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## LEGISLATIVE MANAGEMENT

Tuesday, December 5, 2023  
Harvest Room, State Capitol  
Bismarck, North Dakota

Representative Mike Lefor, Chairman, called the meeting to order at 10:00 a.m.

**Members present:** Representatives Mike Lefor, Glenn Bosch\*, Josh Boschee\*, Zachary Ista\*, Dennis Johnson, Ben Koppelman\*, Emily O'Brien\*, Paul J. Thomas\*, Robin Weisz; Senators Brad Bekkedahl\*, Kyle Davison\*, Kathy Hogan, David Hogue\*, Jerry Klein, Tim Mathern\*, Janne Myrdal\*, Donald Schaible\*

**Members absent:** None

**Others present:** See [Appendix A](#)

\*Attended remotely

### OPENING REMARKS

Chairman Lefor noted the committee has the legal authority to conduct a closed meeting during an executive session pursuant to North Dakota Century Code Sections 44-04-19.1 and 44-04-19.2 for the purposes of attorney consultation regarding litigation relating to redistricting.

**It was moved by Representative Weisz, seconded by Senator Hogan, and carried on a roll call vote that the Legislative Management hold an executive session for the purposes of attorney consultation regarding litigation relating to redistricting.** Representatives Lefor, Bosch, Boschee, Ista, Johnson, Koppelman, O'Brien, Thomas, and Weisz and Senators Bekkedahl, Davison, Hogan, Hogue, Klein, Mathern, Myrdal, and Schaible voted "aye." No negative votes were cast.

### EXECUTIVE SESSION

The Legislative Management went into executive session from 10:07 a.m. to 10:35 a.m. All committee members were present for the executive session. During the executive session, the Legislative Management consulted with outside legal counsel and the Legislative Council staff regarding potential litigation relating to redistricting, including receipt of advice regarding legal strategies and strengths and weakness of legal arguments.

### COMMITTEE DISCUSSION

Chairman Lefor reconvened the public portion of the meeting at 10:38 a.m. He reminded committee members not to discuss any of the litigation issues discussed during the executive session. He noted the committee received testimony ([Appendix B](#)) from Mr. Jamie Azure, Chairman, Turtle Mountain Band of Chippewa Indians, and Ms. Lonna Street, Chairwoman, Spirit Lake Nation, and called for a short recess to allow committee members time to review the testimony.

Chairman Lefor called for discussion regarding next steps on behalf of the Legislative Assembly.

**It was moved by Senator Hogue, seconded by Senator Myrdal, and carried on a roll call vote that the Legislative Assembly intervene in the case of *Turtle Mountain Band of Chippewa Indians et al v. Howe* and retain Mr. Scott Porsborg and Mr. Brian Schmidt as outside counsel to provide any assistance regarding the litigation and to request a stay.** Representatives Lefor, Bosch, Johnson, Koppelman, O'Brien, Thomas, and Weisz and Senators Bekkedahl, Davison, Hogue, Klein, Myrdal, and Schaible voted "aye." Representatives Boschee and Ista and Senators Hogan and Mathern voted "nay."

A committee member noted it is the committee's intent to form a redistricting committee so work on an alternative remedial map can commence while any motions related to the case are pending.

In response to a question from a committee member, Mr. John Bjornson, Director, Legislative Council, noted the exact costs of litigation are unknown, but funds sufficient to cover the costs are available among the amount budgeted for the next legislative session and the amount remaining in carryover funds.

Chairman Lefor noted he elected to form a Redistricting Committee after discussions with the Senate Majority Leader and Minority Leadership. The membership of the committee is provided in [Appendix C](#).

**It was moved by Senator Hogue, seconded by Representative Weisz, and carried on a roll call vote that the Chairman of the Legislative Management, in consultation with the Legislative Council, be authorized to issue a request for proposals for the purpose of engaging an expert to help the newly formed Redistricting Committee with its analysis.** Representatives Lefor, Bosch, Boschee, Ista, Johnson, Koppelman, O'Brien, Thomas, and Weisz and Senators Bekkedahl, Davison, Hogan, Hogue, Klein, Mathern, Myrdal, and Schaible voted "aye." No negative votes were cast.

No further business appearing, Chairman Lefor adjourned the meeting at 10:57 a.m.

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John Bjornson  
Director

ATTACH:3