

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE MANAGEMENT COMMITTEE

Tuesday, November 14, 2006
Harvest Room, State Capitol
Bismarck, North Dakota

Senator Bob Stenehjem, Chairman, called the meeting to order at 9:15 a.m.

Members present: Senators Bob Stenehjem, John M. Andrist, Randel Christmann, David O'Connell; Representatives Rick Berg, Merle Boucher, Matthew M. Klein, David Monson

Members absent: Senator Michael A. Every; Representative Scot Kelsh

Others present: Sam Stoxen, Information Technology Department, Bismarck

Brad Fay, Bismarck

Maryann F. Trauger, Karen J. Mund; Legislative Council, Bismarck

It was moved by Senator O'Connell, seconded by Representative Berg, and carried on a voice vote to approve the minutes of the October 3, 2006, meeting of the committee.

SESSION ARRANGEMENTS

Video Coverage

At the request of Chairman Stenehjem, the assistant director reviewed information on video coverage of the 2007 legislative session. The assistant director said Community Access, Bismarck, has presented a proposal to the committee similar to the arrangement in effect during the 2005 legislative session. Community Access would provide one digital camcorder, one tripod, and cables--at \$50 per day equipment rental--and one camera operator at \$30 per hour, for a minimum of two hours per day. He said the total cost during the 2005 legislative session was \$9,702.

The assistant director said three major cable companies in the state (Midcontinent Communications, Cable One, and Polar Cablevision) and six major community access television entities (Bismarck, Dickinson, Fargo, Grand Forks, Minot, and Williston) were contacted regarding interest in broadcasting the 2007 legislative floor session activity. He said responses from four community access entities indicated one encouraged expanded coverage to include committee meetings, two expressed interest in replaying recorded material if the recorded material were provided to them, one expressed interest in broadcasting floor sessions if the video/audio feed was received through the state's IP network rather than through the Internet; and none indicated resources were available to cover costs incurred in providing equipment for the Legislative Assembly or

camera operators. He said Midcontinent Communications expressed interest in obtaining the video and audio feed and distributing that signal through its fiber stream to its cable systems around the state. He said Mr. W. Tom Simmons, Vice President, Midcontinent Communications, indicated that Midcontinent will invest approximately \$10,000 in equipment in Midcontinent's system to allow that distribution.

The assistant director said he had contacted the Information Technology Department and requested the department review equipment needs for video coverage of both houses. He said the department contacted Community Access and Midcontinent Communications. He said Midcontinent Communications may have old equipment available to allow for sessions of both houses to be streamed over the Internet. He said the approximate cost for wiring and computer needs is \$2,000 to \$3,000.

The assistant director said the possibilities for video coverage include determining whether video coverage should be authorized, determining whether coverage should be authorized for both houses simultaneously; whether to acquire or rent the camcorders and tripods to allow coverage of one house or both houses simultaneously (at an approximate acquisition cost per camcorder and tripod of \$3,300 to \$3,500); and whether camera operators should be obtained through Community Access or third-party contractors or whether they should be Legislative Assembly employees.

Senator Andrist said he would prefer video coverage through cable systems rather than the Internet because more people would have access to the cable systems.

Representative Monson said it would be cost-effective to acquire the camcorders and tripods rather than rent them.

It was moved by Representative Berg and seconded by Representative Monson to authorize the purchase of two digital camcorders, two tripods, necessary wiring, and the equipment to provide simultaneous coverage of the House and Senate floor sessions. Senator Christmann said there would need to be camera operators. Representative Boucher inquired whether someone would be hired for two hours per day or work for the entire day as part of a position with other responsibilities. Representative Berg said the thought is to look at using Legislative Assembly employees or

contract employees from the secretarial, telephone message, and bill room contractor as camera operators. Senator O'Connell said he would prefer individuals other than Legislative Assembly employees operate the cameras. After this discussion, **the motion carried on a roll call vote.** Senators Stenehjem, Andrist, Christmann, and O'Connell and Representatives Berg, Boucher, Klein, and Monson voted "aye." No negative votes were cast.

Session Employee Positions and Compensation

At the request of Chairman Stenehjem, the assistant director presented a memorandum entitled [Legislative Assembly Employee Positions and Compensation](#). The memorandum reviews the employee positions during the 2001, 2003, and 2005 legislative sessions and reviews a proposed number of employee positions for the 2007 legislative session. The memorandum also provides information on employee compensation during the 2005 legislative session and proposed compensation levels for the 2007 legislative session.

