

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE MANAGEMENT COMMITTEE

Tuesday, June 17, 2008
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 9:05 a.m.

Members present: Representatives Al Carlson, Rick Berg, Merle Boucher, Jeff Delzer, David Monson; Senators Randel Christmann, Carolyn Nelson, David O'Connell, Bob Stenehjem

Members absent: Representative Kenton Onstad; Senator Dwight Cook

Others present: See attached [appendix](#)

It was moved by Senator Nelson, seconded by Senator O'Connell, and carried on a voice vote to approve the minutes of the March 18, 2008, meeting of the committee.

LEGISLATIVE APPLICATIONS REPLACEMENT SYSTEM PROJECT STATUS REPORT

At the request of Chairman Carlson, Mr. Jim Gienger, Project Manager, Enterprise Solutions, Inc., provided a status report of the legislative applications replacement system project.

Mr. Gienger said the project is delayed and it is unknown the impact of the delay on final delivery. He said PTC revised the 45 deliverables and application bundles in February and proposed a new timeline. During the second quarter, he said, PTC revised its development effort because the sequence of application bundles was not in the correct delivery order. He said application bundle (AB) 1, which consisted of the North Dakota Century Code, Administrative Code, drafting manual, rules book, and some Lotus Notes databases involved the migration of these databases to the new XML environment. He said that AB1 was delivered on time.

Mr. Gienger said AB3, which includes the Century Code import, budget status interface, and voting system interface, is working.

Mr. Gienger said AB2, which includes the bill management console; work management console; electronic work request; content creation toolkit creation; measure publishing, engrossing, enrolling; and content management workflow. The components have been built, e.g., the automatic amendment preparation feature has been demonstrated, but issues have arisen as to interface among the components. He said PTC envisioned capturing information from the electronic work request for use in workflow. He said PTC has reported a delay of up to three months to resolve the interface issues. He said

PTC will be reporting to the Executive Steering Group on July 7 with a plan to get back on track. He said PTC still hopes that the project will be delivered before the 2009 legislative session.

Mr. Gienger said his concern is whether delivery will allow adequate time to test and train before the legislative session convenes. He said Ms. Lisa Hayes, PTC, informed him PTC will be adding a technical architect with more knowledge of PTC products and is replacing its current project manager.

In response to a question from Representative Boucher, Mr. Gienger said the contract with PTC is a fixed price contract and there will not be additional costs due to the delay, but care is required to ensure the scope of the work remains the same. He said the Legislative Council may incur some costs to continue the mainframe (Enterprise server) system which approximated \$500,000 during the 2007 legislative session. Mr. Jim W. Smith, Director, Legislative Council, said about \$350,000 to \$380,000 was included in the budget for maintenance of the system during the 2009 legislative session and other funds would be made available as necessary.

In response to a question from Representative Delzer, Mr. Gienger said a decision may need to be made by Labor Day about which system to use during the 2009 legislative session.

In response to a question from Representative Berg, Mr. Gienger said he is not sure of what needs to be done to ensure all or parts of the replacement system are ready for the 2009 legislative session. He said it may be possible relatively independent parts could be available, e.g., the committee hearing system, similar to the conference committee scheduling system during the 2007 legislative session. He said use of the new system during the 2009 legislative session may require more support personnel during the session.

In response to a question from Representative Delzer, Mr. Gienger said the bill drafting system is the core system and needs to be delivered whole because information from that system feeds into the journal system, message system, committee hearing scheduling system, and calendar system.

Representative Carlson said he is extremely disappointed with PTC, which consistently has said the timeline for the 2009 legislative session could be met.

In response to a question from Representative Carlson, the director said the contract provides for

payment to PTC of 85 percent of the cost of a deliverable upon delivery of the deliverable and the remaining 15 percent upon acceptance of the deliverable. He said approximately 36 percent of the appropriated amount has been paid to PTC. Mr. Gienger said PTC has not been paid since December because no deliverable has been delivered. He said PTC has performed more than 36 percent of the contract work.

Senator Christmann said there should be a method of placing penalties in information technology contracts and questioned whether discussion of strategies to pursue in case of delay at public meetings provides contractors with information as to effects of nonperformance.

CONTRACTS FOR SERVICES

Legislative Assembly Photography Services

The assistant director reviewed a proposed [Invitation to Bid - Legislative Assembly Photography Services](#). He said the invitation is based on the 2006 invitation to bid. He said the invitation provides for the receipt of the bid by Friday, September 19, 2008, and acceptance of the bid after review by the Legislative Management Committee, which tentatively is scheduled to meet on Wednesday, September 24, 2008 (the day before the Budget Section meets in September). He said there is no change in the specifications except for replacing dates with parallel timeframes in 2008 and 2009.

