

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

The Legislative Management delegated to the Legislative Procedure and Arrangements Committee the Legislative Management's authority under North Dakota Century Code Section 54-35-11 to make arrangements for the 2015 legislative session. Legislative rules are also reviewed and updated under this authority. The Legislative Management also delegated to the committee the Legislative Management's:

1. Duty under Section 54-03-26 to determine the computer usage fee for legislators, and the authority to establish a policy under which a legislator may purchase the computer used by that legislator upon replacement of the computer by the Legislative Council;
2. Power and duty under Section 54-35-02 to determine access to legislative information services and impose fees for providing such services and copies of legislative documents and to control permanent displays in Memorial Hall and use of the legislative chambers;
3. Duty under Section 54-35-25 to establish a policy regarding promotional expenses made on behalf of the Legislative Assembly;
4. Responsibility under Section 54-03-20 to make recommendations to adjust legislative compensation amounts;
5. Responsibility under Section 54-03-20 to establish guidelines on maximum reimbursement of legislators sharing lodging during a legislative session;
6. Responsibility under Section 54-60-03 to determine which standing committees will receive a report from the Commissioner of Commerce on goals and objectives of the department;
7. Responsibility under Section 4-24-10 to determine when agricultural commodity promotion groups must report to the standing Agriculture Committees;
8. Responsibility under Section 4-35.2-04 to determine when the Agriculture Commissioner must report to the Agriculture Committees on the status of the pesticide container disposal program; and
9. Authority under Section 54-06-26 to establish guidelines for use of state telephones by legislative branch personnel.

The Legislative Management also assigned to the committee the responsibilities under 2009 Session Laws, Chapter 29, Section 5, and 2011 Session Laws, Chapter 1, Section 6, to administer the appropriations for legislative wing equipment and improvements. The Legislative Management designated the committee as the Legislative Ethics Committee under Section 54-35-02.8 with the responsibility to consider or prepare a legislative code of ethics.

The Legislative Management also assigned to the committee the legislative intent under 2013 Session Laws, Chapter 32, Section 11, to consider the implementation of a limited bill analysis report pilot project during the 64th Legislative Assembly.

Committee members were Representatives Al Carlson (Chairman), Bill Devlin, Corey Mock, Kenton Onstad, and Don Vigesaa and Senators Tim Flakoll, Joan Heckaman, Ray Holmberg, Jerry Klein, Mac Schneider, and Rich Wardner.

LEGISLATIVE SPACE RENOVATION PROJECTS Legislative Council Area

The committee reviewed the need for additional professional staff offices for the Legislative Council. The Legislative Council currently is authorized 37 positions. Of high importance is the need for space that ensures the confidentiality of legislative work product and privacy. The Legislative Council staff explored options with the Office of Management and Budget for nearby space used by other agencies, but no space was available. The committee explored an option to use the vacated former Information Technology Department space near the Capitol Cafeteria, but using that space would widely separate Legislative Council staff.

The committee approved plans relocating the Legislative Council library to the Senate committee clerk area, immediately to the west of the current library. The approved plans included relocating the Senate clerks to the secretarial service area to the west of the House committee clerk area. The secretarial service area is underutilized during the session, with only four contract secretarial staff and one tour guide in the space. The approved plans also included relocating the contract employees for secretarial and telephone message services to the bill and journal room.

In addition, the plans proposed using copiers to provide paper copies of bills on demand, thus allowing replacement of much of the shelving in the room with work areas.

The existing library area was remodeled to include six offices and a new stairwell to the information technology area above that space.

Senate Conference Room

The committee approved a new table, chairs, and chair rails and audio, visual, and technology upgrades for the Senate conference room. This will eliminate the remnants of the room's former use as a telephone message area and will provide a comfortable environment in which to meet with visitors and hold conference committee meetings. The committee also was informed of upgrades to the Missouri River Room sound system.

House Conference Room

The committee approved similar audio, visual, and technology upgrades to the House conference room.

First Floor Legislative Study

The committee approved upgrading the first floor legislative study on the west side of the Senate chamber. Possible uses for the study include meetings. Approved upgrades include a table and chairs and audio, visual, and technology upgrades in a manner to provide for flexible and functional use.

House and Senate Chambers Audio Systems

The committee received information regarding problems occurring with the House and Senate chambers audio systems indicating the systems are dated and do not perform adequately. In addition, repair of the electronics was becoming difficult due to age. During the 2013 session, equipment had to be taken from the Brynhild Haugland Room in order for the House to gavel into session because the installed equipment failed. Also, there is a substantial difference between balcony and floor acoustics.

The committee received a proposal for replacement of the audio systems. The proposed systems included replacement of the ceiling speakers with speaker arrays on the front walls of the chambers and replacement of the microphones used by members.

The committee approved replacement of the House and Senate audio systems. The committee also approved the installation of Renkus-Heinz ICONYX Digitally Steerable Line Array Loudspeaker Systems on the front walls of both chambers, painted to match the wood, and located near the ends of the concave portions behind the presiding officers. The committee approved replacement of the members' microphones with Audio-Technica 6-Inch Gooseneck Microphones with lighted mute switch at all members' desks.

Committee Room Video and Audio

During the 2011-12 interim, the committee reviewed plans for providing video and audio recording of meetings in committee rooms. The Harvest and Roughrider Rooms were approved as the first rooms in which the video and audio capabilities would be installed before the 2013 legislative session.