The assistant director said the number of employment positions proposed for the 2007 legislative session--35 Senate employees and 42.5 House employees--recognizes:

- The four staff assistants authorized for the majority leaders and the four staff assistants authorized for the minority leaders.
- Senate employment for the payroll clerk.
- Continued Senate employment of the supply room coordinator who has been a Senate employee since 2001.
- Senate employment of three rather than two page and bill book clerks which has been done since 2003.
- House employment of two and one-half assistant sergeants-at-arms which has been done since 2003.
- An additional parking lot attendant as was done during the 2005 legislative session, with one to be employed by the Senate and one to be employed by the House, rather than only one parking lot attendant to be employed by the Senate on an alternating basis started in 2001.

The assistant director said the legislative session employee compensation proposal is based on daily salaries for the 2005 legislative session increased generally across the board 8.16 percent, which reflects the 4 percent and 4 percent average pay increases for state employees approved by the 59th Legislative Assembly for state employees in 2005 and 2006. As proposed, he said, compensation will range from \$77 to \$130 per day or \$9.63 to \$16.25 per hour based on an eight-hour day. He said the proposed 2007 daily salary for the assistant committee clerk was set at the two-day clerk level because these positions were "deemed" to be two-day

clerk positions during the 2005 legislative session so as to provide the higher daily salary.

The assistant director reviewed the impact of contracting with third parties for employee services. During the 1993 legislative session, the Senate and House employed a total of 10.5 employees in 11 stenographer and typist positions at a cost of \$56,629.20 and the Senate and House each employed a chief stenographer and payroll clerk at a total cost of \$14,326.59, for a total of \$70,955.79. During the 1995 legislative session, the Senate and House employed a chief bill and journal room clerk and 11 bill and journal room clerks at a total cost of \$57,170.61. During the 1999 legislative session, the Senate and House employed a chief telephone attendant, eight telephone attendants, and two telephone pages for a total of 11 employees at a cost of \$57,169.69. During the 2005 legislative session, a private contractor provided a total of 12 employees for the secretarial, bill and journal room, and telephone message services at a cost of \$76,848.79 and the payroll clerk was hired on a part-time basis at a cost of \$4,198. The assistant director said the cost figure for the most recent legislative session (2005) a third-party contractor provided employees--\$81,046.79--shows substantial cost-savings when compared to the totals for the last legislative sessions employees were hired by the Legislative Assembly for these positions--\$185,296.09.

Representative Klein said it is not fair that the administrative assistant to the Speaker is paid less than the administrative assistants to the majority and minority leaders. He said the responsibilities are similar.

It was moved by Representative Klein and seconded by Representative Berg to increase the daily compensation for the administrative assistant to the Speaker of the House to the same daily compensation as the administrative assistants to the majority and minority leaders. Representative Monson said the administrative assistant to the Speaker should be at the same pay level as the administrative assistants to the majority and minority leaders. Senator Stenehjem said the committee could look at each position and make an argument that each position should be paid more. Representative Boucher said the administrative assistant to the Speaker should receive the same daily compensation rate as the administrative assistants to the majority and minority leaders. He said consideration also should be given for the fact that administrative assistants work many long weekends rather than just during the legislative days. The director suggested giving consideration to setting a monthly salary for certain positions to avoid issues of some employees being paid for weekend work while others are not. Senator Stenehjem said he does not support the motion, because it skews the pay scale in one area.

Representative Berg said his concern is that most employees must be from Bismarck at these wage

levels. He said current compensation levels do not provide compensation adequate for obtaining local housing or defraying other expenses. He said consideration should be given to providing some type of expense reimbursement to employees from out state. Senator O'Connell said something should be done to encourage employees from around the state. He suggested a housing allowance be considered as a means of attracting out-state employment applications. Representative Berg said this issue could be considered in December. Senator Andrist said there should be a greater attempt to recruit employees from around the state. He suggested a relatively inexpensive classified ad could be placed by the North Dakota Newspaper Association in newspapers around the state to solicit employment applications. He suggested the language, such as "Clerks, legislative assistants, and other workers are needed for the 2007 legislative session in Bismarck January through mid-April 2007. Compensation ranges from \$77 to \$118 per day. For information or application forms call _____."

After this discussion, **the motion carried on a roll call vote.** Senator Andrist and Representatives Berg, Boucher, Klein, and Monson voted "aye." Senators Stenehjem, Christmann, and O'Connell voted "nay."

It was moved by Representative Berg, seconded by Senator O'Connell, and carried on a roll call vote to recommend the positions and compensation as proposed and amended. Senators Stenehjem, Andrist, Christmann, and O'Connell and Representatives Berg, Boucher, Klein, and Monson voted "aye." No negative votes were cast.

Representative Boucher requested the Legislative Council staff provide information on proposed monthly pay levels for the three administrative assistant positions based on compensation of seven days per week; and on a housing allowance for employees outside the Bismarck area. Representative Berg suggested \$250 per month housing allowance would be an appropriate reimbursement.