It was moved by Senator Stenehjem, seconded by Senator Christmann, and carried on a roll call vote to approve the contents of the invitation to bid for Legislative Assembly photography services. Representatives Carlson, Berg, Boucher, and Delzer and Senators Christmann, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Legislative Assembly Secretarial, Telephone Message, and Bill and Journal Room Services

The assistant director reviewed a proposed [Invitation to Bid - Legislative Assembly Secretarial, Telephone Message, and Bill and Journal Room Services](#). He said the invitation is based on the 2006 invitation to bid with these revisions:

1. The description of the numbers and the types of documents is updated with 2007 information.
2. The total number of employees to be provided under the contract is reduced from eight to six.
3. The one day of postsession services for postsession cleanup and distribution of indexes to the House and Senate journals has been eliminated.
4. The opening time of the bill and journal room is changed to 7:00 a.m. from 7:30 a.m.

The assistant director said the proposed invitation to bid continues to provide for opening the bill and

journal room beginning on the first Monday after the organizational session for purposes of organizing the room, receiving bills from the printer, and distributing bills. He said the number of employees in the bill and journal room is maintained at two but the number of employees in the secretarial and telephone message service area is reduced from six to four. He said the reduction is based on an addition of one information kiosk attendant as a Legislative Assembly employee and providing primary telephone contact through the information kiosk rather than the telephone message area. He said this would provide for a workload for the information kiosk attendants who are close to the activities of the floor session and respond to inquiries concerning the status of bills by virtue of being the information kiosk attendants. He said overflow of telephone messages would be rotated into the telephone message area and all four of those employees would be trained to provide secretarial service as well as telephone message service. He said telephone messages can be left 24 hours a day because telephone calls are transferred to voice mail whenever all lines are busy or when calls are made afterhours.

In response to a question from Representative Delzer, the assistant director said there is no way of ensuring that telephone messages are delivered to legislators.

In response to a question from Senator Nelson, the assistant director said records are not kept as to the number of legislators using the secretarial service. Senator O'Connell suggested that consideration be given to replacing the secretarial service with a secretarial employee in each leader's office to take care of secretarial matters for members of that leader's caucus.

It was moved by Representative Berg, seconded by Representative Delzer, and carried on a roll call vote to approve the contents of the invitation to bid for Legislative Assembly secretarial, telephone message, and bill and journal room services. Representatives Carlson, Berg, Boucher, and Delzer and Senators Christmann and Stenehjem voted "aye." Senators Nelson and O'Connell voted "nay."

Bills, Resolutions, and Journals

The assistant director reviewed an [Invitation for Bid - Printing - Bills, Resolutions & Journals](#) prepared by the Central Services Division, Office of Management and Budget, for solicitation of bids for printing bills, resolutions, and journals. He said the bid is prepared and advertised by the Central Services Division, but the contract is awarded as directed by the Legislative Council under North Dakota Century Code (NDCC) Section 46-02-05. He said the invitation is based on the 2006 invitation to bid with these revisions:

1. Figures for the estimated volume of the contract are updated to reflect 2007 costs - \$91,000.

2. The number of daily journals printed is reduced from 250 to 170.
3. The number of bills and engrossed bills printed is reduced from 250 to 190.
4. Provision is made for the delivery of bills by PDF files rather than paper copy.
5. The deadline for delivery of printed bills to the bill and journal room is set at 12:00 noon on the next legislative day after the day of introduction, rather than within 24 hours for bills not more than 16 pages and no later than 48 hours for bills 17 pages and over.

The assistant director said the reduction in the number of journals and bills printed is based on the copies remaining after the 2007 legislative session. He said the change to providing for delivery of bills in an electronic format is based on the new legislative application system. He said the shorter deadline for delivery of printed bills is based on demands made of bill and journal room personnel for copies of bills the day after introduction and the day after amendments are adopted which result in bills being engrossed.

It was moved by Senator O'Connell, seconded by Representative Boucher, and carried on a roll call vote to approve the contents of the invitation to bid for printing bills, resolutions, and journals. Representatives Carlson, Boucher, and Delzer and Senators Christmann, Nelson, O'Connell, and Stenehjerm voted "aye." No negative votes were cast.

