

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Tuesday, March 8, 2016
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 1:00 p.m.

Members present: Representatives Al Carlson, Kenton Onstad; Senators Robert Erbele, Joan Heckaman, Ray Holmberg, Jerry Klein, Mac Schneider, Rich Wardner

Members absent: Representatives Wesley R. Belter, Corey Mock, Don Vigesaa

Others present: Kyle W. Forster, Cody Malloy, Jim W. Smith, and Jason J. Steckler, Legislative Council, Bismarck

Representatives Jeff Delzer, Underwood; Bob Martinson, Bismarck; Christopher D. Olson, West Fargo
See [Appendix A](#) for additional persons present.

It was moved by Senator Holmberg, seconded by Senator Wardner, and carried on a voice vote that the minutes of the December 16, 2015, meeting be approved as distributed.

FRIENDS OF THE RESIDENCE FUNDRAISING REPORT

At the request of Chairman Carlson, Mr. Jim Poolman, Co-Chair, Friends of the North Dakota Governor's Residence, presented information regarding progress of fundraising efforts for the Governor's residence as required by 2015 Senate Bill No. 2304. Mr. Poolman said he co-chairs the fundraising committee with Representative Pamela Anderson. He said the committee has raised the first \$500,000 required by law to start the construction project. He said donations have varied in size from \$25 to \$100,000. Of the 118 contributions, he said, 60 percent have been through the online donation method at www.friendsoftheresidence.com. He said the major donors include Sanford Health, First International Bank and Trust, Touchstone Energy Group, BNSF Railway Foundation, Midcontinent Communications, and Nodak Mutual Insurance. He said the largest contributions have been \$100,000 each from Sanford Health and Nodak Mutual Insurance. Although the committee has taken a short break in fundraising, he said, the committee members hope to raise the remaining \$500,000 by summer. He said people have been eager to contribute to the cause.

In response to a question from Chairman Carlson, Mr Poolman said the design of the residence is being modified slightly. Because bids have been slightly higher, he said, the plans will be scaled back accordingly.

LEGISLATOR COMPUTER REPLACEMENT WORKGROUP REPORT

Chairman Carlson called on Mr. Kyle W. Forster, Information Technology Services Manager, Legislative Council, to report ([Appendix B](#)) regarding the recommendations of the Computer Replacement Workgroup. Mr. Forster distributed a summary ([Appendix C](#)) of laptop and iPad utilization by legislators.

In response to a question from Senator Holmberg, Mr. Forster said the charger for the new laptops will be much smaller and lighter than the charger for the laptops currently used by legislators.

In response to a question from Chairman Carlson, Mr. Forster said the new laptops under consideration will fit in the brief bags distributed to legislators prior to the 2015 legislative session.

Chairman Carlson called on Representative Christopher D. Olson for comments regarding the decision of the Computer Replacement Workgroup to recommend the purchase of the 12.9 inch iPad Pro. Representative Olson said he has been using an iPad Pro and has found it to be so efficient as to eliminate his need for a laptop. He said the device will be efficient for use in committee meetings and will allow users to record testimony and write notes. He said the smart keyboard with a smart connector eliminates the need for a Bluetooth connection. As the utilization data demonstrates, he said, legislators are using iPads more than laptops during the interim. He said the iPad Pro may be a device that will lead to the elimination of the need for a laptop.

In response to a question from Senator Klein, Representative Olson said the main concern with selecting the iPad Pro was the size of the device. However, he said, the large size of the device is also an advantage. He said although it is possible the next iPad release, which could occur within a couple weeks, may include additional options, the smart connector and the Apple Pencil for taking notes are also advantages of the iPad Pro.

Senator Erbele said the higher cost of the iPad Pro was a concern of some of the members of the workgroup. He said although the proposals recommended by the workgroup will be under the budget amount allocated for laptop and tablet replacement, additional money could be saved by purchasing the smaller iPad. He said because the workgroup was charged with selecting something the average legislator will use, some members of the workgroup believed the smaller iPad without the additional features like the Apple Pencil would be appropriate.

