

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Wednesday, December 16, 2015
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, Wesley R. Belter, Corey Mock, Kenton Onstad, Don Vigesaa; Senators Robert Erbele, Joan Heckaman, Jerry Klein, Mac Schneider, Rich Wardner

Members absent: Senator Ray Holmberg

Others present: Jim W. Smith, Legislative Council, Bismarck
See [Appendix A](#) for additional persons present

It was moved by Senator Klein, seconded by Representative Vigesaa, and carried on a voice vote that the minutes of the September 23, 2015, meeting be approved as distributed.

USE OF LEGISLATIVE CHAMBERS AND COMMITTEE ROOMS

At the request of Chairman Carlson, the Legislative Council staff reviewed 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 Legislative Council staff reviewed a request from Ms. Linda Fisher, Deputy Commissioner of Operations, Department of Trust Lands, to use the House Chamber for oil and gas lease auctions on Tuesday, February 2, 2016; Tuesday, May 3, 2016; Tuesday, August 2, 2016; and Tuesday, November 1, 2016. He said the request to use the House chamber for those dates is tentative, as the Department of Trust Lands may be moving the auction process to an online format.

It was moved by Representative Mock, seconded by Senator Wardner, and carried on a voice vote that the committee approve the request to use the House chamber for Department of Trust Lands oil and gas lease auctions on Tuesday, February 2, 2016; Tuesday, May 3, 2016; Tuesday, August 2, 2016; and Tuesday, November 1, 2016.

The Legislative Council staff reviewed a request from Mr. Alvin A. Jaeger, Secretary of State, to use the House balcony conference room for project development headquarters beginning Monday, February 1, 2016. He said representatives of the Facility Management Division have indicated the ceiling will be replaced in the conference room likely during the first two weeks of February.

Mr. Jaeger said his project development staff has been using space in the judicial wing which will remain available until approximately the middle of February. He said his staff will need a place to be located from the middle of February until renovation of the judicial wing space is completed.

Chairman Carlson said the House will need the space for meetings in advance of the 2017 legislative session and if the request is approved, the Secretary of State would need to vacate the House balcony conference room by Monday, October 31, 2016.

It was moved by Senator Wardner, seconded by Representative Onstad, and carried on a voice vote that the committee approve the use of the House balcony conference room beginning in mid-February 2016, and ending by October 31, 2016.

In response to a question from Representative Belter, Mr. Jim W. Smith, Director, Legislative Council, said the Brynhild Haugland room was named through the adoption of a concurrent resolution. He said the other legislative meeting rooms have been named by the Legislative Procedure and Arrangements Committee or its predecessor, the Legislative Management Committee.

In response to a question from Representative Onstad, Mr. Smith said although the new rooms in the judicial wing will be shared with the judicial branch, North Dakota Century Code Section 48-08-04 places those rooms under the authority of the legislative branch.

THE DOCTOR OF THE DAY PROGRAM

The Legislative Council staff reported the North Dakota Medical Association has offered to continue the doctor of the day program during the 2017 legislative session.

Chairman Carlson said the doctor of the day program is a great program and is a valuable service provided by the North Dakota Medical Association.

It was moved by Senator Heckaman, seconded by Representative Belter, and carried on a voice vote to accept the offer of the North Dakota Medical Association to continue the doctor of the day program during the 2017 legislative session.

LEGISLATIVE MEETING SPACE RENOVATION PROJECTS

Chairman Carlson called on Ms. Sally Holewa, State Court Administrator, Supreme Court, for comments ([Appendix B](#)) regarding the renovation of space in the judicial wing for meeting rooms.

Senator Heckaman said because the legislative branch should not need to use the rooms during the interim, the rooms should be available at most times for use by the judicial branch. She encouraged the Legislative Council to work closely with the judicial branch officials to make the space available for use by the judicial branch.

Chairman Carlson said authorization for use of the meeting rooms during the interim should not be a problem. He said the judicial branch can work with the Legislative Council to make certain the space is used and is available for reservation in advance.

Mr. Smith said the Legislative Council will turn the rooms over to the judicial branch for use at the end of the session and would not intend to use the rooms until the next legislative session.

In response to a question from Representative Onstad, Chairman Carlson said this committee will address which standing committees will use the rooms during the legislative session at a meeting closer to completion of the renovation. He said there are some large House committees that could use additional meeting space.

In response to a question from Chairman Carlson, Mr. Joel Leapaldt, State Facility Planner, Facility Management Division, Office of Management and Budget, said although the capacity of the meeting space has been reduced since discussion during the last legislative session, it is his decision to retain the exit on the east side of the building. He said the estimated occupancy capacity is only 5 persons short of the 500-person occupancy level which requires an additional exit. Because the rooms will be used for training of people not familiar with the building, he said, it is important to have an easily accessible exit from the building rather than requiring people to move over 300 feet to an exterior exit.

In response to a question from Representative Belter, Mr. Leapaldt said although the addition of two doors in a hallway will help keep smoke contained in the event of a fire, having only two exits would require people to move a considerable distance to get outside.

In response to a question from Chairman Carlson, Mr. Leapaldt said the third exit to the exterior of the building would cost approximately \$92,000.

In response to a question from Chairman Carlson, Ms. Holewa said the design of the renovation has been approved by the Capitol Grounds Planning Commission and she is concerned that the space be fully functional.