Bill and Journal Photocopy Fee Policy

The assistant director reviewed a proposed [Bill and Journal Room - Photocopy Fee Policy](#). He said the policy is the same as that in place for the 2007 legislative session. He said the contract for bill and journal room services before the 2007 legislative session required the contractor to provide a copier and the contractor was allowed to retain the photocopying fees. During the 2005-06 interim, he said, the bill and journal room was reduced in size, and the contract printer printed fewer copies of bills, resolutions, and journals in reliance on the bill and journal room personnel printing copies as needed through a network-connected copier being provided in the room. He said the cost for printing daily journals was \$67,805 and for printing bills and resolutions was \$79,668.95 in 2005. He compared this to the \$22,206.25 for printing daily journals and the \$63,831.25 for printing bills and resolutions in 2007. He said the cost of the copier rental was \$2,962.22, network connection installation was \$175, and the network connection was \$116. He said the income from the photocopying fee was \$427 which is similar to the income retained by the bill and journal room service contractor in 2003 and 2005. He said 18,593 photocopies were made in the bill and journal room during the 2007 legislative session. He said many of the copies were for committee clerks who requested "packets" of bills scheduled for hearing the following week for distribution to committee members for review during the weekend and were requested by

Appropriations Committee clerks who requested "packets" containing copies of every amendment and every version of a bill for distribution to their committee members.

It was moved by Senator Christmann, seconded by Representative Boucher, and carried on a roll call vote to approve the proposed photocopy fee policy for the bill and journal room. Representatives Carlson, Boucher, and Delzer and Senators Christmann, Nelson, O'Connell, and Stenehjerm voted "aye." No negative votes were cast.

SESSION ARRANGEMENTS

Organizational Session Agenda

The assistant director reviewed the proposed agenda for the [Legislative Organizational Session](#). He said the agenda was based on the 2006 organizational session agenda. He said the proposed agenda continues the convening of the organizational session at 1:00 p.m., which was first done in 2002 to allow legislators to travel to Bismarck on Monday morning rather than on Sunday. He said the agenda also provides orientation classes for freshman legislators and computer training classes for veteran legislators beginning at 9:00 a.m. on Monday as was done in 2006. He said these substantive changes were made:

- Computer training for legislators with respect to the Internet has been deleted because few to none attended training during classes in 2006.
- On Tuesday, December 2, the Legislative Council report by the chairman and the director has been consolidated, the wellness program has been deleted because a different wellness program will be provided by the North Dakota Medical Association and Altru Health System in Grand Forks as approved by the Legislative Management Committee at its March meeting, and the sexual harassment session has been deleted because Joint Rule 901, relating to sexual harassment, is covered in the ethics session.
- New legislator training has been reduced from six hours to two hours with the first session beginning at 12:00 noon on Wednesday and the second session beginning at 2:30 p.m. on Wednesday rather than any session on Thursday.

It was moved by Senator O'Connell, seconded by Senator Nelson, and carried on a roll call vote that the legislative organizational session agenda be approved. Representatives Carlson, Berg, Boucher, and Delzer and Senators Christmann, Nelson, O'Connell, and Stenehjerm voted "aye." No negative votes were cast.

Computer Training for Legislators

The assistant director reviewed the tentative agenda [Training for Legislators](#). He said the agenda lists the sessions on e-mail and Microsoft Word as

contained in the organizational session agenda and provides for LAWS training for legislators in three 2.5-hour sessions of up to 46 legislators each on Monday, January 5, 2009. He said an additional class for up to 16 legislators is added on Tuesday, January 6, in response to a request from legislators that training be provided Tuesday morning so legislators could avoid traveling to Bismarck early enough to attend the Monday sessions. He said the number has been limited on Tuesday morning because the Governor requires use of the Brynhild Haugland Room for any overflow from the State of the State address being given in the House chamber. Reducing the amount of equipment before Tuesday morning allows faster removal of the remaining equipment before the address is given.

It was moved by Senator Christmann, seconded by Representative Delzer, and carried on a roll call vote that the committee approve the proposed training schedule for legislators. Representatives Carlson, Berg, and Boucher and Senators Christmann, Nelson, O'Connell, and Stenehjem voted "aye." Representative Delzer voted "nay."

