

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Wednesday, June 29, 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, Corey Mock, Kenton Onstad, Don Vigesaa; Senators Robert Erbele, Joan Heckaman, Ray Holmberg, Jerry Klein, Mac Schneider, Rich Wardner

Member absent: Wesley R. Belter

Others present: Kyle W. Forster, Jim W. Smith, Jason J. Steckler, and Lori Ziegler, Legislative Council, Bismarck
Representative Jeff Delzer, Underwood
See [Appendix A](#) for additional persons present.

It was moved by Senator Holmberg, seconded by Senator Erbele, and carried on a voice vote that the minutes of the March 8, 2016, 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 Mr. Brian Bubach, North Dakota High School Activities Association, to use the House and Senate Chambers and committee rooms for the 2017 North Dakota High School Activities Association State Student Congress on Thursday and Friday, November 2-3, 2017.

It was moved by Senator Wardner, seconded by Representative Mock, and carried on a voice vote that the committee approve the request to use the House and Senate Chambers and committee rooms for the 2017 North Dakota High School Activities Association State Student Congress on Thursday and Friday, November 2-3, 2017.

CONTRACTS FOR SERVICES**Legislative Photography Services**

The Legislative Council staff reviewed the proposed [Invitation to Bid - Legislative Assembly Photography Services](#). He said the invitation provides for the receipt of bids by Friday, September 23, 2016, and provides for acceptance after review by the Legislative Procedure and Arrangements Committee. He said there are no notable changes in the specifications from the 2014 invitation. He said six bids were received in response to the 2014 invitation.

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

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

The Legislative Council staff reviewed the proposed [Invitation to Bid - Legislative Assembly Secretarial, Telephone Message, and Bill and Journal Room Services](#). He said the invitation is substantially the same as the 2014 invitation. He said the bill and journal room services no longer include the duty of mailing documents to subscribers because the committee eliminated the mailing subscription option at its previous meeting. He said one bid was received in 2014.

It was moved by Senator Holmberg, seconded by Senator Heckaman, and carried on a roll call vote that the committee approve the contents of the invitation to bid for Legislative Assembly secretarial, telephone message, and bill and journal room services. Representatives Carlson, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

LEGISLATIVE SESSION ARRANGEMENTS

Chaplaincy Program

The Legislative Council staff 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. He said 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, he said, a chaplain is paid an honorarium of \$25.

It was moved by Senator Wardner, seconded by Representative Vigesaa, and carried on a roll call vote that the chaplaincy program be continued for the 2017 legislative session. Representatives Carlson, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Tour Guide Program

The Legislative Council staff said the committee historically has authorized a tour guide program to coordinate tours by high school groups during the legislative session.

In response to a question from Representative Onstad, Mr. Jim W. Smith, Director, Legislative Council, said the tour guide sends a letter to administrators in all schools in the state which provides information regarding legislative tours and contact information for the tour guide. He said the contact information also is available on the legislative branch website.

It was moved by Senator Holmberg, seconded by Senator Klein, and carried on a roll call vote that the legislative tour guide program be continued for the 2017 legislative session. Representatives Carlson, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Brief Bags

The Legislative Council staff said during the last interim, the committee made the decision to purchase leather brief bags with an embossed Great Seal on the side of the bag. He said the higher quality bags were chosen with the intent the bags would last 4 years. He said additional bags would need to be ordered for new legislators.

It was moved by Senator Schneider, seconded by Representative Mock, and carried on a roll call vote that leather brief bags be ordered for new legislators. Representatives Carlson, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Legislator Stationery

The Legislative Council staff reviewed the policy of providing legislators a template of electronic letterhead so that they can print correspondence on regular paper and envelopes. He said the committee discontinued the policy of providing printed stationery for legislators in 2013.

It was moved by Senator Holmberg, seconded by Senator Erbele, and carried on a roll call vote that the policy regarding each legislator receiving a template for printing letterhead through the word processing and email software be continued. Representatives Carlson, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Incoming WATS Line

The Legislative Council staff said an incoming WATS line has been provided for residents of the state to contact members of the Legislative Assembly during legislative sessions. He said the volume of calls into the line has decreased from almost 20,000 calls during the 2001 session to 755 calls during the 2015 session. He said three phone lines are dedicated for this service at a cost of \$10 per line per month.

In response to a question from Chairman Carlson, Mr. Jason J. Steckler, Administrative Services Director, Legislative Council, said the Legislative Council will consider reducing the number of lines if money can be saved and the level of services will not be decreased.

