablet computers assigned to legislators for accessing legislative information systems. She noted the committee reviews the policy each interim, and the Legislative Council staff recommends no changes to the policy.

In response to a question, Mr. Bjornson noted Legislative Council's information technology staff does not consider a legislator's personal phone to be a device for purposes of the computer use policy.

**It was moved by Representative Schauer, seconded by Senator Sorvaag, and carried on a roll call vote that the Policy on Use of Computers by Legislators be approved as distributed.** Senators Klein, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Ista, Lefor, O'Brien, and Schauer voted "aye." No negative votes were cast.

Ms. Thompson noted the committee determines whether new computer bags should be purchased for all members or just new members. She noted the previous interim's committee determined new computer bags only would be provided to new members and members requiring replacements due to lost or damaged bags.

In response to a question from a committee member, Ms. Ziegler noted the approach taken by the previous interim committee worked well and only 5 to 10 replacement bags were needed for purposes of replacing lost or damaged bags.

**It was moved by Representative Schauer, seconded by Representative O'Brien, and carried on a roll call vote that new computer bags be provided only to new members of the Legislative Assembly and to replace lost or damaged bags.** Senators Klein, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Ista, Lefor, O'Brien, and Schauer voted "aye." No negative votes were cast.

### **RULE AMENDMENTS AND PROCESSES**

Ms. Thompson presented proposed legislative rules amendments regarding member conflicts. She noted:

- The first proposed rule amendment [[25.9072.01000](#)] was reviewed at the previous meeting and would create a Joint Rule that requires disclosure by a committee member of a personal or private interest in a bill or measure and requires the committee member to receive permission from the committee before voting.
- The second proposed rule amendment [[25.9185.01000](#)] provides an alternative option for the Joint Rule, which also requires disclosure by a committee member of a personal or private interest in a bill or measure, but rather than seeking the committee's permission to vote on a measure for which the member believes they have a conflict, the committee member is seeking permission to abstain from voting on a measure for which the member believes they have a conflict. The proposed rule amendment makes similar changes to the House and Senate rules relating to a member declaring a conflict during a floor session. The proposed amendments modify the process on the floor from one in which the member declares a conflict and then seeks the body's approval to vote despite the conflict, to one in which the member declares a conflict and then seeks the body's approval to abstain from voting as a result of the conflict.
- The current practice of a member declaring a conflict and then nearly always receiving the immediate approval of the body to vote regardless of the conflict, seems to have the opposite effect of what the ethics rules are trying to avoid; which is a member casting a vote on a matter in which the member has a conflict of interest.
- This rule change would provide an exception to the general rule requiring everyone present in the chamber to vote and protect against a member attempting to declare a conflict as a means to simply avoid voting on an unpopular bill because the member would need the body's approval to be excused from voting.

In response to a question from a committee member, Ms. Thompson noted a member declaring a conflict on a bill in a committee meeting should rise a second time to declare the same conflict when the bill reaches the floor.

In response to a question from a committee member, Mr. Bjornson noted the Ethics Commission provided an opinion during the 2023 legislative session indicating the act of a member going on the record with a conflict satisfies the disclosure requirements imposed by the Ethics Commission, regardless of whether that member ultimately receives approval to vote despite the conflict.

**It was moved by Representative Schauer, seconded by Senator Roers, and carried on a roll call vote that the proposed amendments [[25.9185.01000](#)] to House and Senate Rules 321 and 322 and the creation of Joint Rule 1005, regarding declarations of conflicts of interest and permission to be excused from voting, be approved as distributed and recommended to the Legislative Management.** Senators Klein, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Ista, Lefor, O'Brien, and Schauer voted "aye." No negative votes were cast.

Ms. Thompson provided information regarding bill management and expediting the legislative process. She noted:

- Consolidation of similar bill drafts is one approach that can be used to reduce bill volume. However, this approach is difficult to implement by rule and generally would be addressed by the caucuses.

- Some states have expedited the legislative process through the use of procedural tools, such as referring a measure to a legislative day falling after the last of the maximum number of days the legislature has at its disposal to meet.
- Bill introduction limits are an approach used by some states, which could reduce the number of bills heard during a legislative session.

Mr. Bjornson noted bill limits might reduce the number of bills heard during a legislative session, but there are no limits on the number of amendments or the number of bill drafts a legislator could request to have drafted. He noted limiting the number of bills that may be introduced per legislator also could lead to lengthier bills that logroll a number of topics into one bill, which the courts recently have acted negatively upon.

Committee members expressed interested in receiving:

- Statistics regarding the average number of bills introduced per legislator, including the lowest and highest number of bills introduced per legislator in previous legislative sessions.
- The number of seemingly duplicative bills introduced on a single topic.
- The number of other states that authorize executive and judicial branch agencies to introduce legislation and whether it is a common practice for interim committees to recommend legislation.

### LEGISLATIVE SESSION PROGRAMS

Ms. Courtney Koebele, Executive Director, North Dakota Medical Association, presented a request ([Appendix B](#)) from the North Dakota Medical Association to provide physician services to members of the Legislative Assembly during the 2025 legislative session.

**It was moved by Representative Lefor, seconded by Representative O'Brien, and carried on a roll call vote that the North Dakota Medical Association's request to provide physician services to members of the Legislative Assembly during the 2025 legislative session be approved.** Senators Klein, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Ista, Lefor, O'Brien, and Schauer voted "aye." No negative votes were cast.

Ms. Thompson provided information regarding the tour guide program. She noted the tour guide program has operated nearly every session for the past 23 years, with the exception of the 2021 legislative session due to the COVID-19 pandemic.

**It was moved by Senator Hogue, seconded by Representative Schauer, and carried on a roll call vote that the legislative tour guide program be continued.** Senators Klein, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Ista, Lefor, O'Brien, and Schauer voted "aye." No negative votes were cast.

Ms. Thompson provided information regarding the chaplaincy program. 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.

**It was moved by Senator Piepkorn, seconded by Senator Roers, and carried on a roll call vote that the chaplaincy program be continued.** Senators Klein, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Ista, Lefor, O'Brien, and Schauer voted "aye." No negative votes were cast.

### REQUEST TO USE LEGISLATIVE SPACE

Ms. Thompson presented a request ([Appendix C](#)) for the use of the legislative chambers. She noted the North Dakota High School Activities Association requested to use both legislative chambers for the North Dakota High School State Student Congress on November 6-7, 2025.

**It was moved by Representative Lefor, seconded by Senator Sorvaag, 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 2025 North Dakota High School Activities Association State Student Congress on November 6-7, 2025, be approved.** Senators Klein, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Ista, Lefor, O'Brien, and Schauer voted "aye." No negative votes were cast.

Mr. Russ Hanson, appearing as a registered lobbyist, provided information ([Appendix D](#)) to the committee regarding a request for space for lobbyists to use during legislative sessions. He noted space in the capitol that was

used informally by lobbyists in the past has been repurposed for other facility needs. He noted he would appreciate the committee's consideration regarding whether any options might be available for a dedicated space for lobbyists during the legislative session.

Chairman Klein requested the Legislative Council staff work with staff from the Facility Management Division of the Office of Management and Budget to see if any options exist for a dedicated space for lobbyists.

No further business appearing, Chairman Klein adjourned the meeting at 11:18 a.m.

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Emily Thompson  
Legal Division Director

ATTACH:4