LEGISLATORS' COMPUTERS

The assistant director reviewed a memorandum entitled [Legislators' Notebook Computers - Impact of State Surplus Property Law on Disposition](#). The memorandum quotes NDCC Section 54-44-04.6 relating to the disposition of property surplus to a state agency's needs. The assistant director said although an interpretation could be made that if property is not transferred to state agencies, political subdivisions, and nonprofit organizations eligible to receive federal surplus property and therefore not "disposed of" to those agencies, that property may be distributed to legislators at negotiation at fair value, interpreting the entire section as a whole leads to the conclusion that the state Surplus Property Division must be informed of the availability of notebook-style computers when those computers have become "surplus" to the Legislative Assembly or the Legislative Council. He said eligible organizations must be notified of the availability of state surplus property. If surplus property remains after eligible organizations have been notified of availability of the property and the eligible organizations have not acquired the property, he said, surplus property may be disposed of to any entity (thus, legislators) on negotiation at fair value for property valued at less than \$3,000. He said information from various resellers indicates the value of a refurbished IBM ThinkPad A22m notebook-style computer is approximately \$400.

The assistant director said legislators who have been contacted with respect to receiving their new HP 8710p notebook computers may have interpreted any statement that they may "keep" their IBM computers as giving them their IBM computers, rather than as allowing them to retain those computers until the legislators have acquired printers that work with

the new computers and have transferred information or removed software that is not compatible with the Microsoft Vista operating system.

Representative Berg requested the Legislative Council staff to explore the possibility that legislators who wish to acquire their old computers be able to "tag" those computers and that if those computers are not disposed under the normal surplus property procedures, those legislators be able to acquire those computers. This would differ from the normal procedure of wiping the computer hard drive, reinstalling the operating system, and transferring the computer to surplus property.

SESSION ARRANGEMENTS

Session Employee Positions and Compensation

The assistant director presented a memorandum entitled [Legislative Assembly Employee Positions and Compensation](#). The memorandum reviews the employee positions during the 2003, 2005, and 2007 legislative sessions and reviews a proposed number of employee positions for the 2009 legislative session. The memorandum also provides information on employee compensation during the 2007 legislative session and the proposed compensation levels for the 2007 legislative session.

The assistant director said the number of employment positions proposed for the 2009 legislative session--36.5 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, even though the leaders have employed fewer than the number authorized.
- House employment of the payroll clerk in recognition of alternating that position between the houses.
- Continued Senate employment of the supply coordinator.
- Continued House employment of two half-time assistant sergeant-at-arms (which was done in 2007).
- Continued employment of a parking attendant by each house (which was done in 2005 and 2007).
- Employment of an additional half-time assistant sergeant-at-arms by the Senate and by the House for purposes of operating the video camera during floor sessions.
- Employment of one information kiosk attendant by the Senate and one attendant by the House, rather than continuing to alternate between the houses and the House employing a half-time attendant, for the purposes of answering calls to the Legislative Assembly and taking telephone messages.

The assistant director said the video cameras were operated during the 2007 legislative session first by

contract employees through Spherion, but when the hours became irregular and those employees found other, more consistent work, the cameras were operated by the tour guide of the Legislative Council in addition to her other responsibilities. He said a more practical approach would be for each house to employ a half-time assistant sergeant-at-arms to operate the video camera because the houses would know when the sessions would convene each day and for "short-day" sessions the assistant sergeant-at-arms could be assigned other responsibilities.

The assistant director said the legislative session employee compensation proposal is based on daily salaries for the 2007 legislative session increased generally across the board by 8.16 percent, which reflects the 4 percent and 4 percent average pay increases for state employees approved by the 60th Legislative Assembly for state employees in 2007 and 2008. As proposed, he said, compensation will range from \$83 to \$141 per day (\$10.37 to \$17.62 per hour based on an eight-hour day).

The assistant director reviewed the impact of contracting with third parties for employee services. He compared the \$50,658.03 paid to the third-party contractor during the 2007 legislative session together with the \$4,468.15 paid the payroll clerk hired on a part-time basis to the totals for the last legislative session comparable employees were hired by the Legislative Assembly--\$185,296.09.

Representative Berg requested information on the numbers of legislative session employees and their compensation levels back to the 1999 legislative session for purposes of comparing numbers from session to session.

Representative Berg said his concern is whether employee compensation increases have fallen behind increases in the average weekly in North Dakota for the last six years. He said he is also concerned whether compensation is at a level that would allow employment of persons from around the state. He said the compensation needs to be set at appropriate levels to employ qualified people. He requested the Legislative Council staff provide information on the average weekly in North Dakota and the increases over the last six years and compare that to the increases in Legislative Assembly employee compensation over the same time period.