Representative Bob Martinson, Chairman, Computer Replacement Workgroup, said because the devices will be used for 4 years, the workgroup was concerned with selecting devices that would be most useful and have the capability to do things not possible with the current devices. He said the iPad Pro likely will be a device that can help legislators make the transition to no longer needing a laptop when the devices are replaced in 4 years.

In response to a question from Senator Schneider, Representative Martinson said although some legislators may be ready to transition to only one device, it is not likely that all would be comfortable with the elimination of laptops at this point.

In response to a question from Chairman Carlson, Mr. Forster said there are concerns with the reliability of the wireless service in the chambers and the lack of a wired option for the iPads and iPad Pros is a concern with respect to elimination of the use of laptops. He said there were issues with the reliability of the wireless service in the legislative wing before the 2015 session. He said the Information Technology Department was unable to identify the problem and there continue to be wireless drops. He said he would have significant concerns with accessibility to wireless services during floor sessions and the Legislative Assembly's ability to conduct business wirelessly.

In response to a question from Senator Holmberg, Mr. Forster said the iPad Pro is likely to cost \$170 to \$180 more than the iPad. He said storage on the iPads will be increased to 128 gigabytes to ensure there will be enough storage for future uses and upgrades in legislative services and applications. He said because new laptops do not include DVD drives, a separate DVD drive will be purchased for anybody who requests one.

In response to a question from Chairman Carlson, Mr. Forster said if a decision on the purchase of iPads were delayed to see what features the next generation iPad will include, the Legislative Council staff would be able to roll out the new devices later in the summer.

In response to a question from Chairman Carlson, Representative Olson said even if the new release of the iPad includes a smart connector and an Apple Pencil, he would recommend using the iPad Pro because of the larger size screen. He said although it would seem to be advantageous to allow legislators to choose between an iPad Pro and a smaller iPad, allowing a choice would likely create logistical problems.

In response to a question from Senator Holmberg, Mr. Forster said the protective case for the iPad Pro will cost approximately \$79, a keyboard will cost approximately \$169, and the Apple Pencil will cost about \$99. He said the basic iPad case would cost about \$35. The estimated costs and the budget would anticipate buying only the iPad Pro and a protective case, and the keyboard and Apple Pencil would need to be purchased by the legislators.

In response to a question from Senator Erbele, Mr. Forster said the black ZBook laptop is a professional or engineering version which costs about \$100 more than the EliteBook which was recommended by the workgroup. He said he spoke with the sales representative and was told the ZBook could be purchased at a discount which would make it about \$70 more per device than the device recommended by the workgroup.

Senator Erbele said he would rather spend more on the laptop than the iPad Pro.

In response to a question from Chairman Carlson, Mr. Forster said both the EliteBook and the ZBook would meet the needs of legislators. He said if the iPad purchase were split between the smaller iPad and the iPadPro, the biggest concern would be availability of preferred devices when there is turnover in the Legislative Assembly.

In response to a question from Representative Jeff Delzer, Mr. Forster said legislators wanting a keyboard and an Apple Pencil for the iPad Pro would be responsible for the cost of purchase of those accessories.

Representative Martinson said each legislator receives a \$90 monthly technology stipend that could be used to purchase the accessories.

In response to a question from Chairman Carlson, Mr. Forster said he does not know of any state agencies that have utilized the iPad Pro.

It was moved by Senator Wardner and seconded by Senator Klein that the committee approve the purchase of the EliteBook 850 and the iPad Air 3, if the cost of the iPad Air 3 is within \$100 of the cost of the iPad Air 2, for replacement devices for members of the Legislative Assembly.

Senator Schneider said there could be a cost savings in purchasing the iPad Pro and eliminating the laptop option. However, he said, he would support the recommendation of the workgroup.

Senator Klein said because the iPad Pro could be used to transition to elimination of laptops, he would favor following the recommendation of the workgroup.

Representative Onstad said the bigger screen on the iPad Pro will be helpful for legislators who need larger print. He said he is not concerned with the reliability of the wireless service in the chambers and would like to see the transition to one device such as the iPad Pro.