STANDING COMMITTEE DIVISION CHAIRMEN COMPENSATION

At the request of Chairman Stenehjem, the assistant director reviewed a memorandum entitled Standing Committee Division Chairmen Compensation - Background Information. The memorandum reviews North Dakota Century Code Section 54-03-10, which provides additional daily compensation for legislators serving in certain positions. The Speaker of the House and the majority and minority leaders each receive an additional \$10 for each calendar day during any legislative session. The assistant majority and minority leaders and the chairmen of substantive standing committees each receive an additional \$5 for each calendar day during any legislative session. The only standing committee

divisions established by rule are created by House Rule 501, which establishes four divisions of the House Appropriations Committee.

Representative Berg said he would like to implement a \$5 per day additional compensation for the Appropriations Committee division chairmen.

It was moved by Representative Berg and seconded by Representative Monson to recommend a bill draft to amend North Dakota Century Code Section 54-03-20 to provide an additional \$5 per day for chairmen of substantive standing committee divisions established by legislative rule.

Senator Christmann said perhaps \$5 per day for substantive committee division chairmen is appropriate, but then committee chairmen should receive \$10 per day and the leadership should receive \$15 per day.

Representative Monson said subcommittee chairmen put in a lot of time and should be recognized.

Senator O'Connell said the Senate does not have divisions or subcommittees established by rule and this proposal may be going too far in creating subcommittees.

Representative Boucher said there is permanence as to what the House Appropriations Committee division chairmen do compared to short-term appointment of subcommittees for a particular bill. He said he supports the motion.

Representative Berg said there are chairmen in the House who are working hard and not being recognized for it.

After this discussion, **the motion failed on a roll call vote.** Representatives Berg, Boucher, Klein, and Monson voted "aye." Senators Stenehjem, Andrist, Christmann, and O'Connell voted "nay."

SESSION ARRANGEMENTS Legislator Stationery

At the request of Chairman Stenehjem, the assistant director reviewed a compilation of five bids received for legislator stationery. He said the recommendation by the State Procurement Office was that the contract be awarded to The Printers, Inc., which was the lowest bidder.

It was moved by Senator O'Connell, seconded by Representative Berg, and carried on a roll call vote that the committee accept the bid of The Printers, Inc., for legislator stationery. Senators Stenehjem, Andrist, Christmann, and O'Connell and Representatives Berg, Boucher, Klein, and Monson voted "aye." No negative votes were cast.

LEGISLATIVE RULES

At the request of Chairman Stenehjem, the assistant director reviewed Proposed Amendments of Senate and House Rules 402(1) and Joint Rule 203(1). The assistant director said this proposed rules change revises deadlines for introducing bills so

that the deadlines continue to fall on Mondays in light of the Legislative Assembly convening on a Wednesday rather than a Tuesday in 2007. He said the amendment also maintains crossover on a Friday rather than on the 34th legislative day, which would be George Washington's Birthday, Monday, February 19. Without this change, he said, the recess provided in Joint Rule 702 as the Monday and Tuesday following crossover would be a week after "crossover"--February 26-27.

It was moved by Senator Christmann, seconded by Representative Klein, and carried on a roll call vote that the committee recommend amendment of Senate and House Rules 402(1) and Joint Rule 203(1) relating to the deadline for introduction of bills and crossover. Senators Stenehjem, Andrist, Christmann, and O'Connell and Representatives Berg, Boucher, Klein, and Monson voted "aye." No negative votes were cast.

SESSION ARRANGEMENTS

Legislator Committee Preference Compilation

At the request of Chairman Stenehjem, the assistant director reviewed how information has been compiled in response to legislators submitting their committee preference questionnaires. He said a computer program developed in the 1980s provides four different reports--by standing committee, listing members in the alpha order showing their preference; by party, listing members in alpha order showing their preference; by a proposed committee membership, using a member's preference, previous experience on committee, seniority, and party representation on committee; and by members who do not receive their first or second choice under the computer-created committee membership. In response to a suggestion from Representative Berg, he said, the Legislative Council staff has developed an Excel spreadsheet on which member preferences would be compiled. The spreadsheet would contain members in alphabetical order in the left column and columns across by five-, three-, and two-day committees. He said the spreadsheet could be sent by e-mail to the leadership and a working spreadsheet could be used to rearrange the information by preferences or as otherwise desired by whomever is working with the spreadsheet.

It was moved by Representative Berg, seconded by Representative Boucher, and carried on a roll call vote that the committee preference questionnaires be compiled using a spreadsheet rather than the computer programs. Senators Stenehjem, Andrist, Christmann, and O'Connell and Representatives Berg, Boucher, Klein, and Monson voted "aye." No negative votes were cast.