Session Employee Orientation and Training

The assistant director reviewed a tentative agenda entitled [Orientation and Training Sessions for Certain Legislative Employees](#). He said the training is provided on dates equivalent to those in 2006, beginning with training for the payroll clerk on Thursday, November 13, and concluding with training for chief committee clerks and chief pages on Wednesday, January 7, 2009. He said the training is similar to that provided before the 2007 legislative session, except the journal training will be conducted by the Senate journal reporter--Ms. Karen

Hoovestol--due to her experience with the journal system and floor procedures that affect journal preparation. He said she would be asked to conduct this training even if she does not return as journal reporter during the 2009 legislative session.

Representative Berg requested the schedule be revised to eliminate training sessions around the Thanksgiving holiday as well as Christmas and New Year's holidays so as not to require session employees to attend training sessions during those times. The assistant director said a revised schedule would be presented to the committee at its next meeting but removing blocks of time in a limited timeframe may result in reduced training.

Video Coverage of Floor Sessions

The assistant director said Community Access, Bismarck, provided video coverage of floor sessions of the Legislative Assembly before the 2007 legislative session. The coverage was of the House and Senate floor sessions on alternating weeks because video was provided through one digital camcorder and one camera operator. During the 2005-06 interim, he said, the Legislative Management Committee authorized the purchase of two digital camcorders, two tripods, necessary wiring, and equipment to provide simultaneous coverage of the House and Senate floor sessions. He said camera operators were contracted through Spherion during the 2007 legislative session. However, he said, those contract employees worked limited and varying hours and eventually found other, more consistent work and the video cameras were operated by the Legislative Council tour guide and the Senate deputy sergeant-at-arms as time permitted.

The assistant director said the proposal presented to the committee earlier was for each house to employ a half-time assistant sergeant-at-arms to operate the video cameras. He said the video is streamed over the Internet.

The assistant director said he had contacted the Information Technology Department and requested a review of equipment needs for video coverage of both houses during the 2009 legislative session. He said the department reported that the equipment is in place but a signal test monitor would be useful in determining the adequacy of the signal being streamed over the Internet. He said an approximate cost would be \$500.

The assistant director said a separate issue is the Mult Press Box used in the House chamber to allow additional news media outlets in the House chamber during a major address or an event resulting in coverage by several representatives of the media. The box used in the past was borrowed from the Department of Transportation but was lost/stolen from the House chamber on January 3 or 4, 2007. He said the limited number of outlets is not sufficient to handle all news media and either more outlets need to be added in the House chamber or a Mult Press Box should be secured. He said additional information would be presented at a future meeting.

Addresses and Reports

The assistant director said since 1993 the committee has indicated a preference for a report by the chairman of the Legislative Compensation Commission to each house of the Legislative Assembly in written form to the presiding officers.

The assistant director said NDCC Section 4-24-10 requires 13 agricultural commodity promotion groups to file a uniform report at a public hearing before the standing Agriculture Committee of each house. He said the report must be filed between the 1st and 10th legislative days. Since 2000, he said, the Legislative Management Committee has designated the second legislative day the Agriculture Committees meet as the day for a joint hearing by the Senate and House Agriculture Committees to receive this report. He said this would be Friday, January 9, 2009.

The assistant director said NDCC Section 4-35.2-04 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. He said this is a new reporting requirement enacted in 2007. He said this report could be scheduled to be received on the same day the joint meeting is held to receive the agricultural commodity promotion groups report, which would be Friday, January 9, 2009.

The assistant director said NDCC Section 54-60-03 requires the Commissioner of Commerce to report between the 1st and 10th legislative days to a standing committee of each house of the Legislative Assembly as determined by the Legislative Council with respect to the department's goals, objectives, activities, measurable results, and commerce benchmarks. Since 2003, he said, this report has been given to the Industry, Business and Labor Committees on the second day those committees met. He said this would equate to Monday, January 12, 2009.

The assistant director said the committee traditionally has authorized the Legislative Council staff to contact the Governor with respect to arrangements for the State of the State address to a joint session of the Legislative Assembly on the first legislative day, to contact the Chief Justice with respect to a presentation of the State of the Judiciary address to a joint session on the second legislative day, and to extend an invitation to have a representative of the Indian tribes to address a joint session on the third legislative day.

Representative Delzer inquired why there is a tribal-state relationship message. The assistant director said the intent behind extending an invitation to a representative of the Indian tribes is to recognize the status of Indian tribes as independent nations and to promote the relationship between the Indian nations and the state of North Dakota.

