



LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Wednesday, August 9, 2023
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, David Hogue, Merrill Piepkorn, Kristin Roers, Ronald Sorvaag; Representatives Glenn Bosch*, Josh Boschee, Zachary Ista, Dennis Johnson, Mike Lefor, Emily O'Brien, Austen Schauer

Member absent: None

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

**Attended remotely*

COMMITTEE RESPONSIBILITIES

Ms. Emily Thompson, Legal Division Director, Legislative Council, presented a memorandum entitled [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#).

Chairman Klein provided information regarding the duties and responsibilities of the committee.

LEGISLATIVE SPACES IN THE CAPITOL

Ms. Thompson presented a memorandum entitled [Guidelines for Use of Legislative Chambers and Displays in Legislative Assembly Hall and Memorial Hall](#). She noted:

- The first priority for use of the chambers is for the legislative branch.
- Any requests to use the chambers when the Legislative Assembly is not in session must be approved by this committee.
- An individual is required to seek the approval of the committee before displaying any permanent displays in the Legislative Assembly Hall or Memorial Hall.
- A display is considered nonpermanent if it is displayed for 30 days or less.

It was moved by Senator Roers, seconded by Senator Hogue, and carried on a roll call vote that the *Guidelines for Use of Legislative Chambers and Displays in Legislative Assembly Hall and Memorial Hall* be approved as distributed. Senators Klein, Hogan, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Lefor, Bosch, Boschee, Ista, Johnson, O'Brien, and Schauer voted "aye." No negative votes were cast.

Ms. Thompson presented a memorandum entitled [Guidelines for Use of Legislative Committee Rooms in the North Dakota State Capitol](#). She noted:

- The first priority for use of legislative committee rooms is for the legislative branch.
- Any requests to use committee rooms while the Legislative Assembly is not in session must be approved by the Legislative Council.
- The use of legislative rooms for purposes contrary to those stated in the room use guidelines must be approved by this committee.

In response to a question from the Chairman, Mr. John Bjornson, Director, Legislative Council, noted the use of committee rooms frequently is requested during the interim.

It was moved by Representative O'Brien, seconded by Senator Hogan, and carried on a roll call vote that the *Guidelines for Use of Legislative Committee Rooms in the North Dakota State Capitol* be approved as distributed. Senators Klein, Hogan, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Lefor, Bosch, Boschee, Ista, Johnson, O'Brien, and Schauer voted "aye." No negative votes were cast.

Ms. Thompson presented a request ([Appendix B](#)) for 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 7-8, 2024.

It was moved by Representative Lefor, seconded by Representative Boschee, and carried on a roll call vote that, subject to the needs of the legislative branch, the North Dakota High School Activities Association be permitted to use both legislative chambers, on November 7-8, 2024, for the North Dakota High School State Student Congress. Senators Klein, Hogan, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Lefor, Bosch, Boschee, Ista, Johnson, O'Brien, and Schauer voted "aye." No negative votes were cast.

LEGISLATIVE INFORMATION TECHNOLOGY STIPEND POLICY

Ms. Thompson presented a memorandum entitled [Legislative Information Technology Stipend Policy](#). She noted the policy recently was approved by the Legislative Management to reflect the statutory changes enacted during the 2023 legislative session to increase the monthly stipend from \$90 per month to \$200 per month.

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

- Legislative members should be aware the technology stipend is likely considered taxable income.
- Legislators are required to submit to the Legislative Council a signed Information Technology Stipend Authorization Agreement Form to receive a technology stipend payment.

LEGISLATIVE AREA MAINTENANCE AND FACILITY IMPROVEMENT

Mr. Bjornson provided comments regarding legislative area maintenance and facility improvement items. He noted:

- Maintenance and improvement work in the ceiling of both legislative chambers is complete and the ceilings have been painted.
- The heating, ventilation, and air conditioning projects in the legislative chambers and Brynhild Haugland Room are proceeding as anticipated.
- The carpeting for both chambers has been ordered and the Facility Management Division of the Office of Management and Budget will coordinate the installation of the carpeting.
- The front desks in both chambers will be refinished.
- The data and electrical ports on the desks in the chambers will be replaced.
- The committee may wish to consider whether desk telephones should be retained in the chambers. The cost to maintain service for desk phones is \$20 per phone per month during the legislative session.

Committee members expressed interest in receiving information regarding potential alternatives to desk phones and a report on the usage of desk phones in the chambers.

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

- Discussions have taken place regarding the addition of permanent ramps in the legislative chambers, including the feasibility of construction and compliance with the Americans with Disabilities Act.
- The installation of a permanent ramp in the Senate poses challenges due to the grade of the slope in the Senate chambers.
- Funds would need to be added during the 2025 legislative session to accommodate the installation of permanent ramps in the chambers.
- The appropriation to the Office of Management and Budget included \$250,000 for renovations to the Brynhild Haugland Room to make the setup of the room more permanent and eliminate the need to run wires across the floor.

