

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Thursday, September 29, 2016

West Legislative Meeting Room in Judicial Wing, 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, Ray Holmberg, Jerry Klein, Mac Schneider, Rich Wardner

Others present: Dick Dever, State Senator, Bismarck
Kyle W. Forster, Jim W. Smith, Jason J. Steckler, and Lori Ziegler, Legislative Council, Bismarck
See [Appendix A](#) for additional persons present.

It was moved by Senator Holmberg, seconded by Representative Mock, and carried on a voice vote that the minutes of the June 29, 2016, meeting be approved as distributed.

CONTRACTS FOR SERVICES**Legislative Assembly Photography Services**

At the request of Chairman Carlson, the Legislative Council staff reviewed the 2017 Legislative Assembly photography bids. He said the invitation to bid was sent to photographers throughout the state and six bids were received, two of which were not in conformance with the bid specifications because sample photos were not included with the bid. In addition, he said, one of the bids was received after the September 23, 2016, deadline. He said the conforming bids were Glasser Images, Bismarck, \$3,900 and \$25 for each additional 11 x 14 inches frame; Anderson Photography, Crosby, \$4,000 and \$15 for each additional frame; and The Camera Lady Photography, Mandan, \$9,280 and \$25 for each additional frame. He said Glasser Images provided photography services for the 2013 legislative session and Anderson Photography provided photography services for the 2015 legislative session.

Chairman Carlson said Anderson Photography did a good job last legislative session and has done well in other previous legislative sessions.

Senator Holmberg said the two low bids are very similar and Anderson Photography has performed well in the past.

It was moved by Senator Holmberg, seconded by Representative Vigesaa, and carried on a roll call vote that the committee accept the proposal by Anderson Photography to provide photography services for the 65th Legislative Assembly. Representatives Carlson, Belter, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Secretarial, Telephone Message, and Bill and Journal Room Services

At the request of Chairman Carlson, the Legislative Council staff reviewed the 2017 legislative session secretarial, telephone message, and bill and journal room services bids. He said three bids were received--Labor Match Staffing Solutions, LLC bid \$510.88 per day; Dakota Staffing Solutions bid \$564.20 per day; and Spherion Staffing LLC bid \$585.72 per day. He said the bids were for 3.5 employees, including one onsite supervisor, which is the same number of employees provided during the 2015 legislative session. He said each bidder also provided a bid for one employee for 14 days before the convening of the legislative session. For that portion of the bid, he said, Labor Match Staffing Solutions, LLC bid \$144.48, Dakota Staffing Solutions bid \$165.20, and Spherion Staffing LLC bid \$164.72. He said each of the bidders were invited to attend the meeting to answer questions regarding the bids.

In response to a question from Chairman Carlson, Mr. Jim Fettig, Dakota Staffing Solutions, said he and his partners in the business have been involved in the staffing business industry for over 20 years. After working for other staffing businesses, he said, they opened the business in 2007. He said the owners of Dakota Staffing Solutions have more experience in the business than anyone else in the market.

It was moved by Senator Wardner, seconded by Senator Holmberg, and carried on a roll call vote that the committee accept the bid of Dakota Staffing Solutions, to provide secretarial, telephone message, and bill and journal room services during the 65th Legislative Assembly. Representatives Carlson, Belter, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

LEGISLATIVE COMPENSATION

At the request of Chairman Carlson, Mr. Allen H. Knudson, Legislative Budget Analyst and Auditor, presented information regarding legislative compensation. He reviewed four memorandums regarding legislative compensation--[Legislative Compensation Adjustment Process](#), [Legislative Compensation and Expenses](#), [Legislative Compensation Increases Compared to Inflation and State Employee Salary Increases - 1981 Through 2016](#), and [Legislative Compensation Levels in Other States](#).

Senator Holmberg said legislative pay adjustments generally have been reflective of state employee compensation adjustments over the last decade. He said the committee should consider recommending adjusting legislative compensation at a lower amount than the amount recommended for state employees by the State Employees Compensation Commission, because the executive budget recommendation for state employee compensation has not been announced.

Senator Klein said the State Employees Compensation Commission, of which he is a member, recommended an increase of 2 percent in each year of the biennium. He said the additional financial impact of maintaining the full health insurance plan will be approximately \$26 million. He said the salary increases recommended by that commission will have a fiscal impact of about \$41 million for the biennium. At the State Employees Compensation Commission meeting, he said, the Director of the Office of Management and Budget supported a 1 percent increase for state employees during each year of the biennium. Therefore, he said, it appears unlikely the executive budget will follow the recommendation of the commission.