The systems in the Harvest and Roughrider Rooms are available for streaming and recording committee meetings, with manual meeting management--e.g., start and stop. The software does not provide for indexing of agenda items, presenters, or members present. Thus, users would not be able to find easily a particular speaker or agenda item during a review of the recordings.

The committee reviewed plans for installing automated committee meeting management, as there is for management of the video and audio of sessions in the chambers. The automated management would allow for viewing a live agenda next to the video during the meeting. Automated indexing of agenda items, presenters, and members present would provide an efficient, well-organized record of committee meetings.

The committee discussed whether to implement video streaming and recording of committee meetings. One question considered is whether to invest approximately \$65,000 for Sliq Media Technologies to complete the index functionality of the Harvest and Roughrider Rooms. This functionality would be usable in other committee rooms if cameras are installed in those rooms in the future.

A major question relates to the policy for the use of this technology. Some committee chairmen have had a few interim committee meetings streamed in recent interims. In those situations, the Legislative Council staff coordinated with the State Department of Health to conduct the stream and recording.

The consensus of committee members was to wait until next biennium to see how technology develops and how many chairmen request meetings be streamed.

Temperature Control for Technology Equipment

Because of the installation of servers and other equipment behind the chambers to support the voting boards and sound systems, temperature control in that space becomes a concern. The committee approved upgrades to the heating, ventilation, and cooling systems in those areas.

LEGISLATIVE PROMOTIONAL EXPENSE POLICY

Section 54-35-25 requires the Legislative Management to establish a policy regarding promotional expenses made on behalf of the Legislative Assembly.

The committee approved a *Legislative Promotional Expense Policy*. The policy provides a promotional expense may be incurred and paid by the Legislative Council from Legislative Council, Legislative Management, or Legislative Assembly funds upon approval of the Chairman of the Legislative Management. All promotional expenses incurred and paid by the Legislative Council under the policy must be reported to the Legislative Management. Promotional expenses are defined as expenses that are incurred to make the Legislative Assembly, Legislative Management, or Legislative Management committees better known to or improve relationships with legislative entities of other states or provinces. The policy is written broadly so as to reduce questions of whether any particular expense is allowed, such as a pen, mug, cup, pin, or picture.

BILL ANALYSIS PILOT PROJECT CONSIDERATION

Section 11 of Chapter 32, 2013 Session Laws, declared legislative intent that the Legislative Management consider the implementation of a limited bill analysis report pilot project during the 64th Legislative Assembly.

The committee reviewed the history of bill summaries, prepared by the Legislative Council legal staff from the 1970s to 1991, and the reasons that program was eliminated--little value to legislators at the cost of a heavier workload added to the Legislative Council staff's heavy workload in the evenings.

The committee also considered the items a bill analysis should contain--fiscal analysis and legal analysis--and the impact of an analysis that pointed out constitutional or other issues of concern.

The committee received information on bill analyses processes of a number of states, with special focus on the bill analysis process of the Washington State Legislature. In Washington, bill analyses are prepared by committee staff assigned by the nonpartisan Office of Program Research in the House (69 staff) and the nonpartisan Senate Committee Services (59 staff) in the Senate. Of special note was the total number of staff assigned to committees in the Washington Legislature--128.

The information received by the committee pointed out the feasibility of any bill analysis program, whether on a pilot program basis or not, depends on recognition of at least four factors. The analysis should be prepared by an independent, nonpartisan staff, not subject to influence to specially word the analysis; the analysis should be prepared by staff who are present at committee hearings, so as to hear testimony on the bill; the analysis could identify issues not appreciated by some, such as constitutional issues or indirect impacts not readily apparent; and the analysis, and the staff preparing the analysis, may be criticized as causing "death by bill analysis."

The committee makes no recommendation on implementation of a bill analysis program, whether on a pilot project or permanent basis. Concerns noted were the impact on workload of the Legislative Council staff, the impact on current structure and responsibilities of the Legislative Council staff, and the insertion of the Legislative Council staff in the process of providing an analysis for which the sponsor or carrier of a measure is responsible.

LEGISLATIVE SPACE USE

Legislative Chambers and Memorial Hall

Since 1981, the Legislative Management has delegated to the committee the responsibility under Section 54-35-02(8) to control the legislative chambers and any permanent displays in Memorial Hall. In exercising this responsibility, the committee has adopted guidelines for use of the legislative chambers and displays in Memorial Hall.

During this interim, the committee approved requests for use of both chambers and legislative committee rooms by the North Dakota High School Activities Association State Student Congress on November 6-7, 2014, and November 5-6, 2015; use of the House chamber by the Secretary of State for a statewide biennial election conference on February 26-27, 2014; use of the House chamber by the Department of Trust Lands for oil and gas lease auctions on

May 6, August 5, and November 4, 2014; use of the House chamber by the North Dakota Leadership Seminar for the legislative process portion of the leadership development seminar for high school sophomores on May 31, 2014; and use of the Senate chamber by the Department of Trust Lands on July 21, 2014, for a roll call of states at the summer conference of the Western States Land Commissioners Association.

Under the guidelines, any permanent display in Memorial Hall is to be reviewed annually. Since removal of two statues and a replica of the Liberty Bell in 1984, Memorial Hall does not contain any permanent display. (The Liberty Bell is on display in the entrance/commons area of Century High School in Bismarck.)

