

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Wednesday, September 25, 2013
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 8:30 a.m.

Members present: Representatives Al Carlson, Bill Devlin, Corey Mock, Kenton Onstad, Don Vigesaa; Senators Tim Flakoll, Ray Holmberg, Mac Schneider, Rich Wardner

Members absent: Senators Joan Heckaman, Jerry Klein

Others present: Dale Wetzel, Great Plains Examiner, Bismarck
Jason J. Steckler, Lori Ziegler; Legislative Council, Bismarck

The Legal Services Division Director reviewed the [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#).

LEGISLATIVE WING RENOVATION PROJECTS

Legislative Council Area

The Legislative Council Director said the Legislative Council needs additional professional office space for current staff--37 authorized positions. He pointed out the need for space that ensures the confidentiality of legislative work product and privacy. He said options have been explored with the Office of Management and Budget for nearby space currently used by other agencies, but no space was available. He said also explored was an option to use the former Information Technology Department space near the Capitol cafeteria, but such space use would widely separate Council staff. He distributed a [map of the second floor legislative wing](#) that depicted areas affected by proposed action.

The Legislative Council Director said the best course of action would be to relocate the Legislative Council library to the Senate committee clerk area, immediately to the west of the current library.

In response to a question from Representative Mock, the Legislative Council Director said the Senate committee clerk area would accommodate library needs because library space needs are diminishing as records are being digitized.

The Legislative Council Director said the proposal includes relocating the Senate clerks to the secretarial service area to the west of the House committee clerk area. He said the secretarial service area is underutilized during the legislative session, with only four contract secretarial staff and one tour guide in the space. He said this space has newer modular furniture and is adequate for 11 employees. He said the proposal also includes relocating the contract employees to the bill and journal room. The number of contract employees for secretarial, telephone message, and bill and journal room services probably could be reduced from the 4.5 to 3 or 3.5 with the collocation of all employees in the bill and journal room area. In addition, copiers could be used to provide paper copies of bills on demand, thus allowing replacement of much of the shelving in the room with work areas.

The Legislative Council Director proposed remodeling the existing library area into six offices and replacing the existing stairwell to the information technology area above the library.

The Legislative Council Director said the recommendation is for the committee to approve three projects, to be funded from carryover funds from the Legislative Council:

- Remodel the Senate clerk area for use as the Legislative Council library, at a cost of approximately \$43,000 + architect and engineering (A&E).
- Remodel the existing library space for use as six offices, at a cost of approximately \$71,600 + A&E.
- Replace the existing stairwell to the information technology area above the library, at a cost of approximately \$25,000.

The Legislative Council Director said the total cost would be approximately \$157,000, including A&E, which would be funded from the Legislative Council carryover funds.

It was moved by Senator Holmberg, seconded by Senator Schneider, and carried on a roll call vote to approve the proposed projects. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Holmberg, Schneider, and Wardner voted "aye." No negative votes were cast.

Legislative Wing Improvements

The Legislative Council Director said \$500,000 was appropriated for the 2013-15 biennium for legislative wing improvements. He identified these projects as the:

- Senate Conference Room--new table (approximately \$4,500), chairs, audio, visual, and technology upgrades.
- First floor legislative study area on the west side of the Senate chamber--determine use, then possibly new table, chairs, audio, visual, and technology upgrades.
- Senate and House chambers audio systems upgrade.

Senator Wardner said the Senate Conference Room needs to be upgraded. He said there needs to be a nice, comfortable environment in which to meet with visitors as well as hold conference committee meetings.

Senator Holmberg agreed with Senator Wardner. He said the room used to be the telephone message area and remnants of that use detract from the room's appearance.

Senator Wardner said the first floor study area should be upgraded for possible use for committee meetings, conference committee meetings, or caucus meetings. He said both rooms should be renovated to provide for flexible and functional use.

Representative Carlson said the House members make extensive use of the House Conference Room since that room was upgraded with tables and chairs.

In response to a question from Representative Vigesaa, the Legislative Council Director said the plan is to include audio, visual, and technology upgrades. Representative Vigesaa suggested similar audio, video, and technology upgrades be made to the House Conference Room.

Senator Schneider suggested the possibility of removing the four, recessed, wooden telephone booths that line the west wall of the hallway to the Senate Conference Room.

Senator Holmberg pointed out the room-like space between Memorial Hall and the hallway to the Senate Conference Room is used to store tables and chairs as well as a mail sorting area.

Senator Flakoll said the sound system should be upgraded in the Missouri River Room. He said attendees of committee meetings in that room have expressed difficulty in hearing committee members.

It was moved by Senator Wardner, seconded by Senator Holmberg, and carried on a roll call vote to approve upgrades to the Senate Conference Room and the first floor legislative study within the parameters as proposed and installation of audio, video, and technology upgrades to the House Conference Room. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Holmberg, Schneider, and Wardner voted "aye." No negative votes were cast.

House and Senate Chambers Audio Systems

Mr. Jason J. Steckler, Administrative Services Division Director, Legislative Council, reviewed a proposal for replacement of the House and Senate chambers audio systems. He reviewed the audio systems as:

- Current systems are dated and do not perform adequately.
- Repair of current electronics is becoming difficult due to age.
- During the 2013 legislative 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.
- There is substantial difference between balcony and floor acoustics.