It was moved by Senator Klein, seconded by Representative Vigesaa, and carried on a roll call vote that the WATS line be continued and that the Legislative Council staff determine the appropriate number of phone lines necessary for the service. Representatives Carlson, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Addresses and Reports

The Legislative Council staff 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 address the Legislative Assembly on the third legislative day.

The Legislative Council staff said North Dakota Century Code Section 4-24-10 requires 14 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 first and tenth legislative days. He said 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 Section 54-60-03 requires the Commissioner of the Department of Commerce to report between the first and tenth legislative days to a standing committee of each house of the Legislative Assembly as determined by the Legislative Management with respect to the department's goals, objectives, activities, measurable results, and commerce benchmarks. He said this report generally has been given to the Industry, Business and Labor Committees.

Representative Vigesaa said the interim Government Finance Committee has been studying duties and studies assigned to the Budget Section, including the need for reports required to be presented to the Budget Section. He questioned whether the reports required to be delivered to the Legislative Assembly should be examined to determine if it is necessary to have those reports formally presented to standing committees.

Senator Klein said he has been on committees that received the various reports over the last several sessions. Although some useful information is provided, he said, the actual presentation of the reports may not be necessary.

Representative Onstad said although the printed reports could be distributed, the presentation of the reports provides representatives of the commodity groups an opportunity to meet with legislators. Because of the low number of bills referred to the Agriculture Committees, he said, there should be discussion regarding whether the jurisdiction of the Agriculture Committees should be expanded to cover other issues, such as energy.

Chairman Carlson said there should be discussion regarding whether there could be a more efficient use of legislative days at the beginning of the session. He said the first 3 days are essentially devoted to the addresses from the Governor, Chief Justice, and the tribal representative and little legislative business is conducted.

In response to a question from Senator Wardner, Mr. Smith said the Legislative Council staff will look at options for scheduling more bills for hearing during the first few days of the session and working around the formal addresses.

In response to a question from Senator Heckaman, Chairman Carlson said although the State of the Judiciary and Tribal-state relationship addresses could be held on the same day, there may be some opposition because of the formal receptions held after each address and the appearance of minimizing the importance of the addresses.

Senator Schneider said although legislative days are in short supply, he shares the concern regarding representatives of a coequal branch of government and a sovereign nation feeling snubbed by not reserving separate days for the addresses or by scheduling the addresses when the Legislative Assembly is not formally in session.

Senator Holmberg said if the addresses were held on days on which committee meetings were scheduled, but the House and Senate were not formally in session, the extra days for legislative business should not affect legislative deadlines.

In response to a question from Representative Onstad, Representative Delzer said several years ago the Appropriations Committees met in advance of the convening of the legislative session for the purpose of hearing background reports from state agencies. He said the process did not appear to be very popular and has not been formally discussed since that experiment.

Chairman Carlson requested the Legislative Council staff to examine the logistics of scheduling formal addresses on days that would not count toward the 80 legislative-day maximum.

It was moved by Representative Mock, seconded by Senator Holmberg, and carried on a roll call vote that:

- **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 3, 2017), 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 4, 2017), and to invite a representative of the Indian tribes to address a joint session on the third legislative day (Thursday, January 5, 2017), subject to change if alternative options are determined to be feasible;**
- **The second legislative day the Agriculture Committees meet (Friday, January 6, 2017) 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 Section 4-24-10;**
- **The second legislative day the Agriculture Committees meet (Friday, January 6, 2017) 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 Section 4-35.2-04; and**
- **The Commissioner of the Department of Commerce report to the Industry, Business and Labor Committees on the second day those committees meet (Monday, January 9, 2017).**

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

Session Employee Positions and Compensation

The Legislative Council staff reviewed a memorandum entitled [Legislative Assembly Employee Positions and Compensation](#). During the 2013-14 interim, he said, the committee recommended a total of 84 session employees, 38 Senate employees and 46 House employees. During the 2015 session, he said, the number of Senate employee positions was 36 and the number of House employee positions was 48. For the 2017 session, he said, the memorandum proposes 37 employee positions for the Senate and 47 employee positions for the House. He said the memorandum provides three options with respect to proposed legislative employee compensation for the 2017 session, including a 3 percent salary increase, a 3 percent and 2 percent increase, and a 3 percent and 3 percent increase.

Chairman Carlson said there are concerns that it will be difficult to fill committee clerk positions. He said it is difficult to find qualified individuals who are available to work in a position for 4 months. However, he said, because of the current economic condition of the state, the 3 percent increase would be the most feasible and fair option.