The committee reviewed an offer of a donation of a grand piano to be placed in the west end of Memorial Hall. The policy regarding displays in Memorial Hall provides a permanent display may not be placed in Memorial Hall unless the following requirements are met:

1. The display commemorates or has some relationship to the legislative branch of state government, or to a historical phenomenon or event of significance to this state or nation.
2. The display will not disrupt or interfere with legislative use of Memorial Hall.
3. The sponsors of the display assume all risks involved in connection with the display.

The policy further indicates that statues, busts, or portraits that have been authorized by the committee are considered permanent displays. The committee recommended the policy be revised to allow for the placement of a grand piano on the west end of Memorial Hall. The committee also supported acceptance of the donation of the grand piano on the condition the Office of Management and Budget provide for the insurance and maintenance of the piano.

Legislative Committee Rooms

Joint Rule 803 provides that during a legislative session committee rooms may be used only for functions and activities of the legislative branch, but the Secretary of the Senate or the Chief Clerk of the House may grant a state agency permission to use a room at times and under conditions not interfering with the use of the room by the legislative branch. With respect to use during the interim, Section 48-08-04 applies and provides that committee rooms may not be used without authorization of the Legislative Council.

The Legislative Management adopted the policy governing approval of use of committee rooms in 1998 and the committee has revised the policy as necessary to address issues that have arisen. The policy also applies to use of the press studio on the ground floor of the legislative wing whether during the session or during the interim. The policy is similar to that governing use of the chambers.

LEGISLATIVE RULES

The committee continued its tradition of reviewing and updating legislative rules. The committee reviewed specific questions or comments recorded during the 2013 legislative session regarding rules issues.

House Rule 202 - Member to Preside in Place of Speaker

House Rule 202 allows the Speaker of the House to leave the chair and appoint a member to preside, but leave of the House is required for a longer time than one day. During the 2013 session, a question arose as to why there is a requirement for leave of the House because the tradition has been to appoint a former Speaker to preside.

The committee recommends amendment of House Rule 202 to remove the requirement for leave of the House to appoint a member to preside during an absence of the Speaker for a longer time than one day.

Senate and House Rules 306 - Rules of Debate

Senate and House Rules 306 provide no member may speak more than twice on the same question without leave of the House, nor more than once until every member choosing to speak has spoken, nor more than 10 minutes the first time nor more than five minutes the second time. The rule does not apply to the Majority and Minority Leaders and the chairman of the committee "or" a spokesman designated by that chairman. During the 2013 session, a question arose as to whether the limits on debate applied to a chairman who designated a carrier of the measure.

The committee recommends amendment of Senate and House Rules 306 to clarify that the limits on debate do not apply to the leaders and the chairman, "nor" to a spokesman designated by the chairman.

Senate and House Rules 339.1 - Voice Votes on Resolutions

Various rules govern vote requirements for resolutions. Senate and House Rules 340 require recorded roll call votes on resolutions that provide for the expenditure of money or propose a constitutional amendment. Senate and House Rules 320 provide for a roll call vote when requested by one-sixth of the members present. Senate and House

Rules 343 provide for verification votes when the vote has been announced. Joint Rule 208 provides that a recorded roll call vote is necessary on items on the consent calendar only if a recorded roll call vote is required under Senate or House Rules 340. During the 2013 session, a question arose as to whether the rules on voice, verification, or roll call votes on resolutions could be clarified.

The committee recommends creation of Senate and House Rules 339.1 to provide that action that results in final disposition of a resolution must be taken by voice vote, except as provided under Senate and House Rules 340 or when requested under Senate and House Rules 320 or 343. The effect is to describe, by rule, the general practice followed in voting on resolutions.

Senate Rule 401 - Introduction of House Measures

Senate Rule 401 limits to six the number of sponsors of bills and resolutions that may be introduced in the Senate. In January 2013, the House increased its allowed number of sponsors from six to 12. Technically, Senate Rule 401 does not allow introduction in the Senate or House measures with more than six sponsors.

The committee recommends amendment of Senate Rule 401 to restrict the six sponsor limit to Senate bills or resolutions.

Senate Rule 402 - Appropriations Introduction Deadline

Senate Rule 402 provides no member other than the Majority and Minority Leaders may introduce more than three bills as prime sponsor after the 10th legislative day, and no bills may be introduced after the 15th legislative day. The committee discussed whether bills containing appropriation clauses should be required to be introduced by the 10th legislative day. The intent of requiring introduction before the final bill introduction deadline is to provide for earlier three-day and two-day committee consideration of those bills and earlier referral to the Appropriations Committee for its consideration.

The committee recommends amendment of Senate Rule 402(1) to require Senate bills containing an appropriation clause to be introduced before the 11th legislative day.

Senate and House Rules 507.1 - Hearing of Measures

Senate and House Rules 328 require bills and resolutions to be referred to committee upon introduction. Senate and House Rules 506 require committee chairmen to provide notice of the time and place of committee meetings and to provide a list of the bills and resolutions to be heard. Senate and House Rules 508 establish deadlines for holding bills and resolutions in committee, as well as deadlines for reporting bills and resolutions back to the House. During the 2013 session, a question arose as to whether the rules should specifically require a hearing, rather than rely on the implication that a hearing is required.

