

## NORTH DAKOTA LEGISLATIVE MANAGEMENT

## Minutes of the

**LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE**

Wednesday, June 25, 2014  
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, Joan Heckaman, Ray Holmberg, Jerry Klein, Mac Schneider

**Member absent:** Senator Rich Wardner

**Others present:** Mr. Shannon Schneider, Ms. Kayla Rettig; Spherion, Bismarck  
Mr. Jason J. Steckler, Mr. Kyle W. Forster, Ms. Lori Ziegler; Legislative Council, Bismarck

**It was moved by Senator Flakoll, seconded by Representative Mock, and carried on a voice vote that the minutes of the March 12, 2014, meeting be approved as distributed.**

**CONTRACTS FOR SERVICES****Legislative Assembly Photography Services**

The Legal Services Division Director reviewed the proposed [Invitation to Bid - Legislative Assembly Photography Services](#). He said the invitation provides for the receipt of bids by Friday, September 19, 2014, and provides for acceptance after review by the Legislative Procedure and Arrangements Committee. He said there are two notable changes in the specifications from the 2012 invitation--electronic distribution of proofs of legislators must be individual 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.

**It was moved by Representative Devlin, seconded by Senator Holmberg, and carried on a roll call vote to approve the contents of the invitation to bid for Legislative Assembly photography services.** Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Heckaman, Holmberg, Klein, and Schneider voted "aye." No negative votes were cast.

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

The Legal Services Division Director reviewed the proposed [Invitation to Bid - Legislative Assembly Secretarial, Telephone Message, and Bill and Journal Room Services](#). He said the invitation is based on the 2012 invitation to bid with these revisions:

1. The bill and journal room will be open starting Monday, December 8, 2014, for purposes of organizing the room, receiving bills from the printer, and distributing bills.
2. The number of contract employees is reduced from 4.5 to 3 or if necessary 3.5.
3. A minimum hourly wage for the contract supervisor is set at \$15, and the minimum hourly wage for the contract employees is set at \$14.50, which approximates proposed 2015 session employee compensation of legislative assistants.

**It was moved by Senator Holmberg, seconded by Senator Schneider, 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, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Heckaman, Holmberg, Klein, and Schneider voted "aye." No negative votes were cast.

**Bill and Journal Room - Photocopy Fee Policy**

The Legal Services Division Director reviewed the proposed [Bill and Journal Room - Photocopy Fee Policy](#). He said the policy is the same as that in place during the 2013 legislative session, i.e., the policy retains the 25 cents per page copying fee, which is not charged for photocopies of documents normally distributed to the public from the bill and journal room nor for photocopies for legislators, House and Senate employees, and Legislative Council employees.

It was moved by Senator Klein, seconded by Senator Heckaman, and carried on a roll call vote to approve the proposed photocopy fee policy for the bill and journal room. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Heckaman, Holmberg, Klein, and Schneider voted "aye." No negative votes were cast.

## LEGISLATIVE INFORMATION SERVICES

### Legislative Document Subscription Program

The Legal Services Division Director reviewed the memorandum entitled [Legislative Document Subscription Program](#). The memorandum reviews subscription fees for legislative documents during the 2013 legislative session, the number of subscribers to the various documents, and the cost of printing those documents. The memorandum also lists proposed fees for the 2015 legislative session. Except for the journal index, all of these documents are available on the legislative branch website in advance of printing, and agencies are encouraged to access the information on the website rather than through paper subscriptions. He said the practice has been to base subscription fees for the upcoming session on the cost of printing the various documents during the previous session divided by the number of documents printed. In comparing the 2013 fees to the proposed fees for 2015, the proposed fees would increase the fee for mailing a set of bills and resolutions from \$225 to \$235; increase the subscription fee for a set of the daily journals of the Senate and House from \$100 to \$110; increase the fee for mailing a set of daily journals from \$140 to \$150; decrease the subscription fee for the index to the House and Senate journals from \$35 to \$30; and increase the subscription fee for the *Bill Status Report* from \$395 to \$425.