It was moved by Senator Stenehjem, seconded by Senator Nelson, and carried on a roll call vote:

- **The Legislative Council staff be requested to contact the Governor with respect to the**

time for a joint session to hear the State of the State address by the Governor on the first legislative day (Tuesday, January 6, 2009), to contact the Chief Justice to make plans for the State of the Judiciary address to a joint session on the second legislative day (Wednesday, January 7, 2009), and to invite a representative of the Indian tribes to address a joint session of the Legislative Assembly on the third legislative day (Thursday, January 8, 2009);

- **The second legislative day the Agriculture Committees meet (Friday, January 9, 2009) be designated as the day for a joint hearing by the Senate and House Agriculture Committees to receive the report of the agricultural commodity promotion groups under NDCC Section 4-24-10;**
- **The second legislative day the Agriculture Committees meet (Friday, January 9, 2009) be designated as the day for a joint meeting by the Senate and House Agriculture Committees to receive the biennial report of the Agriculture Commissioner on the status of the pesticide container disposal program under NDCC Section 4-35.2-04;**
- **The Commissioner of Commerce report to the Industry, Business and Labor Committees on the second day those committees meet (Monday, January 12, 2009); and**
- **The Legislative Council staff be requested to notify the chairman of the Legislative Compensation Commission that a written report of the commission should be submitted to the presiding officer of each house in lieu of an oral report to each house.**

Representatives Carlson, Berg, Boucher, and Delzer and Senators Christmann, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

USE OF LEGISLATIVE CHAMBERS AND COMMITTEE ROOMS

The assistant director noted the [Guidelines for Use of Legislative Chambers and Displays in Memorial Hall, North Dakota State Capitol](#) and [Guidelines for Use of Legislative Committee Rooms, North Dakota State Capitol](#).

The assistant director said the guidelines for displays in Memorial Hall require the Legislative Management Committee to review all permanent displays annually. He said the guidelines are presented to the Legislative Management Committee for review annually and at other times if proposed changes are made. He said there are no permanent displays in Memorial Hall. He said the guidelines for the use of legislative chambers and displays in Memorial Hall were last approved by the committee in

January 1996 and the guidelines for use of legislative committee rooms were last approved by the committee in August 2000. He said no issue has arisen since those times with respect to the respective guidelines.

It was moved by Representative Berg, seconded by Senator Stenehjem, and approved on a roll call vote that the committee approve the guidelines for use of legislative chambers and displays in Memorial Hall and the guidelines for use of legislative committee rooms. Representatives Carlson, Berg, Boucher, and Delzer and Senators Christmann, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

LEGISLATIVE SPACE

Red River, Sakakawea, Lewis and Clark, and Missouri River Rooms

The assistant director reviewed the current and proposed arrangements of the Red River, Sakakawea, Lewis and Clark, and Missouri River Rooms. The proposed rearrangements were first presented to the committee at its January 29, 2008, meeting. The assistant director said funds remain in the appropriation for committee room renovations, especially replacement of committee room tables. He said many tables are worn to the extent that clothing is snagged by the bottoms and edges of the tables and many tables have been damaged. He said the Senate rooms especially have damaged or mismatched tables.

Representative Boucher inquired whether there should be a consistent policy on table arrangement in committee rooms, e.g., to the extent possible, committee members should face the audience and audience members should not be seated behind committee members. Representative Berg said many committee rooms cannot be arranged that way and he said it is important that committee members can see one another and the arrangement is appropriate for that room.

Senator Stenehjem said the Senate members of the committee should decide on the tables and table arrangement in Senate committee rooms and the House members of the committee should decide on the tables and table arrangements in House committee rooms. He said the same type of décor should appear in all committee rooms, e.g., the wood and other table features.

Representative Carlson asked about the funding available if the appropriation is to be separated between the House and the Senate. The director said \$13,000 was used to remove the divider in the Medora/Great Plains Room, the table and wiring and other installation costs totaled approximately \$12,000, leaving approximately \$75,000 for House committee room renovations and \$100,000 for Senate committee room renovations.

Chairman Carlson recessed the meeting to allow for a tour of the Medora/Great Plains Room by

committee members. The table had been installed and placed in the Medora/Great Plains Room. Committee members expressed satisfaction over the look of the table, the oak trim and its black laminate inlay, and the curve of the table which follows the north wall of the Medora/Great Plains Room and which allows the chairman to see all members seated at the table. Committee members also viewed the Peace Garden Room, which is one of the "pie-shaped" committee rooms and suggested table arrangements that included a U-shaped table with a base following the curvature of the outside wall and the two legs following the angle of the interior walls and an L-shaped table with one leg following the curvature of the outside wall and one leg following the angle of the inside wall with audience seating along the other inside wall. Representative Berg requested the Legislative Council staff contact Mr. Joel Leapaldt, Facility Management Division, for preparation of committee room table arrangement options as well as Roughrider Industries for ideas on committee room table arrangement or construction.