After this discussion, **the motion failed on a roll call vote.** Representatives Carlson and Onstad and Senators Heckaman, Holmberg, Klein, and Schneider voted "nay." Senators Wardner and Erbele vote "aye."

It was moved by Senator Heckaman, seconded by Senator Klein, and carried on a roll call vote that the committee approve the purchase of the EliteBook 850 and the iPad Pro for replacement devices for members of the Legislative Assembly. Representatives Carlson and Onstad and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

In response to a question from Senator Heckaman, Mr. Jim W. Smith, Director, Legislative Council, said the Legislative Council staff could check to see if a volume discount would be available for the purchase of keyboards and Apple Pencils for the iPad Pro. However, he said, any legislator wanting the accessories would be responsible for purchasing the accessories directly from the vendor.

In response to a question from Senator Schneider regarding the savings from the approved devices, Mr. Smith said the Legislative Assembly, although not required by law, needs to find \$643,357 of savings to meet the 4.05 percent target and the estimated savings of \$110,582 from the computer purchases will be used to meet that goal.

LEGISLATIVE COMMITTEE ROOM AUDIO SYSTEM UPGRADES

Mr. Forster said the sound systems authorized by the committee will be entirely installed within the next 6 weeks. He said the systems will include conference call access and conference call capability will likely be added to the systems already installed in the Harvest and Roughrider Rooms.

POLICY ON USE OF COMPUTERS BY LEGISLATORS

At the request of Chairman Carlson, the Legislative Council staff reviewed the [Policy on Use of Computers by Legislators](#). The Legislative Council staff said the only changes in the policy from the previous version are changes in references to the use of public property for political purposes. He said the statutory definition of political purpose was changed and the policy was updated to reflect that change.

Mr. Forster said the policy provides a member of the Legislative Assembly who has paid the computer usage fee for at least 12 months before the computer replacement may purchase the computer for the amount determined by this committee. He said 122 members are paying the computer usage fee. He said the Office of Management and Budget's State Surplus Property Division determines prices for which state property will be sold partly based upon similar sales on eBay. He said a review of recent prices for laptops of the kind used by legislators indicates an approximate value of \$200 to \$300. He said the price of third-generation iPads used by most legislators would be approximately \$156 to \$215.

In response to a question from Senator Holmberg, Mr. Forster said the Legislative Council staff will clean everything off the old devices. He said the laptops would be entirely cleared and the iPads would be left in a condition similar to a new iPad. He said purchased applications could be reinstalled using the user's Apple ID. He said the purchaser of a laptop would need to install the Windows operating system.

In response to a question from Senator Heckaman, Mr. Forster said the Legislative Council staff would not be allowed to install anything on the laptops for a legislator who purchases the laptop.

In response to a question from Chairman Carlson, Mr. Forster said a legislator will be allowed only to purchase the device that was assigned to that legislator. He said any remaining laptops will be sent to the State Surplus Property Division and the Legislative Council will retain a few iPads for use in the office.

It was moved by Senator Wardner, seconded by Senator Holmberg, and carried on a roll call vote that the computer use policy be approved and the purchase price for laptop computers be set at \$250 and the purchase price for iPads be set at \$200. Representatives Carlson and Onstad and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

LEGISLATIVE SPACE RENOVATIONS

Chairman Carlson called on Mr. Jason J. Steckler, Administrative Services Director, Legislative Council, for an update on the status of legislative wing and legislative meeting room renovations. Mr. Steckler said the committee authorized the expenditure of \$170,000 to upgrade legislative chamber desk power and data receptacles and the Legislative Council staff is working to determine the best option for the upgrade. He said two options under consideration include the use of flip-up receptacles similar to those in the tables in committee meeting rooms. Another option, he said, is to use grommets and bring the cables and power cords from below each desk. He said the use of the grommets would likely be a cleaner look when the desks are not in use. He said part of each desk drawer was cut out when the current receptacles were installed.