It was moved by Representative Vigesaa, seconded by Senator Klein, and carried on a roll call vote that the committee approve the 2015 distribution program and the applicable fees as follows:

- A complete set of bills and resolutions as introduced and printed or reprinted, including a set of all engrossed and reengrossed bills and resolutions, be available from the bill and journal room only after payment of a subscription fee of \$250, with a set to be mailed only after payment of an additional fee of \$235.
- A complete set of daily journals of the Senate and House be available from the bill and journal room only after payment of a subscription fee of \$110, with a set to be mailed only after payment of an additional fee of \$150.
- The index to the House and Senate journals be available only after payment of a subscription fee of \$30.
- A printed *Bill Status Report* be available from the bill and journal room only after payment of a subscription fee of \$425, with the report to be mailed only after payment of an additional fee of \$140.
- House and Senate daily calendars and weekly committee hearing schedules be available at no charge if picked up from the bill and journal room, but a set of House and Senate daily calendars be mailed by the bill and journal room only after payment of a fee of \$70 and a set of weekly committee schedules be mailed by the bill and journal room only after payment of a fee of \$40.
- Representatives of the media as determined under Joint Rule 802 and state agencies and institutions be able to obtain copies of bills and resolutions, daily journals, daily calendars, and committee hearing schedules without payment of subscription fees.
- Two copies of the *Bill Status Report* be provided to the press room in the State Capitol without payment of subscription fees.
- No more than five copies of a limited number of bills and resolutions be obtained without charge as provided by Joint Rule 603.

Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Heckaman, Holmberg, Klein, and Schneider voted "aye." No negative votes were cast.

## LEGISLATIVE SESSION ARRANGEMENTS

### Chaplaincy and Legislative Tour Guide Programs

The Legal Services Division Director said the committee historically has authorized a chaplaincy program in which the local ministerial associations have been asked to coordinate the scheduling of chaplains from around the state for opening prayers for both houses each day of the session. A letter, included in the packet of informational materials distributed to legislators during the organizational session, describes the program and notifies legislators they have until December 31 to schedule clergy from their home districts, after which the schedule prepared by the local coordinator would be followed. Under the program, a chaplain is paid an honorarium of \$25.

The Legal Services Division Director said the committee historically has authorized a tour guide program to coordinate tours by high school groups during the legislative session.

**It was moved by Senator Flakoll, seconded by Representative Vigesaa, and carried on a roll call vote that for the 64<sup>th</sup> Legislative Assembly:**

- **The local ministerial associations be invited to schedule chaplains for opening prayers for both houses each day of the 2015 legislative session.**
- **The Legislative Council staff be requested to distribute a letter to all legislators notifying them that they have until December 31 to schedule out-of-town clergy to give the opening prayer any day of the session for their house, after which the schedule would be followed and preemption would not take place.**
- **The Legislative Council staff be authorized to hire a tour guide and, if needed, an assistant tour guide during the 2015 legislative session to be paid from Legislative Assembly funds.**

Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Heckaman, Holmberg, Klein, and Schneider voted "aye." No negative votes were cast.

### **Session Employee Numbers and Compensation**

The Legal Services Division Director presented a memorandum entitled [Legislative Assembly Employee Positions and Compensation](#). The memorandum reviews the employee positions during the 1993 and 2013 legislative sessions and proposed the number of employee positions for the 2015 legislative session. The memorandum also provides information on employee compensation during the 2013 legislative session and the proposed compensation levels for the 2015 legislative session.

The Legal Services Division Director said statistics from the 1993 legislative session are included because the number of positions peaked at that session--59 Senate employees and 77 House employees. He said the numbers have gone down since that session primarily due to contracting for secretarial, telephone message, and bill and journal room services. He said technology has played a substantial part in reducing those positions because legislators receive bill and journal information through use of personal computers and correspond by email. He said the number of employment positions proposed for the 2015 legislative session--38 Senate employees and 46 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.
- Continued Senate employment of the supply room coordinator.
- Employment of a parking lot attendant by each house.
- Employment of the number of assistant sergeants-at-arms at the 2013 levels.

The Legal Services Division Director said the legislative session employee compensation proposal is based on daily salaries for the 2013 legislative session increased generally across the board by a cumulative 4 percent and 3 percent, which reflects the 4 percent and 3 percent average pay increases approved by the 63<sup>rd</sup> Legislative Assembly for state employees in 2013 and 2014. As proposed, he said, compensation will range from \$112 to \$184 per day (\$14 to \$23 per hour based on an eight-hour day).

The Legal Services Division Director said the recommendation of the committee regarding session employee positions is a recommendation to the House and Senate Employment Committees. He said those committees make the final decision on employee positions.

Senator Flakoll said the compensation of two-day committee clerks should be increased. He said these clerks help out three-day committee clerks and perform other work as needed. He said their pay should be close to or equal that of three-day committee clerks.

Senator Holmberg requested that the 2013 Senate Chief Committee Clerk, Ms. Pauline Ziegler, be requested to provide information to the committee about the workload of two-day committee clerks.