Legislator Parking Stickers

The assistant director said a suggestion had been made at the October meeting concerning preference for parking stickers. He said the issue is whether a

legislator parking sticker should be a mylar sticker that is permanently attached to the window or a cling-type sticker.

It was moved by Senator Christmann, seconded by Representative Monson, and carried on a roll call vote that the legislator parking sticker be the cling-type parking sticker. Senators Stenehjem, Andrist, Christmann, and O'Connell and Representatives Berg, Boucher, Klein, and Monson voted "aye." No negative votes were cast.

Legislator Photo ID Card

The assistant director said in 2005 each legislator was provided with a credit card size identification card containing the legislator's legislative photo, signature, and the 1-888 session number, the Legislative Council office number, and the Legislative Council WATS line number. He said a similar photo ID card is planned for each legislator for 2007, with the 2007 legislator photo and, with respect to incumbent legislators, the 2005 signature, and with respect to new legislators, a new signature. Because of the reuse of this signature, he said, the cost per card is approximately \$15 for incumbent legislators and \$19 for newly elected legislators.

It was moved by Senator O'Connell, seconded by Representative Boucher, and carried on a roll call vote that the legislator photo ID card initiated in 2005 be continued to be provided to legislators using the previous signature for incumbent legislators and the new signature for newly elected legislators. Senators Stenehjem, Andrist, Christmann, and O'Connell and Representatives Berg, Boucher, Klein, and Monson voted "aye." No negative votes were cast.

Telephone Message Policy

The assistant director said before the 2005 session, the policy followed by the telephone message center was developed by the Legislative Management Committee. Under the policy, a caller could leave a message only for legislators from that caller's district--the senator and both representatives. During the 2005 legislative session, he said, a couple of legislators complained that they were not getting messages because the Legislative Council staff was "filtering" messages. As a result of these complaints, he said, the telephone message center was informed that callers could leave messages for legislators from a caller's district and for any specific legislator named by the caller, but not to "all legislators." He said a suggestion has been made that callers could leave messages for their local legislators, e.g., a Bismarck caller could leave a message for all Bismarck legislators, and a rural caller could leave a message for that caller's district's legislators.

Representative Berg said a caller should be able to leave a message for any legislator specifically named by that caller.

It was moved by Representative Berg and seconded by Representative Klein that the policy

to be followed for the message center was that a caller can leave a message for the caller's local legislators as well as for any legislators specifically named by the caller. Senator Christmann said a caller should be told to leave a callback number. Ms. Karen J. Mund, Legislative Administrator, said most garbled messages are left on the answering machine after hours. She said callers are asked to leave their telephone numbers and to spell their names, but many do not. Senator Christmann suggested the telephone message employee could add to the message that the message was left on the answering machine. He suggested the system should be able to identify the callers through caller ID and the time stamp. Representative Berg said the public should have ease in leaving a message for legislators because that increases public awareness and involvement. After this discussion, **the motion carried on a roll call vote.** Senators Stenehjem, Andrist, Christmann, and O'Connell and Representatives Berg, Boucher, Klein, and Monson voted "aye." No negative votes were cast.

Daily Calendar Format

The assistant director reviewed a proposed revision of the format of the daily calendar. He said the columns of the current calendar use extensive abbreviations, e.g., SE, BP, HUMSER. He said the Legislative Council staff has experimented with changes in font styles and sizes to eliminate or reduce the use of abbreviations to allow easier understanding of the calendar by those viewing the calendar over the Internet or who are new to the legislative process. The proposed revision also rearranged the columns so that the columns would be in order from left to right--bill, committee, committee vote, committee recommendation, comment, and carrier. He inquired as to whether this was satisfactory.

Representative Berg said it is important the carriers be easily identified with their bills, especially with respect to planning floor sessions. He requested

the carrier column be located between the bill number column and the committee name column. Senator Stenehjem requested the print be in boldface for easier readability. Senator Andrist suggested a larger font size for easier readability. Senator Christmann suggested using abbreviated committee names so that the suggestions for increasing font size and boldface would still allow the information to fit across the page.

Committee Room Names

The assistant director reviewed a memorandum distributed at the October meeting which described the background for naming committee meeting rooms and proposed a variety of meeting room names for the new committee meeting rooms resulting from renovation of the bill and journal room. Representative Berg requested a decision on committee room names be deferred until the organizational session.

It was moved by Representative Berg, seconded by Senator O'Connell, and carried on voice vote that the chairman and the staff of the Legislative Council be requested to prepare a report and to present the report to the Legislative Council and that the meeting be adjourned sine die.

No further business appearing, Chairman Stenehjem adjourned the meeting sine die at 11:20 a.m.

Jay E. Buringrud
Assistant Director

John D. Olsrud
Director