Mr. Steckler said the Legislative Media Room is being renovated with the \$50,000 approved by the committee at the last meeting. He said there have been cost savings as a result of the demolition of the room being done by the Facility Management Division staff. He said the stage will be larger and accessible with a ramp. He said lighting will be improved and a state-of-the-art audio system will be installed. In addition, he said, the sound from the heat pumps should be reduced as a result of moving the heat pumps to above the ceiling in the hallway outside the room. He said the room will be a multipurpose room with a table set up to allow radio broadcasts.

Chairman Carlson called on Mr. Scott Johnson, Assistant State Court Administrator, North Dakota Supreme Court, for an update on the status of the meeting room renovation in the judicial wing. Mr. Johnson distributed written testimony ([Appendix D](#)) on behalf of Ms. Sally Holewa, State Court Administrator, North Dakota Supreme Court.

In response to a question from Chairman Carlson, Mr. Smith said there is \$160,000 in the budget for furnishings and audio equipment for the new meeting rooms. He said this committee will need to consider how the rooms will be used during the 2017 legislative session and how the rooms will be named.

Chairman Carlson called on Mr. Joel C. Leapaltdt, State Facility Planner, Office of Management and Budget, for comments regarding the potential for renovation of the Brynhild Haugland Room. Mr. Leapaltdt distributed written comments and drawings of options ([Appendix E](#)) for addition of an accessible ramp for the room.

In response to a question from Chairman Carlson, Mr. Leapaltdt said option B would require a grade beam to be removed, which could be very expensive. However, he said, he would recommend examining that option.

Chairman Carlson requested Mr. Leapaltdt to gather further information regarding the feasibility of option B.

BILL AND JOURNAL ROOM - PHOTOCOPY FEE POLICY

At the request of Chairman Carlson, the Legislative Council staff reviewed [Bill and Journal Room - Photocopy Fee Policy](#). The Legislative Council staff said the copy fee remains the same as the 2015 session, 25 cents per page. He said the copy fee does not apply to copies made for legislators, House and Senate employees, and Legislative Council employees. In addition, he said, fees are not charged for copies of bills, journals, daily calendars, and hearing schedules.

It was moved by Senator Erbele, seconded by Senator Holmberg, and carried on a roll call vote that the Bill and Journal Room - Photocopy Fee Policy be approved. Representatives Carlson and Onstad and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

LEGISLATIVE INTERN PROGRAM

The Legislative Council staff provided an update regarding the portion of the legislative intern program relating to law school students. He said the problem relating to the American Bar Association prohibition on stipends has been resolved. He said the University of North Dakota School of Law has developed a formula for allowable reimbursement of expenses for the interns, which will likely result in reimbursement for the 2017 legislative session being slightly less than the \$14,000 allowance approved by the committee at its September meeting.

It was moved by Senator Heckaman, seconded by Senator Holmberg, and carried on a roll call vote that the committee approve the reimbursement of legislative law school interns consistent with the reimbursement policy established by the University of North Dakota School of Law and in an amount not to exceed \$14,000 per intern for the 2017 legislative session. Representatives Carlson and Onstad and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

LEGISLATIVE DOCUMENT SUBSCRIPTION PROGRAM

At the request of Chairman Carlson, the Legislative Council staff reviewed the [Legislative Document Subscription Program](#). The Legislative Council staff said the memorandum reviews subscription fees for legislative documents during the 2015 legislative session, the number of subscribers to the various documents, and the cost of printing those documents. Except for the journal index, he said, all the 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. He said in comparing the 2015 fees to the proposed fees for 2017, the proposed fees would increase from \$250 to \$350 for a set of bills and resolutions; increase from \$110 to \$175 for a set of the daily journals of the Senate and House; from \$30 to \$45 for the index to the House and Senate journals; and from \$425 to \$595 for the *Bill Status Report*. He said no one paid to have any of the documents mailed during the 2013 and 2015 sessions. Therefore, he said, it is recommended the mailing option be eliminated. He said representatives of the press have indicated the copies of the *Bill Status Report* which are provided to the press room are not necessary.