The committee recommends creation of Senate and House Rules 507.1 to require every bill and resolution referred to committee to be scheduled for a hearing and a hearing to be held. The rule would not apply to a bill or resolution that is withdrawn before being scheduled or before the hearing is held.

Other Rules Proposals Considered

The committee reviewed proposals to provide that a motion to refer or refer to committee is nondebateable; to allow a request to divide a question to be made only after the question has been stated but before the carrier or another person speaks on the question; to require measures to be engrossed in the second house; and to allow a member to read the member's speech on the floor.

LEGISLATIVE INFORMATION SERVICES

Beginning with the 1985-86 interim, the committee has reviewed the cost of providing various printed documents to persons outside the legislative branch. Subscription fees have been established which approximate the cost of printing a set of the relevant documents during the previous legislative session--e.g. the cost of printing the documents is divided by the number of sets of documents printed. Representatives of the media as determined under Joint Rule 802 and state agencies and institutions are not charged the fees for copies of bills and resolutions, daily journals, daily calendars, and committee hearing schedules. All of these documents are available on the legislative branch website.

Bills, Resolutions, and Journals Subscription

During the 2013 legislative session, 25 entities paid to pick up a set of bills and resolutions from the bill and journal room, 7 entities paid to pick up a set of journals, and 2 entities paid to receive the journal index.

The committee established the following fees with respect to these documents during the 2015 legislative session--\$250 for a set of bills and resolutions as introduced and printed or reprinted, including a set of all engrossed and

reengrossed bills and resolutions, \$485 if mailed; \$110 for a set of daily journals of the Senate and House, \$260 if mailed; and \$30 to receive the permanent index to the Senate and House journals.

The committee continued the policy provided under Joint Rule 603 that anyone can receive no more than five copies of a limited number of bills and resolutions without charge.

Bill Status Report Subscription

The printed version of the bill status system provides information on the progress of bills and resolutions, the sponsors of measures, and an index to the subject matter of measures. Two entities paid a \$395 subscription fee to receive these reports from the bill and journal room during the 2013 legislative session.

The committee determined that printed bill status reports should continue to be made available through the bill and journal room only to those who subscribe to the 2015 bill status reports and pay a \$425 subscription fee, \$565 if mailed. The committee determined, however, that two copies of the bill status reports should be provided to the press room in the State Capitol without payment of subscription fees.

Committee Hearing Schedules and Daily Calendars Subscription

The committee continued the practice of making committee hearing schedules and daily calendars available at no charge. The committee also determined that if a request is received for mailing the committee hearing schedules or daily calendars, the policy followed during the 2013 legislative session should continue, and a fee should be imposed to cover the cost of mailing. The committee established a subscription fee of \$40 for mailing a set of the weekly hearing schedules for Senate and House committees and a subscription fee of \$70 for mailing a set of daily calendars of the Senate and House.

Bill and Journal Room Photocopy Policy

Under the contract for providing secretarial, telephone message, and bill and journal room services, the contractor is to collect photocopying fees and transmit those fees to the Legislative Council office. Fees are not charged for providing a photocopy of a legislative document available for distribution to the public by personnel in the bill and journal room (bills, journals, calendars, and committee hearing schedules) nor for providing a photocopy to a legislator, a House or Senate employee, or a Legislative Council employee. Under the policy, the fee for photocopying service is 25 cents per page.

Incoming WATS Line Service

Beginning with the 1985 legislative session, incoming WATS lines have been provided for residents in the state to contact legislators or obtain information concerning legislative proposals. If all lines are in use or the call is made after regular business hours, a caller is given two options--one for staying on the line (if the call is during regular business hours) and one for leaving a message for legislators from the caller's district. This message feature is available 24 hours a day, seven days a week during regular legislative sessions. It has been the policy to allow a caller to leave a message for the caller's local legislators (legislators from the caller's district and legislators of the city of the caller) and for specifically named legislators identified by the caller.

The committee made no changes regarding the incoming WATS line telephone message service for the 64th Legislative Assembly. The WATS number will continue to be 1-888-ND-LEGIS (1-888-635-3447).

LEGISLATIVE COMPENSATION

Legislative Compensation Review

In 2011 the Legislative Assembly repealed the law providing for a Legislative Compensation Commission and amended Section 54-03-20 to provide that the Legislative Management is to make recommendations and submit any necessary legislation to adjust legislative compensation amounts.

The committee received information on legislative compensation and expenses, the process for adjusting compensation, legislative compensation increases compared to inflation and state employee salary increases, and legislative compensation levels in other states.

The consensus of committee members was that the 2015-17 budget of the Legislative Assembly should include funding for changes to legislative compensation equal to the percentage changes provided for state employee salary increases during the 2015-17 biennium and the necessary related statutory changes. The initial plan is to include funding to allow for a 4 percent increase in legislative compensation amounts for monthly pay, session pay, interim pay, and leaders' additional monthly pay for the first year of the biennium and a 3 percent increase for the second year of the biennium, to be adjusted as necessary to compare to the levels provided state employees.

Legislator Expense Reimbursement Policy

Article XI, Section 26, of the Constitution of North Dakota, provides that payment for necessary expenses of legislators may not exceed that allowed for other state employees. Section 54-03-20 provides the maximum lodging reimbursement for legislators during a regular legislative session may not exceed 30 times 70 percent of the daily lodging reimbursement for state employees and officials. Under that formula, legislators may receive up to \$1,569 per month as reimbursement for lodging.