- Judicial Wing Rooms 216 and 327 B, C, and E are controlled by the Legislative Assembly and audio and visual equipment has been integrated into the walls and ceilings of the rooms.
- The Coteau Room and Sheyenne River Room are used by the Legislative Assembly during legislative sessions, and are made available for use by the judicial branch during the interim.

Ms. Thompson provided comments regarding replacement of chairs in the chambers. She noted:

- Chairs in the legislative chambers were purchased in 1968, and replaced in 1998.
- The budget includes an amount to replace chairs in both legislative chambers.
- Committee members will be asked to provide parameters for the type of chairs to be purchased so the information can be included in the bid for the new chairs.

Committee members noted:

- Parameters for new chairs include chairs with an appropriate pneumatic lift height to allow members to comfortably work on a laptop, adjustable arm rests, and cloth or leather material.
- Features to avoid include high back chairs with embossed state seals and chairs made with mesh material.

It was moved by Senator Sorvaag, seconded by Representative O'Brien, and carried on a voice vote that the Legislative Council arrange for the solicitation of bids consistent with the chair preferences discussed by the committee to replace the chairs in the chambers.

PROPOSED NEW FORMAT FOR AMENDMENT INSTRUCTIONS

Ms. Thompson presented a document entitled [*Proposed New Format for Amendment Instructions*](#). She noted:

- The two documents currently prepared for an amendment include a red and green markup document and an amendment instruction document.
- The red and green markup document is the more widely used document by legislators and the public.
- The proposed new format would eliminate the antiquated page and line number amendment instructions that accompany the markup document and replace the traditional amendment instructions with a snapshot of the proposed changes.
- This change would eliminate the risk for discrepancies between the markup document and the amendment instructions, be more intuitive for new legislators, and decrease the amount of staff time needed to complete amendments.
- The introductory language for amendments also would be modified to eliminate references to page numbers in the journal.
- Amendments would be prepared to replace a referenced Legislative Council document number, rather than in lieu of or in addition to amendment language as printed on a specified page of the journal.
- There is potential to hyperlink amendments in the journal.

Committee members:

- Expressed interest in hyperlinking amendments in the journal and potentially hyperlinking referenced Century Code sections.
- Noted the proposed new format for amendment instructions would be much less confusing than the current page and line number format.
- Expressed interest in receiving updates on the LEGEND upgrade project and reviewing examples of the new format for amendments in regard to appropriations bills, which contain a Statement of Purpose of Amendment.

It was moved by Senator Sorvaag, seconded by Representative O'Brien, and carried on a voice vote that the Legislative Council be authorized to pursue a new format for amendment instructions.

AMENDMENTS TO LEGISLATIVE RULES

Ms. Thompson presented a proposed legislative rule amendment [\[25.9073.01000\]](#) to Senate Rule 329. She noted the amendment reverts the deadline by which Senate bills in the Senate must be rereferred to the

Appropriations Committee from the 26th legislative day to the 23rd legislative day to align with the deadline House bills in the House must be rereferred to the Appropriations Committee.

It was moved by Representative Schauer, seconded by Senator Sorvaag, and carried on a roll call vote that the proposed amendments to Senate Rule 329 [25.9073.01000], relating to the deadline for the Senate to rerefer Senate bills to the Appropriations Committee, be approved as distributed and recommended to the Legislative Management. Senators Klein, Hogan, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Lefor, Bosch, Boschee, Ista, Johnson, O'Brien, and Schauer voted "aye." No negative votes were cast.

Ms. Thompson presented a proposed legislative rule [25.9072.01000] to create Joint Rule 1005. She noted:

- The new Joint Rule would require disclosure by a committee member of a personal or private interest in a bill or measure and require the committee member to receive permission from the committee before voting.
- House Bill No 1485 (2023), pertaining to conflict of interest rules, requires each Legislative Assembly to adopt conflict of interest rules which require disclosure of a potential conflict by a member and ensure a mechanism is in place to record each disclosure and make the disclosure readily available to the public.
- If the Legislative Assembly adopts rules which are at least as restrictive as the rules adopted by the Ethics Commission, the separate ethics disclosure process adopted by the Ethics Commission will not apply to members of the Legislative Assembly.

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

- The general rule requires all members who are present to vote on a question.
- When a member announces a conflict during a floor session, the body votes on whether the member is allowed to vote.
- Generally, the floor vote does not pertain to whether the member is allowed not to vote if a conflict is announced.

Committee members expressed concern regarding whether a legislator may decline to vote due to a potential conflict of interest and the interplay of the proposed rule with the Ethics Commission rules governing conflicts of interest. Committee members requested additional information related to conflicts of interest and voting before taking action on the proposed rule.

LEGISLATIVE INTERN PROGRAM

Ms. Samantha E. Kramer, Senior Counsel and Assistant Code Revisor, Legislative Council, presented a memorandum entitled [Legislative Intern Program](#). She noted three members of the Legislative Council's legal staff were former legislative interns.