Mr. Steckler described two options. He said the preferred option is to sole source the work to the vendor who did not install, but who has been servicing, the existing system--Tricorne Audio, Inc. He said Tricorne Audio has designed and installed various audio and video installations for the legislative branch since 2009. He said Tricorne Audio is familiar with the legislative system and integration requirements.

Mr. Steckler said an alternate option is to prepare a request for proposal (RFP). He said this will require the hiring of an audio consultant to analyze existing infrastructure and develop specifications for bidders. He said his concern with this option is the additional time required for the process. He said this type of delay, combined with the current workload within the vendor community, may result in not having a system in place for the next legislative session. He said this option also would require the staff to hire an independent audio technician to assist in writing the specifications needed to support the bidding process and analyze bids. He said this could cost up to 10 to 15 percent of the total project cost (\$25,700 to \$38,550).

Mr. Steckler requested the committee to authorize the sole source vendor who provided budgetary information to the 63rd Legislative Assembly to design and install House and Senate audio systems for a cost of approximately \$257,000.

In response to a question from Representative Carlson, Mr. Steckler said the proposal does not include replacing the microphones, which are of a handheld-type and are difficult to find. He said the vendor could look at replacing or fixing microphones that need repair.

It was moved by Representative Devlin, seconded by Senator Wardner, and carried on a roll call vote to approve replacement of the audio systems in the chambers within the parameters as proposed. Representatives Carlson, Devlin, Mock, Onstad, and Vigasaa and Senators Flakoll, Holmberg, Schneider, and Wardner voted "aye." No negative votes were cast.

Committee Room Video and Audio

Mr. Steckler reviewed the cameras and video encoding and streaming hardware and software installed and configured in the Harvest and Roughrider Rooms as authorized by the committee at its June 19, 2012, meeting. He said the systems are available for streaming and recording committee meetings, with manual meeting management, e.g., start and stop. He said the current software does not provide for indexing of agenda items, presenters, or members present. Thus, he said, users would not be able to easily find a particular speaker or agenda item during a review of the recordings.

Mr. Steckler said there should be automated committee meeting management, as there is for management of the video and audio of legislative sessions in the chambers. He said there should be capability to view a live agenda next to the video during the meeting. He said automated indexing of agenda items, presenters, and members present would provide an efficient, well-organized record of committee meetings.

Mr. Steckler said the question is whether to implement video streaming and recording of committee meetings. He said this involves whether to invest approximately \$65,000 for Sliq Media Technologies to complete the index functionality of the Harvest and Roughrider Rooms. He said this functionality will be usable in other committee rooms if cameras are installed in those rooms in the future.

Mr. Steckler said another question relates to the policy for the use of this technology. He said committee chairmen have had interim committee meetings streamed, such as has happened in the past interim for a few

committees. He said in those situations, the Legislative Council staff must coordinate with the State Department of Health to conduct the streaming and recording.

Senator Wardner said he preferred waiting until the next biennium to see how technology develops and how many Chairmen request their meetings be streamed.

Representative Carlson agreed with Senator Wardner.

Senator Schneider inquired whether this recommendation is just for the interim. Representative Carlson said this issue could be brought back to the committee for a decision before the 2015 legislative session with respect to standing committees.

Representative Onstad said installation of the software during the interim for use by interim committees would be a good time to test the functionality. Mr. Steckler said installation of indexing and testing could be completed within one month to three months.

LEGISLATOR BROADBAND AND MOBILE DATA REIMBURSEMENT

Mr. Steckler reviewed the current status of broadband and data plan reimbursement. He said in some cases, a legislator is asked to work with an Information Technology Department employee to allow that employee to be added to the legislator's billing information. He said this allows the bill to be split, and the broadband portion is sent to the state for payment.

Mr. Steckler said in other cases, a legislator is asked to fill out a form stating the total cost and identifying the percentage or amount the legislator claims. He said this is because many legislators have family plans with multiple devices sharing the data, and the legislator must state what percentage or cost is associated with legislative business.

Mr. Steckler said each method of reimbursement has its own problems. He said plan configurations and options along with devices are changing so frequently that legislators may not be selecting the most cost-effective or friendly plan. He said the possible options and configurations overwhelm what a policy could cover.

Mr. Steckler said there are 133 members participating in broadband reimbursement. He said the lowest monthly amount is \$23.05, and the highest is \$93.99. He said the average monthly amount reimbursed is \$49.22.

Mr. Steckler said there are 39 members participating in the mobile data reimbursement. He said the lowest monthly amount is \$15.75, and the highest is \$90. He said the average monthly amount reimbursed is \$32.46.

Mr. Steckler requested the committee authorize a monthly information technology stipend for legislators who sign an agreement that they will use the stipend for technology-related costs. He said the 2013-15 budget includes approximately \$90 per legislator per month for technology-related costs.

In response to a question from Representative Mock, Mr. Steckler said the number of members receiving mobile data reimbursement varies.