The committee made no changes to the legislative expense reimbursement policy that was in place for the previous two legislative sessions--reimbursable lodging expenses during a legislative session include utilities (electricity, heat, and water, including garbage collection and sewer charges), basic telephone service and telephone installation charges, snow removal expense, and furniture (rental of furniture and appliances and transit charges for moving rental furniture and appliances). In addition, the lodging expense reimbursement of two or more legislators sharing housing in a single dwelling is subject to approval by the Chairman of the Legislative Management, in accordance with Section 54-03-20.

Online Travel Request Forms

The committee received information on the development of out-of-state travel request forms for legislators. The forms are intended to be available on legislators' laptop and iPad computers. A legislator seeking approval for travel out of state is to fill out the form and transmit it electronically for approval. The use of electronic request forms is intended to reduce paperwork and the time spent in routing forms.

LEGISLATIVE COMPUTERS

Legislator Data Plan Reimbursement

Before November 1, 2012, legislators received reimbursement for their mobile data plans two ways. The method for non-Verizon users required legislators to submit a voucher at least quarterly to the Legislative Council. The method for Verizon users required legislators to participate in split billing--their data costs associated with their plan were billed separately to the state of North Dakota.

During the 2011-12 interim, the committee approved a new method of reimbursing legislators for their data plans effective November 1, 2012. All participating legislators were required to submit a request form for reimbursement of their mobile data costs to the Legislative Council, identifying data costs associated with legislative business, along with a copy of their wireless carrier bill identifying the mobile data costs. The Legislative Council provided monthly reimbursement at that level until the legislator incurred a change in mobile data cost, contract, or vendor. At such time, the legislator was to submit a new request form to the Legislative Council for reimbursement of the legislator's mobile data costs, identifying data costs associated with legislative business, along with a new copy of the wireless carrier bill showing new mobile data costs.

The committee reviewed the effects of the November 2012 policy. The "new" method of reimbursement was found to have its own problems. Plan configurations and options, as well as devices, change so frequently that legislators may not have selected the most cost-effective or friendly plan. In addition, constantly revising the policy to address every variation of plan configurations was not viewed as feasible.

At the time the committee reviewed the November 2012 policy, 133 members were participating in broadband reimbursement, which ranged from \$23.05 to \$93.99 a month. The average monthly amount reimbursed was \$49.22. There were 39 members participating in the mobile data reimbursement, which ranged from \$15.75 to \$90 a month. The average monthly amount reimbursed was \$32.46.

The committee approved discontinuance of the November 2012 policy and approved a \$90 per month information technology stipend--the amount included in the 2013-15 budget per legislator per month for technology-related costs--for legislators who sign an agreement that they will use the stipend for technology-related costs. The new policy eliminates the need for split billing and state involvement with reimbursements. The committee recognized that a stipend would be included in a member's taxable income, but broadband and mobile data expenses are deductible expenses and this should be a wash for a member.

Personal Computer Use Policy

The committee reviewed the *Policy on Use of Personal Computers by Legislators*, last revised in November 2012. The policy describes statutory restrictions on use of personal computers and governs use of state-owned personal computers and use of privately owned personal computers to access legislative information systems. The policy also addresses the use of tablet computers, provides for copying of legislator information to replacement computers, includes a procedure on purchase of old computers, and authorizes a fee for acquiring a replaced computer and a computer assistance fee.

The committee adopted a revised policy to account for the decision to implement the stipend reimbursement for data plans.

Legislator Computer Training

The organizational session agenda approved by the committee continues the computer training classes for veteran legislators beginning at 9:00 a.m. on Monday. The agenda also provides for a computer distribution and training session for new legislators at 3:15 p.m. on Monday in addition to the traditional training sessions for new legislators on Wednesday. In addition, the agenda includes laptop computer and tablet training sessions on Tuesday and Wednesday for returning legislators.

SESSION ARRANGEMENTS

Doctor of the Day Program

The committee accepted an offer by the North Dakota Medical Association to continue the doctor of the day program during the 2015 legislative session under the same arrangements as in the past. The association is planning to rely on physicians and residents from around the state to volunteer for the program and provide basic health care services and referrals on most days during which the Legislative Assembly is in session. The association also is planning to provide opportunities as in past sessions for legislators to participate in health screenings and other educational and wellness activities during the session.

Legislator Wellness Program

Section 54-52.1-14 requires the Public Employees Retirement System (PERS) Board to develop an employer-based wellness program encouraging employers to adopt a board-approved program. The incentive for adoption of a program is a 1 percent of health insurance premium charge to agencies that do not participate in the program.

A wellness program must include the "mandatory activity" of communicating wellness materials provided by PERS and Blue Cross Blue Shield of North Dakota to individual employees on a monthly basis and promoting the PERS smoking cessation program to employees. In addition to this mandatory activity, different "optional" activities must be developed each year.

The comprehensive health assessment will be continued during the 2015 legislative session as provided through the doctor of the day program by the North Dakota Medical Association during the previous two legislative sessions.