Representative Onstad said employees were being recruited after the 2015 session had begun. He said it may be necessary to begin recruiting employees sooner.

In response to a question from Representative Mock, Chairman Carlson said the committee traditionally has attempted to provide session employee compensation increases in a manner consistent with increases granted to state employees.

It was moved by Senator Klein, seconded by Representative Vigesaa, and carried on a roll call vote that the committee recommend employment positions as proposed for the 2017 legislative session--37 Senate employee positions and 47 House employee positions--and recommend the compensation levels as proposed under the option for a 3 percent increase from the 2015 levels and that the Legislative Council staff be requested to prepare a Senate Concurrent Resolution based on 2015 House Concurrent Resolution No. 3011, with the increased compensation levels. Representatives Carlson, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." Representative Mock voted "nay."

LEGISLATOR COMPUTER REPLACEMENT REPORT

Chairman Carlson called on Mr. Kyle W. Forster, Information Technology Services Manager, Legislative Council, to report on the status of the legislator computer replacement project. Mr. Forster said the Legislative Council staff is in the process of distributing the new laptop computers and iPads to legislators and will continue the process as interim committee meetings are held in Bismarck. He said legislators will have the choice between 2 cases for the iPads, a zippered portfolio case or a flap case. He said both cases will have the Great Seal embossed on the cover.

He said screen protectors are being installed on the iPads and Office 365 is being installed on the laptops and the iPads.

LEGISLATIVE COMMITTEE ROOM AUDIO SYSTEM UPGRADES

Mr. Forster said the sound system upgrades authorized by the committee have been completed and he has had positive feedback from users of the rooms. He said a phone dialer has been installed with the systems to allow for more efficient conference call meetings. He said the systems to be installed in the new meeting rooms in the judicial wing will be of the same quality, but will be portable to allow for changes in configuration of the rooms.

LEGISLATIVE RULES

At the request of Chairman Carlson, the Legislative Council staff reviewed [Proposed Amendments to Senate and House Rules 203](#). The Legislative Council staff said subsection 11 of those rules requires the Secretary of the Senate and the Chief Clerk of the House to deposit with the Secretary of State all books, bills, documents, resolutions, and papers in their possession. He said the Secretary of State contacted the Legislative Council staff to request that subsection 11 be repealed because nothing has been delivered to him in the years that he has been in office.

In response to a question from Chairman Carlson, the Legislative Council staff said all historical and legal records of each house of the Legislative Assembly are properly preserved and archived. He said it is uncertain what was intended by subsection 11.

It was moved by Senator Klein, seconded by Representative Mock, and carried on a roll call vote that the committee recommend the proposed amendments to Senate and House Rules 203. Representatives Carlson, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Representative Onstad said it is important that conference committee members be reminded of Joint Rule 301 and the requirement that conference committees confine recommendations to the general differences that gave arise to the conference committee. He said there is no point in amending the rule if the members stay on point.

Representative Onstad said the [Proposed Amendments to House and Senate Rules 329](#) distributed at the last meeting should be revised to allow the prime sponsor of a bill to testify regarding the intent of the bill at a hearing upon rereferral to the Appropriations Committees.

Senator Heckaman said during the 2015 session a bill she sponsored was rereferred to the House Appropriations Committee and she did not get the opportunity to provide the committee an explanation of the bill. She said there was a misunderstanding regarding the intent of the bill and if she had been notified of the hearing and given the opportunity to explain the bill, the committee could have made a more informed decision and saved time.

Senator Holmberg said this has not been an issue in the Senate. He said the Senate Appropriations Committee does not operate with subcommittees like the House committee.

Representative Delzer said the House Appropriations Committee often has bills rereferred which must be returned to the floor quickly. He said the committee or the divisions of the committee generally do not hold full hearings on a rereferred bill during which testimony is accepted.

In response to a question from Representative Onstad, Representative Delzer said notifying the sponsor of discussion on a bill often is difficult due to the timing of the rereferral and the timeframe for scheduling the meetings. He said the committee frequently receives bills after the hearing schedule for the week is published.

Chairman Carlson said it may be possible to implement a process through which the sponsor could be notified of a hearing while allowing the committee chairman to determine if additional testimony will be received.

Representative Onstad distributed [Proposed Amendments to House Rule 511](#). He said the House Appropriations Committee often amends bills beyond changing the appropriation and makes changes in policy. When that occurs, he said, the bill should be sent back to the policy committee for further consideration.