In response to a question from Chairman Carlson, the Legislative Council staff said although this committee does not appear to have explicit authority to direct the elimination of the third exit, the committee may make a recommendation to the judicial branch, the Office of Management and Budget, and the design committee.

Mr. Jason J. Steckler, Administrative Services Division Director, Legislative Council, said he has worked with Mr. Leapaldt on other projects and has been able to find mutually agreeable solutions and alternatives. He said the third exit was required before a hallway was added that appears to reduce the capacity of the meeting rooms to 465 people. He said the third exit could be used or bid as an add alternate, which would provide flexibility as far as maintaining the exit if bids are received in an amount that would allow, including the exit within the project budget. He said including the exit as an add alternate would allow the addition of an exit in the future without having to have further design work done.

Chairman Carlson said the inclusion of two exits meets building code requirements and a third exit appears to be overkill. He said he would like to see the third exit be included as an option and get an estimate of the cost to see if it is within budget.

In response to a question from Chairman Carlson, Mr. Leapaldt said he and the contracted design architect do not agree on the room capacity. He said the architect established the capacity at 465 and his determination is 495. Because he has jurisdiction over the project, he said, his determination is what matters. He said safety should not have a price. He said he is concerned that he not face discipline as an architect because of his decision to eliminate the additional exit if an incident were to occur that threatened the safety of occupants of the rooms.

Senator Schneider said if the committee were to recommend the third exit being an alternative, it appears Mr. Leapaldt would still have the option of adding the exit.

Representative Mock said public safety is paramount and the capacity is close to the level at which a third exit would be required. Because it appears the estimates for occupancy are difficult to determine, he said, the third exit should be included to ensure that the room meets code and is safe.

It was moved by Representative Belter, seconded by Senator Wardner, and carried on a roll call vote that the committee recommend the solicitation of an alternate bid to include the third exit so there is flexibility in the building process. Representatives Carlson, Belter, and Vigesaa and Senators Wardner, Erbele, and Klein voted "aye." Representatives Mock and Onstad and Senators Heckaman and Schneider voted "nay."

The committee toured the legislative media room and Brynhild Haugland room and reviewed architectural [drawings](#) of the rooms. The Legislative Council staff reported the estimated cost for renovation of the legislative media room would be approximately \$50,100. He said the cost of demolition and construction of the room is estimated to be approximately \$22,700, the cost of electrical and lighting is estimated to be approximately \$6,600, the cost of installation of upgraded audio systems is estimated to be approximately \$11,000, and the cost of acoustical panels for the walls is estimated to be approximately \$5,600. In addition, he said, the purchase of new tables, chairs, and a podium would be approximately \$4,200. These amounts should be reduced depending on the amount of work completed by the Facility Management Division.

It was moved by Representative Vigesaa, seconded by Senator Schneider, and carried on a voice vote that the Legislative Council staff be requested to proceed with steps necessary to renovate the legislative media room and to explore methods to renovate the Brynhild Haugland room, including removal of the stage and installation of ramps necessary to meet accessibility guidelines.

INFORMATION TECHNOLOGY AND AUDIO SYSTEM PROJECTS

Chairman Carlson called on Mr. Kyle W. Forster, Information Technology Manager, Legislative Council, for a summary of legislative information technology and audio system projects and upgrades. Mr. Forster said a new sound system has been installed in the Lewis and Clark room and installation in other committee rooms will be following. He said the installation in the Lewis and Clark room was completed on time and under budget. He said upon appointment of the members of the Computer Replacement Committee, the committee likely will meet in February. He said the committee should have the opportunity at that meeting to view demonstrations of new computers.

LEGISLATIVE INTERN PROGRAM

The Legislative Council staff reported the legislative intern program may require the development of an alternative to the monthly stipend that was approved at the last meeting. He said the American Bar Association Section of Legal Education and Admissions to the Bar issued a memorandum related to reasonable expenses for a field placement. He said the memorandum indicates that stipends are not permissible. He said the Legislative Council staff has been in consultation with representatives of the University of North Dakota School of Law to examine alternatives to the stipend, such as tuition assistance or waivers or housing allowances.

Senator Schneider requested the Legislative Council staff to work with the University of North Dakota School of Law representatives to challenge the conclusions of the American Bar Association or get clarification and a

rationale for the decision to prohibit stipends. He said another issue that should be addressed is the fact that law students who are serving as members of the Legislative Assembly receive no law school academic credit for service in the Legislative Assembly while interns working during the legislative session are eligible for credit.

Chairman Carlson said he agrees that it is not fair to members of the Legislative Assembly who are law students to receive no law school academic credit for their service. He said the legislative internship program is a program that is valuable to the process and has been an excellent educational opportunity for the law students. He said it is vital that a solution be found to the problem presented by the decision of the American Bar Association.

Chairman Carlson said the next meeting will be tentatively scheduled for Wednesday, March 16, 2016. At that meeting, he said, the committee will look for updates on the renovation of the legislative media room and the potential renovation of the Brynhild Haugland room. In addition, he said, the committee will address any potential suggestions for changes to the legislative rules.

No further business appearing, Chairman Carlson adjourned the meeting at 9:55 a.m.

John Bjornson
Code Revisor

ATTACH:2