Legislators' Supplies

Stationery

Before 2013, every legislator had been given the option of receiving 250 sheets of regular (8.5 inches by 11 inches) or Monarch (7.5 inches by 10.5 inches) stationery and envelopes, 250 sheets of each type of stationery and envelopes, 500 sheets of either type of stationery and envelopes, or 250 or 500 envelopes. A legislator also was allowed to request an additional 500 sheets of stationery and 500 envelopes, up to 1,000 sheets and envelopes total. The Speaker, each leader, and each assistant leader were entitled to as much regular and Monarch stationery as needed. In addition, an electronic letterhead was provided to all legislators to use as a template to print correspondence on regular paper and envelopes.

That policy was changed for the 2013 legislative session. In 2012, the committee determined that legislators should be provided with an electronic letterhead for use in printing letters and envelopes rather than receive stationery and envelopes through a contract printer. Because computers are provided to all legislators, the committee concluded there was little need for continuing to provide individualized stationery and envelopes when templates are provided for legislators to use through software on their computers.

The committee approved continuation of the policy of providing electronic letterhead for use in printing letters and envelopes.

Brief Bags

The committee approved continuation of the policy, first established in 1984, of providing a brief bag to each legislator on request. With respect to newly elected legislators, the request form will be included in the information packets distributed to newly elected legislators during the organizational session. The committee approved use of a saddle brown leather brief bag that includes an embossed Great Seal on the side, "North Dakota Legislative Assembly" on the outside of the name tag, and the name of the legislator on the inside of the name tag.

Capitol Access Cards

Since October 1999, the Capitol has operated under a security card system. Access to the Capitol on weekdays before 6:45 a.m. or after 5:30 p.m. or on weekends requires use of a security card to present near a reader that

unlocks the door and records use of the card. Each security card is coded and a computerized record is kept of use. Since 2008, security access cards have been provided to legislators on request.

A security card will be provided to a legislator who requests one and signs a form acknowledging receipt of the card.

Legislator Photo Identification Cards

Starting in 2010, each legislator was provided with a credit card-sized photo identification card containing the legislator's current legislative photograph, a current signature of the legislator, the legislative session WATS line number (1-888-635-3447), the Legislative Council telephone number, and the Legislative Council WATS line number. A photo identification card expires upon the expiration of the term of the legislator. New cards will be issued to newly elected legislators and will contain the 2014 legislative photograph.

Legislator Photographs

The committee approved the invitation to bid for photography services to the 64th Legislative Assembly. The invitation to bid contained generally the same specifications as the contract for the 63rd Legislative Assembly. The photographs of legislators are to be taken during the organizational session in 2014, and the photographs of the six elected legislative officers are to be taken during the first week of the regular session.

The photographer is to provide the digital image of the pose selected by the photographer to the Legislative Council by Wednesday, December 17, 2014, for use in updating the legislative branch website, and the photographer is to provide the digital image of the final pose to the Legislative Council by Friday, February 20, 2015.

Two notable changes to the invitation to bid--electronic distribution of proofs to legislators must be made individually to individual legislators rather than a bulk distribution, and the composite proofs are to be sent to the Secretary of the Senate or Chief Clerk of the House, as appropriate, for proofing.

The invitation to bid was sent to 242 photography firms in the state. Eight firms submitted bids--Legacy Photography, Fargo, \$2,559; J&K Portraits, Fargo, \$3,800; Anderson Photography, Crosby, \$4,000; Behl's Photography, Grand Forks, \$8,350; Brian's Photography, Grand Forks, \$10,694; Tweten's Photography, Grafton, \$26,590; Bartak Photography, Grand Forks, bid did not meet requirements; and Michael J. Photography, Minot, bid was received after deadline. The committee awarded the contract to Anderson Photography.

Session Employee Positions

The committee reviewed the number of employee positions during the 1993 and 2013 legislative sessions; the impact computerization has had on both houses; the impact of increased use of technology in providing legislative information; and the impact resulting from contracting for secretarial, telephone message, and bill and journal room services rather than hiring employees for those areas. The 1993 legislative session was used as a base session because legislative employment peaked during that session, with 59 Senate employees and 77 House employees.

The committee reviewed and approved a legislative session employee position plan that proposed for 38 Senate employee positions and 46 House employee positions during the 2015 legislative session. The plan:

- Continued the four staff assistants authorized for the majority leaders and the four staff assistants authorized for the minority leaders.
- Continued Senate employment of the supply room coordinator (to make that employee available for providing assistant sergeant-at-arms services during the Senate floor sessions as needed).
- Continued employment of a parking lot attendant by each house.
- Continued employment of the number of assistant sergeants-at-arms at the 2013 level.

Session Employee Compensation

The committee reviewed legislative session employee compensation levels during the 2013 legislative session. The committee received information on the effect of providing a general increase reflecting the increases of 4 percent and 3 percent approved by the 63rd Legislative Assembly for state employees in 2013 and 2014.

The committee determined that the differential in daily compensation between the three-day committee clerks and the two-day committee clerks and assistant committee clerks should be reduced due to the two-day and assistant clerks' assistance of three-day committee clerks in completing their duties. The 2013 differential was \$12 and the committee approved reducing the differential to \$5. The committee recommends the daily compensation rates during the 2013 legislative session be increased to reflect increases of 4 percent and 3 percent. As a result of this

recommendation, compensation will range from \$112 to \$184 per day (\$14 to \$23 per hour based on an eight-hour day). The committee recommends continuation of the authorization for employees to receive an additional \$1 per day for each previous regular session employed, up to an additional \$10 per day.