In response to a question from Senator Holmberg, Mr. Steckler said Midcontinent Communications does split billing, but other vendors do not. He said a stipend would eliminate the need for split billing and state involvement with reimbursements.

Representative Onstad said the proposal would eliminate the headaches and hassle with the current billing system.

In response to an inquiry from Senator Holmberg about a stipend being included in the member's taxable income, the Legislative Council Director said broadband and mobile data expenses are deductible expenses, and this should be a wash for a member.

It was moved by Senator Holmberg, seconded by Senator Wardner, and carried on a roll call vote to approve discontinuance of the current system of legislator broadband and mobile data reimbursement and

approve a \$90 per month information technology stipend for legislators who sign an agreement that they will use the stipend for technology-related costs. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Holmberg, Schneider, and Wardner voted "aye." No negative votes were cast.

LEGISLATIVE PROMOTIONAL EXPENSE POLICY

The Legal Services Division Director reviewed a proposed [Legislative Promotional Expense Policy](#). He said the policy implements the requirement of North Dakota Century Code Section 54-35-25, which requires the Legislative Management to establish a policy regarding promotional expenses made on behalf of the Legislative Assembly. He said the proposed policy provides a promotional expense may be incurred and paid by the Legislative Council from the Legislative Council, Legislative Management, or Legislative Assembly funds upon approval of the Chairman of the Legislative Management. He said all promotional expenses incurred and paid by the Legislative Council under the policy must be reported to the Legislative Management. He said 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 the relationship with legislative entities of other states or provinces. He said the policy is written broadly so as to reduce questions of whether any particular expense is allowed, e.g., a pen, a mug, a cup, a pin, a picture, etc.

In response to a question from Senator Schneider, the Legislative Council Director said there is no specific account set aside for such expenses. He said there was an amount considered during the 2013 legislative session, but that was removed from consideration in favor of covering any expense from available funds.

Senator Holmberg said as Chairman of the Legislative Management, his way of handling any request would be to contact the four floor leaders for their comments. He said this would be used sparingly.

It was moved by Senator Holmberg, seconded by Senator Flakoll, and carried on a roll call vote to approve the *Legislative Promotional Expense Policy* as proposed. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Holmberg, Schneider, and Wardner voted "aye." No negative votes were cast.

SESSION ARRANGEMENTS Legislative Internship Program

The Legal Services Division Director reviewed the legislative internship program. He said 10 interns were provided by the University of North Dakota School of Law for the 2013 program. He said the critical element of an intern's duty is the preparation of amendments. He said this duty is especially important to the Legislative Council legal staff. He said the 2013 program also included authorization for two interns to provide support to the Appropriations Committees through the Legislative Council fiscal staff. He said Minot State University provided an intern for this purpose.

The Legal Services Division Director reviewed the stipend provided to the participants in the legislative internship program. He said interns are students participating in the program for course credit and are not "employees." He said accreditation standards for the School of Law do not allow credit for compensated employment, nor for partisan activities. Thus, he said, interns receive a stipend rather than compensation, and are not assigned to a political caucus.

The Legal Services Division Director said the program is a four-month program, and in 2013 the stipend was \$3,000 per month. He said the stipend traditionally has been equivalent to the compensation of a three-day committee clerk, which may be approximately \$3,250 in 2015. He said care must be taken in setting the level so that the accreditation of the School of Law is not jeopardized. He recommended authorizing the Legislative Council Director to establish an appropriate monthly stipend, dependent upon the School of Law approval.

It was moved by Senator Schneider, seconded by Senator Wardner, and carried on a roll call vote that the legislative internship program be continued through the 2015 legislative session, the program be a four-month program, the stipend for an intern be determined by the Legislative Council Director in consultation with the School of Law, and the Legislative Council Director be authorized to allocate 10 internship positions to the University of North Dakota School of Law and 2 internship positions among other participating entities as needed. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Holmberg, Schneider, and Wardner voted "aye." No negative votes were cast.

USE OF LEGISLATIVE CHAMBERS

The Legal Services Division Director referred to copies of [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](#)--distributed to committee members.

The Legal Services Division Director reviewed a request from Mr. Alvin A. Jaeger, Secretary of State, to use the House chamber for a state election conference on Wednesday and Thursday, February 26-27, 2014.

The Legal Services Division Director reviewed a request from Mr. Brian Bubach, Assistant to the Executive Secretary, North Dakota High School Activities Association, to use the House and Senate chambers and committee rooms for the 2014 North Dakota High School Activities Association (NDHSAA) State Student Congress on Thursday and Friday, November 6-7, 2014.

It was moved by Senator Flakoll, seconded by Representative Mock, and carried on a roll call vote that the committee approve the request to use the House chamber for a statewide election conference on Wednesday and Thursday, February 26-27, 2014, and the request to use the House and Senate Chambers and committee rooms for the 2014 NDHSAA State Student Congress on Thursday and Friday, November 6-7, 2014. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Holmberg, Schneider, and Wardner voted "aye." No negative votes were cast.

No further business appearing, Chairman Carlson adjourned the meeting at 9:57 a.m.

Jay E. Buringrud
Legal Services Division Director

Jim W. Smith
Director, Legislative Council