It was moved by Senator Holmberg, seconded by Senator Wardner, and carried on a roll call vote that the proposed subscription fees be adopted with the elimination of the mailing option and the elimination of the two copies of the *Bill Status Report* provided to the press room. Representatives Carlson and Onstad and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

LEGISLATIVE RULES

At the request of Chairman Carlson, the Legislative Council staff reviewed [Proposed Amendments to Senate and House Rules 319](#). The Legislative Council staff said the proposed amendment is in response to questions raised during the 2015 legislative session with respect to the division of a bill and whether a roll call vote would be required. He said the amendment would require roll call votes on all divisions of bills and, upon voting on all divisions, any divisions approved comprise the question before the Senate or the House. He said if all divisions are defeated, no further action would be necessary.

It was moved by Senator Wardner, seconded by Senator Klein, and carried on a roll call vote that the committee recommend the proposed amendment to House and Senate Rules 319 relating to roll call votes on divisions of bills. Representatives Carlson and Onstad and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

At the request of Chairman Carlson, the Legislative Council staff review [Proposed Amendments to Joint Rule 206](#). The Legislative Council staff said the proposed amendment is based on a recommendation from the Speaker of the House last session. He said the Speaker indicated any contested resolution should not be placed on the consent calendar.

Representative Martinson said there has been some confusion about placing contested resolutions on the consent calendar.

Senator Wardner said the Senate generally does not use the consent calendar.

It was moved by Representative Onstad, seconded by Senator Wardner, and carried on a roll call vote that the committee approve the proposed amendment to Joint Rule 206 relating to contested resolutions on the consent calendar. Representatives Carlson and Onstad and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Representative Onstad said Joint Rule 301 provides conference committees are to confine their conferences and recommendations to consideration of the general differences that gave rise to the appointment of the committees. He said the conference committees should not allow additional amendments and not be used as a method to incorporate defeated bills. He said both houses should enforce that rule.

Senator Holmberg said there are instances, such as the Office of Management and Budget bill, in which amendments are included to correct errors from other bills. He said the houses can reject a conference committee report if the members believe the conference committee has exceeded its authority.

Representative Onstad said the rule should be enforced and amendments should not be allowed to be added to bills when hearings have not been held to consider the amendments.

Senator Schneider said abuse of the rule is particularly concerning because the rules do not allow a conference committee report to be divided.

Senator Heckaman distributed [Proposed Amendments to House and Senate Rules 329](#). She said during the 2015 legislative session, there were instances in which the sponsors of bills that had been rereferred to the House Appropriations Committee were not notified or provided the opportunity to explain the bills to the committee. She said the proposed amendment would require the prime sponsor to be notified. In addition, she said, she would like the rule to be amended to allow the prime sponsor to testify about the intent of the bill so that the committee would have no confusion over the purpose of the bill. She said notifying the policy committee chairman does not necessarily guarantee the committee will be provided the information it needs to make an informed decision. In addition, she said, there are instances in which the policy committee chairman is opposed to the bill.

Senator Holmberg said procedures with the Senate Appropriations Committee differ in part because the Senate committee does not have subcommittees. He said it has been the policy of the Senate Appropriations Committee to notify the sponsor of the hearing.

Chairman Carlson said he would prefer to further discuss this proposed rule at a future meeting when more House members are present.

Representative Onstad distributed [Proposed Amendments to House Rule 511](#). He said the proposed amendment would require a bill to be rereferred to a policy committee if a bill referred to the Appropriations Committee is proposed to be amended other than an amendment to the appropriation. He said the Appropriations Committee often changes the policy of bills rather than limiting consideration to the appropriation.

Senator Holmberg said it is not uncommon to have the sponsor of a bill or a committee chairman request the Appropriations Committee to amend the bill in some manner beyond the appropriation.

Chairman Carlson requested the Legislative Council staff to distribute copies of the amendments proposed by Representative Onstad and Senator Heckaman to the members of the committee who are absent from the meeting. He said the committee will consider the proposed amendments at the next meeting.

No further business appearing, Chairman Carlson adjourned the meeting at 3:50 p.m.

John Bjornson
Code Revisor

ATTACH:5