The committee recommends that the concurrent resolution establishing employee positions continue the practice of not including specific names or identifying specific individuals. This type of resolution was first adopted in 1997 as a means to provide flexibility in the hiring of employees after adoption of the concurrent resolution. By designating positions and compensation levels, and not naming employees, an Employment Committee report that names an employee and designates the position is sufficient to identify that employee, the position, and the compensation level. The committee also recommends that the concurrent resolution continue to refer to the generic position of "legislative assistant" in place of employees formerly classified as assistant sergeant-at-arms, supply room coordinator, desk page, page and bill book clerk, information kiosk attendant, and parking lot attendant; continue to include provisions authorizing conversion of full-time positions to part-time positions; and continue to authorize the leaders to consolidate staff assistant positions.

Session Employee Orientation and Training

The Legislative Council staff will provide the orientation and training of legislative session employees. The training will be similar to that provided before the 2013 legislative session. Most employees needing specialized training will receive training in December.

Secretarial, Telephone Message, and Bill and Journal Room Services

Secretarial Services

In 1993 the joint secretarial pool consisted of the equivalent of 10.5 stenographers and typists and each house employed a chief stenographer and payroll clerk. Beginning with the 1995 legislative session, the Legislative Assembly has contracted with a third party to provide secretarial services. Beginning with the 2013 legislative session, the Legislative Council staff assumed the responsibility for handling payroll for the Legislative Assembly.

Telephone Message Services

In 1999 the Legislative Assembly employed a chief telephone attendant, eight telephone attendants, and two telephone pages. Beginning with the 2001 legislative session, the Legislative Assembly has contracted with a third party to provide telephone message services.

Bill and Journal Room Services

In 1995 the Legislative Assembly employed 12 bill and journal room clerks. Beginning with the 1997 legislative session, the Legislative Assembly has contracted with a third party to provide bill and journal room services.

Consolidated Services

Beginning with the 2001 legislative session, secretarial services and telephone message services were provided by the same contractor. Beginning with the 2003 legislative session, secretarial, telephone message, and bill and journal room services have been provided by one third-party contractor.

Since the first contract with a third party to provide services formerly provided by Legislative Assembly employees, the committee has reviewed workload to ensure appropriate levels of service. As a result of the decreasing number of documents prepared and the decreasing number of telephone calls received during recent legislative sessions, as well as recommendations of the third-party contractors to allow for cross-training of employees so they can be assigned among the areas as needed, the number of employees under contract to provide secretarial, telephone message, and bill and journal room services has been lowered as appropriate to meet workload.

The committee approved an invitation to bid for services during the 2015 legislative session to provide three, or if necessary four and one-half, employees for secretarial, telephone message, and bill and journal room services. Beginning with the 2015 legislative session, the secretarial and telephone message and the bill and journal room will be collocated in the bill and journal room.

The invitation to bid was sent to four temporary personnel services in the Bismarck-Mandan area. The committee received one bid--\$577.60 per day for approximately 75 days during the legislative session for four and one-half employees and \$162.40 per day for one bill and journal room employee for 17 days before the legislative session by Spherion Staffing, Bismarck. The hourly pay is at least \$14.50 for the employees and at least \$15 for the onsite supervisor.

The committee accepted the bid by Spherion Staffing to provide secretarial, telephone message, and bill and journal room services during the 2015 legislative session.

Secretarial Services Policy

To ensure proper use of secretarial services, the committee reviewed and approved the *Policy Regarding Secretarial Services to Legislators* last approved by the Legislative Management in November 2012. The policy points out that secretarial service employees are not legislative employees; describes secretarial services as being available between 7:00 a.m. and 5:00 p.m.; provides for 24-hour turnaround of most projects; limits requests for transcripts of committee hearing tapes to the majority leader, as requested by the committee chairman when the committee clerk is unable to prepare minutes due to illness, disability, or absence; limits merge requests to 25 individual addresses unless otherwise approved by a majority leader or minority leader, as appropriate; and provides the procedure for any comment or complaint regarding the service. A copy of the policy is included in the legislators' information packets distributed during the organizational session.

Legislative Internship Program

Since 1969, the Legislative Assembly has sponsored a legislative internship program. During recent legislative sessions, the program has provided the Legislative Assembly with the assistance of law school students for a variety of tasks, especially the preparation of amendments, and has provided the students with a valuable educational experience. Although assigned to committees, the interns are supervised by the Legislative Council staff. Since the beginning of the program, each intern has received a stipend as a means of covering the expense of participating in the program.

The committee approved continuation of the program for the 64th Legislative Assembly, with up to 10 intern positions allocated to the University of North Dakota School of Law for assignment to the 3-day and 2-day standing committees and up to 2 intern positions allocated among participating entities as needed. The committee also authorized an increase in the stipend, which was set at \$3,250 per month for the four-month program.

Legislative Tour Guide Program

During the past 19 legislative sessions, the Legislative Council has operated a tour guide program that coordinates tours of the Legislative Assembly by high school groups. The tour guide program is used extensively by high school groups, and other groups have been placed on the tour schedule at their request. The committee approved the continuation of the tour guide program for the 2015 legislative session.