In response to a question from a committee member, Ms. Kramer noted the stipend offered to legislative interns is generous, particularly considering the interns also receive educational credit for the experience.

It was moved by Senator Piepkorn, seconded by Senator Roers, and carried on a roll call vote that the legislative intern program be continued through the 2025 legislative session for at least 10 interns, and the stipend be \$3,500 per month. Senators Klein, Hogan, Hogue, Piepkorn, Roers, and Sorvaag and Representatives Lefor, Bosch, Boschee, Ista, Johnson, and O'Brien voted "aye." Representative Schauer voted "nay."

Committee members expressed interest in receiving additional information regarding the potential expansion of the existing internship program to broaden the workforce available to fill the roles of the Legislative Assembly staff. Committee members:

- Expressed interest in broadening the reach of a Legislative Assembly staff internship program to include more universities across the state.
- Recommended liaising with the North Dakota Association of Career Advisers to help build a broader internship program.

In response to questions from committee members, Mr. Bjornson noted the Legislative Council would be willing to review the logistics of transitioning various Employment Committee duties to the Legislative Council staff if the committee wishes to pursue the transition of those duties.

It was moved by Representative Lefor, seconded by Representative Schauer, and carried on a voice vote that the Legislative Council research the feasibility of expanding the internship program to include additional roles to be filled by university students and report the findings to the committee.

IMPACT OF TERM LIMITS ON THE LEGISLATIVE ASSEMBLY

Ms. Sydne Enlund, State Outreach Manager, Public Affairs and Outreach, and Mr. Curt Stedron, Director, Legislative Training Institute, National Conference of State Legislatures, presented information ([Appendix C](#)) regarding training, resources, and services available to legislators. They noted:

- The National Conference of State Legislatures (NCSL) has served state legislators and staff for more than 45 years.
- NCSL encourages legislators to reach out to NCSL when legislators need assistance with trusted research and analysis, innovative policy approaches, bipartisan conversations, advocacy on behalf of state legislatures in Washington, D.C., information regarding professional staff associations and networks, and legislative skills development.
- Legislators can engage with NCSL by contacting their NCSL state liaison, creating an online member account, signing up to receive policy newsletters, connecting with NCSL on social media, or registering for a training or policy webinar.
- The NCSL Training Institute is a tool to help legislators increase skill development and ignite thinking and reflection by providing educational content and experiences that are long-lasting and transferable to any legislative career path.

In response to a question from a committee member, Mr. Stedron noted the NCSL Center for Legislative Strengthening is a good resource for questions and information regarding term limits, legislator turnover, and new member orientation.

Ms. Thompson requested the committee provide feedback regarding training and educational topics the committee may wish to see provided by the Legislative Council staff.

Committee members noted helpful resources for returning and new legislators may include:

- A list of agency contacts and contact information.
- Opportunities to receive general background information from various state agencies.
- Recordings of the in-person training provided before the legislative session.
- Trainings, question and answer sessions, and opportunities to discuss issues specific to new legislators.
- Information responsive to a survey of new legislators identifying helpful information.
- A mentorship program for new legislators.

Ms. Thompson presented a memorandum entitled [Impact of Term Limits on the Legislative Assembly - Background Memorandum](#).

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

- Unlike North Dakota, many other states have both staff attorney positions and separate policy analyst positions.
- Other states also provide for legislators to have personal staff, including policy analysis, aids, and communications personnel, in addition to legislative service agency staff.
- Legislative Council attorneys have a broad range of responsibilities, including legal and policy-based research and legislative drafting.
- Limits or restrictions on the number of bills introduced per session in other states have been instituted through legislative rules or at the direction of caucus leaders.

Committee members noted:

- Other states appear to have as high as a 10:1 ratio between staff and legislators.
- The Legislative Council is staffed substantially leaner than other states considering the number of legislators served, even when comparing only to states that meet on a biennial basis.

- It is important to consider adding roles with more focus on policy analysis to support the legislative branch and help bridge the institutional knowledge gap that may result from increased turnover attributable to term limits.
- It would be beneficial to have a staff person dedicated to communicating information on key topics to members of the public.
- The Legislative Assembly does not have the ability to call itself back in for special session. Discussion is warranted regarding what annual sessions would look like regarding the division of policy and appropriation work.
- There are positive and negative aspects to restricting the volume of bills by allowing individuals in the legislature to determine whether or when a bill is heard.

COMMITTEE DISCUSSION AND DIRECTIVES

A committee member noted it would be beneficial to review and discuss certain policies and procedures, including policies or procedures related to compensation for legislators serving on boards and commissions, the Employee Benefits Programs Committee, and bill hearing deadlines.

No further business appearing, Chairman Klein adjourned the meeting at 12:26 p.m.

Emily Thompson
Legal Division Director

ATTACH:3