Senator Holmberg said there are many reasons why the Appropriations Committees may amend the policy portion of a bill. He said it is not uncommon for the committees to make changes at the request of the sponsor or the chairman of the policy committee to fix an error or an omission. In addition, he said, some policy changes may be necessary as a result of having to amend an appropriation.

Representative Delzer said some policy changes are necessary to make a program viable relative to the amount of funding available. He said the committee should not be put in an all or nothing position and should have the option of tweaking policy to make a bill viable. He said the proposed amendment could result in an endless cycle of rereferals between committees.

Senator Holmberg said the full House or Senate can make a decision to send a bill back to a policy committee.

Representative Onstad said if there are concerns with the amount of time available during a session, limiting the Appropriations Committees to consideration of funding would save time.

Chairman Carlson said policy committees often add appropriations to bills which is no different than the Appropriations Committees addressing policy when necessary. He said the committee will vote on the rules proposals at the next meeting.

CAPITOL RENOVATIONS AND CONSTRUCTION PROJECTS

Chairman Carlson called on Mr. John Boyle, Director, Facility Management Division, Office of Management and Budget, for comments regarding the status of various projects in the Capitol and on the grounds. Mr. Boyle said five projects have been completed and seven projects are ongoing. He said the limestone cleaning and terrazzo cleaning projects have been completed. In addition, he said, parking lot repairs have been made throughout the grounds. He said heat pumps have been replaced in the building. Ongoing projects, he said, include the construction of a new residence for the Governor. He said site work will begin in August. He said removal of the stones on the plaza on the south side of the building will begin on July 6, and a new membrane will be placed under the stones to reduce water issues. Other ongoing projects, he said, include electrical upgrades, renovation of the legislative media room, renovation of bathrooms in the State Office Building, and replacement of various entrance signs and other signage. He said the new meeting rooms in the judicial wing will be complete by the end of August.

In response to a question from Chairman Carlson, Mr. Boyle said although the custodian assigned to the legislative wing has retired, three custodians who have other responsibilities in the building will be assigned to also work in the legislative wing during the legislative session. He said regardless of whether the office that has been used by the custodian in the legislative wing is used, there will be a custodian available in the legislative wing during the legislative session from 7:00 a.m. until 2:00 p.m.

In response to a question from Senator Holmberg, Mr. Boyle said he is not aware of issues with vibrations from the heat pump in the Harvest Room, but he will have someone look into it.

In response to a question from Chairman Carlson, Mr. Boyle said although \$1.3 million was requested during the 2015 session for parking lot repairs, only \$50,000 was appropriated. He said problem areas in the west legislative parking lot were cut and repaired.

Chairman Carlson said the repairs in the west parking lot are not adequate and more work needs to be done.

Mr. Boyle said he will see what can be done to address concerns with the west parking lot.

In response to a question from Chairman Carlson, Mr. Boyle said although the initial estimate of \$100 for examination of the grade beam in the Brynhild Haugland Room was too low, further analysis of the grade beam will be done to determine what the best approach for remodeling of the room may be.

In response to a question from Chairman Carlson, Mr. Smith said the committee has authorized the expenditure of \$170,000 for upgrading legislative chamber desk power and data receptacles. He said that project has been put on hold due to problems identifying a solution.

Chairman Carlson requested the Legislative Council staff continue to work with Facility Management to determine the cost of accessibility ramps for the Brynhild Haugland Room and determine if funding would be available for such a project.

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

In response to a question from Chairman Carlson, Mr. Smith said the Legislative Council generally works closely with the Facility Management Division to manage use of the legislative meeting rooms during the interim. He said control over use of the meeting rooms is turned over to Facility Management by letter shortly after the adjournment of each legislative session. He said the Legislative Council asks that users of the rooms take care of the rooms

properly and that control of the rooms be returned to the legislative branch by December preceding the legislative session or in advance of any special session for which the rooms may be needed.

Senator Wardner said because special sessions likely would not require the use of all legislative committee rooms, any agreement for use of the new meeting rooms should be able to provide some flexibility in the event of a special session.

In response to a question from Chairman Carlson, the Legislative Council staff said Section 48-08-04 provides that the new rooms in the judicial wing are considered legislative meeting rooms and the rooms may not be used during the interim without authorization from the Legislative Council. He said the language in the *Memorandum of Understanding* proposed by Ms. Holewa is not consistent with the statutory language. He said the Legislative Council staff will continue to work with Ms. Holewa to provide additional flexibility in the agreement.

No further business appearing, Chairman Carlson adjourned the meeting at 3:30 p.m.

John Bjornson
Code Revisor

ATTACH:2