The committee members also toured the House conference room and Representative Berg requested a conference table concept for the House conference room.

Chairman Carlson reconvened the meeting in the Harvest Room.

It was moved by Representative Delzer, seconded by Representative Berg, and carried on a roll call vote that the name of the Medora/Great Plains Room be the Medora Room. Representatives Carlson, Berg, Boucher, and Delzer and Senators Christmann and Nelson voted "aye." Senator O'Connell voted "nay."

It was moved by Representative Berg and seconded by Representative Boucher that the majority and minority leaders and their assistants make recommendations to the Legislative Council chairman with respect to committee tables and committee room table arrangements for their respective houses and the chairman be authorized to purchase committee room tables as recommended by the respective leaders. Senator Stenehjem said the majority party should have a majority of the members of any group that decides on the committee room tables and table arrangements. After this discussion, **the motion carried on a roll call vote.** Representatives Carlson, Berg, Boucher, and Delzer and Senators Nelson and O'Connell voted "aye." Senators Christmann and Stenehjem voted "nay."

Brynhild Haugland Chairlift

The assistant director referred to a letter from Secretary of State Alvin A. Jaeger concerning the wheelchair lift in the Brynhild Haugland Room. The letter expresses concern over the accessibility to this room by persons using wheelchairs and the chairlift installed in 2001. The assistant director said the concerns expressed by Secretary of State Jaeger in

2004 were that the control buttons at the top and bottom of the stairs were not working properly and the gates that prevent the wheelchair from rolling off the lift while in use must be lifted manually. He said the wheelchair lift was inspected at that time and signs were installed noting that for the buttons to work properly the gates must be in the lowered position. He said the other issues involved changing the wheelchair lift and that was determined to be not economically feasible at that time. He said the wheelchair lift was installed in March 2001 for approximately \$33,000. Committee discussion generally indicated that rather than using the Brynhild Haugland Room as a polling place, the main west hallway and the semicircular hallway to the north of the west hallway could be used to set up the voting booths. Thus the wheelchair lift would not be involved in persons exercising their right to vote.

Capitol Tower Stairway Fire Exits

Ms. Pam Sharp, Director, Office of Management and Budget, said it probably is too late for completion of the Capitol tower fire exit project before the legislative session but not too late to complete the project by the end of the biennium. She introduced Mr. John Boyle, Director of Facility Management. Mr. Boyle distributed materials exploring options to provide additional hearing rooms for the Legislative Assembly balanced with the need of exit passageways. A copy of the materials is on file in the Legislative Council office.

Mr. Boyle reviewed options previously presented to the committee concerning a fire exit from the north stairwell through the Red River Room and a fire exit from the south stairwell through the Sakakawea Room or through the Governor's office area. Mr. Boyle then referred to drawings contained in the materials.

Mr. Boyle said the least destructive, most direct solution is for a one-for-one switch of the current press area and the Red River Room. He said the Red River Room consists of 560 square feet and after using a portion of the room for a fire exit would consist of 425 square feet. As a hearing room, the press area would consist of 485 square feet with support space of 185 square feet, for a total of 670 square feet.

Mr. Boyle said with respect to the Red River Room, if the fire exit is located in that space, reducing the room to 425 square feet, the room could be reorganized for the press area or for the Attorney General's administrative support staff.

Mr. Boyle said other options include moving the Attorney General's administrative support staff out of the room formerly known as the Gold Room (which was the Senate Appropriations Committee Room before renovation of the legislative wing in 1981-82) and converting that to a legislative committee room consisting of 570 square feet, converting the existing House locker room to a committee hearing room consisting of 550 square feet, and using the east half of the legislative study on the ground floor to create committee hearing space area of 700 square feet

which would be L-shaped or providing that space to the Attorney General's support staff in exchange for the ground floor administrative support space. He said additional options for committee rooms on the first floor include moving the Senate conference room and legislative supply room to the ground floor legislative study and providing that space to the Attorney General's support staff in exchange for being displaced from its current ground floor administrative support space.