**It was moved by Senator Flakoll, seconded by Senator Schneider, and carried on a roll call vote to increase the recommended 2015 daily salary of two-day committee clerks and assistant committee clerks from \$150 to \$157.** Representatives Devlin, Mock, and Onstad and Senators Flakoll, Heckaman, and Schneider voted "aye." Representatives Carlson and Vigesaa and Senators Holmberg and Klein voted "nay."

It was moved by Senator Heckaman, seconded by Representative Mock, and carried on a roll call vote that the committee recommend employment positions as proposed for the 2015 legislative session--38 Senate employee positions and 46 House employee positions--and recommend the compensation levels as proposed and revised and that the Legislative Council staff be requested to prepare a House Concurrent Resolution based on 2013 Senate Concurrent Resolution No. 4004, with the increased compensation levels. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Heckaman, Holmberg, Klein, and Schneider voted "aye." No negative votes were cast.

## LEGISLATIVE RULES

### Senate and House Rules 507.1 - Hearing of Measures

The Legal Services Division Director reviewed *Proposed Creation of Senate and House Rules 507.1, Second Draft* [[15.9122.02000](#)], which would require every measure referred to committee to be scheduled for a hearing in committee and a hearing to be held before the measure is reported back to the house. He said the second draft is in response to a request at the previous committee meeting that the proposed rules be revised to exclude a measure that is to be withdrawn. He said as drafted, the rule would not require a hearing on a bill that is withdrawn before being scheduled for hearing, nor would the rule require a hearing on a bill that is withdrawn after being scheduled but before the hearing. Basically, he said, a hearing would not be required on a bill that is withdrawn before the hearing.

Senator Flakoll said there have been a couple of instances of bills being withdrawn after being scheduled for hearing. He said this primarily occurred when bills duplicated one another.

It was moved by Senator Holmberg, seconded by Representative Mock, and carried on a voice vote that the committee recommend the proposed creation of Senate and House Rules 507.1 relating to hearing of measures.

### Senate Rule 402(1) - Appropriations Introduction Deadline

The Legal Services Division Director reviewed *Proposed Amendments to Senate Rule 402(1)* [[15.9225.01000](#)], which would require Senate bills containing an appropriation clause to be introduced before the 11<sup>th</sup> legislative day. He said this proposal is in response to a request at the previous committee meeting for such a proposal.

Senator Holmberg said this rule would make it easier for three-day and two-day committees to schedule bills with appropriation clauses sufficiently in advance of the deadlines to rerefer such bills to the Appropriations Committees.

Senator Schneider questioned how often this is a problem for the Appropriations Committees. Senator Holmberg said the problem is with the three-day and two-day committees in getting the hearings scheduled before the deadline for rereferral to the Appropriations Committees (the 25<sup>th</sup> legislative day).

Senator Flakoll said this is a serious problem for the two-day committees in the Senate, especially if bills with appropriations clauses are not introduced until the 15<sup>th</sup> legislative day.

The Legal Services Division Director questioned whether the rule would accomplish what is intended. He said legislators could request a bill to be drafted without an appropriation clause so as to avoid the 10<sup>th</sup> legislative day deadline. He said legislators then would either rely on the fiscal note process or, if a dollar amount is known, request that an amendment to add an appropriation clause be prepared when the bill draft is prepared so the legislator would have that available for the committee hearing.

It was moved by Senator Holmberg, seconded by Senator Flakoll, and carried on a voice vote that the committee recommend the proposed amendment to Senate Rule 402(1) relating to introduction of Senate bills.

## 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](#) distributed to committee members. He 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 2015 North Dakota High School Activities Association (NDHSAA) State Student Congress on Thursday and Friday, November 5-6, 2015.

It was moved by Senator Flakoll, seconded by Senator Heckaman, and carried on a roll call vote that the committee approve the request to use the House and Senate Chambers and committee rooms for the 2015 NDHSAA State Student Congress on Thursday and Friday, November 5-6, 2015. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Flakoll, Holmberg, and Schneider voted "aye." No negative votes were cast.

**LEGISLATIVE WING RENOVATION PROJECTS**

Mr. Kyle W. Forster, Information Technology Manager, Legislative Council, reviewed the progress of audio and video projects in the legislative wing. He said the Senate chamber audio system is operational, and the House chamber audio system should be operational in August.

The Legislative Council Director said relocation of the Legislative Council library to the former Senate committee clerk area is complete. He said construction of staff offices in the former library area should be completed in late July.

No further business appearing, Chairman Carlson adjourned the meeting at 9:30 a.m.

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Jay E. Buringrud  
Legal Services Division Director

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Jim W. Smith  
Legislative Council Director