Chaplaincy Program

The Bismarck-Mandan Ministerial Association has coordinated the scheduling of a chaplain in each house to open the daily session with a prayer. Each chaplain receives a daily stipend of \$25. The committee authorized the Legislative Council staff to invite the local ministerial associations to continue to schedule chaplains for opening prayers for both houses each day of the 2015 legislative session.

The committee authorized the Legislative Council staff to notify all legislators that they have until December 31, 2014, to schedule out-of-town clergy to give the opening prayer any day of the legislative session for their respective houses during the 2015 legislative session.

Organizational Session Agenda

The committee approved a tentative agenda for the 2014 organizational session. Two major changes first made in 2002 were continued--convening the session on Monday rather than Tuesday and convening at 1:00 p.m. rather than 9:00 a.m. The agenda continues the provision of orientation classes for freshman legislators and computer training classes for veteran legislators beginning at 9:00 a.m. on Monday. The agenda includes a computer distribution and training session for new legislators at 3:15 p.m. on Monday and additional computer distribution and training sessions on Tuesday and Wednesday. The committee changed the agenda to combine the Legislative Management report and the staff presentation on ethics during the joint session at 9:10 a.m. on Tuesday. The committee also removed from the agenda the report of the Uniform Laws Commission, with the intent of having the standing Judiciary Committees meet jointly during the first full week of the legislative session to receive a more extensive report of the recommendations of the Uniform Laws Commission.

State of the State Address

During the 2013 legislative session, the House and Senate convened in joint session at 1:00 p.m. on the first legislative day. Three escort committees were appointed--one for the Lieutenant Governor, one for the Chief Justice, and one for the Governor and First Lady. The Governor then presented his State of the State address.

The committee authorized the Legislative Council staff to contact the Governor for presentation of the State of the State address on the first legislative day of the 2015 legislative session.

State of the Judiciary Address

The committee authorized the Legislative Council staff to make plans with the Chief Justice of the Supreme Court for the State of the Judiciary address to a joint session on the second legislative day of the 2015 legislative session.

Tribal-State Relationship Message

The committee authorized the Legislative Council staff to extend an invitation to representatives of the Indian tribes to make a presentation to the 64th Legislative Assembly on the third legislative day.

Agricultural Commodity Promotion Groups Report

The committee reviewed Section 4-24-10, which requires 14 agricultural commodity promotion groups to file a uniform report at a public hearing before the standing Agriculture Committee of each house. The committee designated the second legislative day the Agriculture Committees meet--Friday, January 9, 2015--as the day for a joint hearing by the Senate and House Agriculture Committees to receive this report.

Agriculture Commissioner Report

The committee reviewed Section 4-35.2-04, which requires the Agriculture Commissioner to submit a biennial report to a joint meeting of the House and Senate Agriculture Committees on the status of the pesticide container disposal program. The committee determined the report should be made on the same day the committees receive the agricultural commodity promotion groups report--Friday, January 9, 2015.

Commissioner of Commerce Report

The committee reviewed Section 54-60-03, which requires the Commissioner of Commerce to report to a standing committee of each house as determined by the Legislative Management. The report is to be with respect to the department's goals, objectives, and activities. The committee determined the report should be made to the Industry, Business and Labor Committees on the second legislative day those committees meet--Monday, January 12, 2015.

LEGISLATIVE ETHICS COMMITTEE

Section 54-35-02.8 requires the Legislative Management to appoint an ethics committee to consider or prepare a legislative code of ethics. Since 1995, the Legislative Management has appointed the Legislative Management Committee as the Legislative Ethics Committee.

During the 1995-96 interim, the Legislative Management Committee reviewed North Dakota laws affecting legislative ethics. That committee recommended legislative rules declaring a legislative ethics policy urging members to maintain ethical standards and recognize the importance of standards contained in the rules, urging members to apprise themselves of constitutional provisions and statutes that prohibit conduct for which criminal penalties may apply, and requiring the Legislative Council to conduct classes on legislative ethics and laws governing the activities and conduct of public officials. The Legislative Assembly adopted those rules as Joint Rules 1001 through 1004.

The committee makes no recommendation regarding changes to the legislative code of ethics.

TELEPHONE USAGE GUIDELINES

Under Section 54-06-26, a state official or employee may use a state telephone to receive or place a local call for essential personal purposes to the extent that use does not interfere with the functions of the official's or employee's agency. When a state official or employee is away from the official's or employee's residence for official state business and long-distance tolls would apply to a call to the city of residence, the official or employee is entitled to make at least one long-distance call per day at state expense. A state agency may establish guidelines defining reasonable and appropriate use of state telephones for essential personal purposes.

The committee makes no recommendation for guidelines defining reasonable and appropriate use of state telephones for essential personal purposes.

COUNCIL OF STATE GOVERNMENTS MIDWESTERN LEGISLATIVE CONFERENCE

The committee received a report regarding the 2015 Midwestern Legislative Conference which will be hosted by North Dakota in Bismarck. The conference will be held July 12-15, 2015. The committee was informed a fundraising committee has been appointed to help raise funds for the conference. Because the state only has the opportunity to host the conference approximately once every 12 years, committee members recognized the importance of supporting the conference and making the event memorable for attendees. The committee supports the inclusion of \$350,000 in the Legislative Assembly budget request for the 2015-17 biennium to assist in the hosting of the 2015 Midwestern Legislative Conference, with the expectation the amount budgeted will be reduced by any additional funds that are raised.