With respect to the south stairwell fire exit, Mr. Boyle said the two options continue to be providing the fire exit way along the west wall of the room thereby reducing the Sakakawea Room from 680 square feet to 580 square feet or providing the fire exit way through the Governor's office area. He said the preferred route is through the Sakakawea Room. He said routing an exit way through the Governor's office area would cost more than routing it through the Sakakawea Room but it would provide a more efficient direct exit route. He said the problem with routing it through the Governor's office area is that it cuts off three offices from the rest of the Governor's staff.

Mr. Boyle said relocation of the Red River Room could be done by the time session convenes. Representative Delzer said use of the Attorney General's support staff office area seems more conducive to a committee room than other options. Discussion suggested the support staff could be located in the new crime laboratory.

Representative Berg said the north exit affects Senate committee rooms and the Senate needs to make a decision regarding the north exit way and the Red River Room. He said it appears the thoughts of the House members of the committee are to route the south exit through the Governor's office area.

Representative Carlson said all options should be reviewed for improving committee room areas as fire exits are determined. He said the right choice needs to be made for the future.

Mr. Boyle said it would be more cost-effective if the contractor were here only once to do both the north and south exit ways.

Representative Boucher said if the interest is locating committee rooms closer together, he questioned whether the Pioneer Room, which is away from all other committee rooms, could be replaced in space closer to other committee rooms.

LEGISLATIVE COMPENSATION COMMISSION DISCUSSION

Chairman Carlson recognized Mr. Charles Axtman, Chairman, Legislative Compensation Commission. Mr. Axtman introduced members of the commission in attendance--Mr. Richard Brown, Mr. Meyer Kinnoin, and Ms. Margaret Sitte. He said the commission met at 1:00 p.m. and is making these recommendations concerning increases in legislative compensation:

- A \$5 per day increase in per diem during legislative sessions and interim committee meetings.
- A 4 percent increase in monthly compensation.
- An increase in the maximum lodging reimbursement during a legislative session to \$1,000 per month.
- A revision in the mileage reimbursement so as to tie the reimbursement to the federal reimbursement rate, which currently is 50.5 cents per mile.

Mr. Axtman said the increase in the mileage reimbursement affects other state employees and political subdivisions.

In response to a question from Representative Berg, Mr. Axtman said the current in-state lodging reimbursement is \$55 per day plus applicable taxes and the commission is not making a recommendation with respect to that. Representative Carlson said the \$55 per day lodging reimbursement is not adequate. Mr. Axtman said this also affects other public entities. The director said the state lodging reimbursement rate affects all state agencies and in the past the reliance has been on the recommendation of the Office of Management and Budget with respect to any change in state lodging reimbursement.

Chairman Carlson recognized Ms. Roxanne Woeste, Assistant Legislative Budget Analyst and Auditor, for a review of current legislative compensation. Ms. Woeste said the current per diem rate for legislative sessions is \$130 per day and will increase to \$135 per day effective July 1, 2008. She said the current interim meeting rate is \$104 per day and will increase to \$108 per day effective July 1, 2008, and to \$135 per day effective July 1, 2009. She said the recommendation of the Legislative Compensation Commission is to increase both interim and session rates of \$135 per day to \$140 per day effective July 1, 2009.

Ms. Woeste said the monthly compensation is currently \$364, which increases to \$378 effective July 1, 2008. She said the recommendation of the commission is to increase that to \$393 effective July 1, 2009. She said the change in the maximum monthly lodging reimbursement during a legislative

session would be retroactive to January 1, 2009, as a result of an emergency clause and an effective date clause.

Chairman Carlson thanked members of the commission for attending the meeting and reporting the commission's recommendations.

LEGISLATIVE RULES

Number of Sponsors

Chairman Carlson recognized Representative Jim Kasper, Fargo. Representative Kasper proposed a rules change to the maximum number of sponsors of a bill or resolution. He said he would like the committee to consider increasing the maximum number of sponsors to 12 from the current 6.

Senator Christmann said the current number leads members to try to obtain six sponsors of a measure. He questioned whether increasing the maximum number of sponsors would result in the new standard of everyone trying to get 12 sponsors of a measure.

Representative Kasper said there appears to be a number of bills that many individuals want to sponsor but cannot because of the current limit.

Chairman Carlson said the review of proposed legislative rules amendments would be deferred to the next meeting when more senators are in attendance. He said the next meeting is tentatively scheduled for September 24, the day before the Budget Section is scheduled to meet.

No further business appearing, Chairman Carlson adjourned the meeting at 2:32 p.m.

Jay E. Buringrud
Assistant Director

Jim W. Smith
Director

ATTACH:1