Senator Schneider said he is concerned with the message being sent by recommending pay increases for members of the Legislative Assembly in light of the budget situation.

Chairman Carlson said the Legislative Assembly has worked hard to increase state employee salary levels over the last few legislative sessions. He said because of the 17 percent increase in the cost of a full health insurance plan, a 2 percent increase during each year of the biennium may not be realistic. He said a recommendation is needed for preparation of the legislative branch budget, and a 1 percent adjustment during each year of the biennium is a reasonable starting point.

Senator Holmberg said the recommendation for the increase in legislative compensation is a starting point and the amount likely will be adjusted during the legislative session as the budget situation becomes more clear. He said legislators have stayed away from in-fighting regarding legislative compensation over the last decade since legislative compensation has been aligned with state employee compensation adjustments.

Representative Onstad said legislative salary adjustments should not be tied to state employee compensation. He said most legislators have other sources of income, and full-time state employees do not. He said the committee should recommend no increase in salary for legislators.

It was moved by Senator Holmberg, seconded by Senator Klein, and carried on a roll call vote that the committee support the inclusion in the appropriation bill for the legislative branch of the statutory changes and funding for legislative compensation adjustments of 1 percent for the first year and 1 percent for the second year for the 2017-19 biennium, to be adjusted during the 2017 legislative session to the appropriate level as compared to state employee salary adjustments. Representatives Carlson, Belter, and Vigesaa and Senators Erbele, Holmberg, Klein, and Wardner voted "aye." Representatives Mock and Onstad and Senators Heckaman and Schneider voted "nay."

SESSION ARRANGEMENTS

Organizational Session Agenda, Computer Training, and Legislative Employee Training

At the request of Chairman Carlson, the Legislative Council staff reviewed the [Legislative Organizational Session](#) tentative agenda. He said the agenda is essentially the same as in previous years. He said the tentative agenda includes the computer training schedule for legislators, which also is outlined in a separate document--[Computer Training Sessions for Legislators](#).

Representative Mock said the swearing in of new members is a significant event and there should be consideration of allowing new members to have photographs taken with the Supreme Court justices who swear in the new members.

Chairman Carlson requested the Legislative Council staff to speak with the Chief Justice regarding the opportunity for new members to take formal photographs with the Chief Justice or other justices who perform the swearing in of new members.

It was moved by Representative Vigesaa, seconded by Representative Mock, and carried on a roll call vote that the tentative agenda for the legislative organizational session and the legislator computer training schedule be approved. Representatives Carlson, Belter, Mock, Onstad, and Vigesaa 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 reviewed the [Orientation and Training Session for Certain Legislative Employees](#).

It was moved by Senator Erbele, seconded by Senator Klein, and carried on a roll call vote that the orientation schedule for legislative employees be approved. Representatives Carlson, Belter, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Screening of Legislative Employee Applications

It was moved by Senator Klein, seconded by Representative Vigesaa, and carried on a roll call vote that Senator Dick Dever and Representative Bob Martinson be authorized to begin the process to recruit and hire employees for the 65th Legislative Assembly. Representatives Carlson, Belter, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Senator Dever said the process of hiring employees will begin after the general election. He said he would prefer no adjustments be made to the employee compensation amounts approved by the committee. He said some compensation amounts were adjusted for the 2015 legislative session to help retain or attract employees.

Legislative Printing

Mr. Jason J. Steckler, Division Director, Administrative Services Division, Legislative Council, reviewed information ([Appendix B](#)) relating to legislative session printing costs. He said total costs for contract printing for the bills, journals, and journal index for the 2013 legislative session were only slightly higher than the 2015 costs despite significantly reducing the number of copies of documents printed in 2015. He said because the contract printer likely will have fixed costs similar to those in 2013 and 2015, further reductions in the number of copies made likely will not result in substantial reductions in the contract amount. He said reductions in the amount of copies made by the state Central Duplicating office for bill status reports, committee hearing schedules, and daily calendars would be more likely to result in cost savings. He said the paper versions of the weekly committee hearing schedules often are out of date by the day the documents are printed because of changes in the hearing schedules by committee chairmen. He said the committee hearing schedules and daily calendars, like the bills and daily journals, are available on the legislative branch website. At the conclusion of the 2015 legislative session, he said, the Legislative Council staff disposed of numerous copies of bills and resolutions and journals that were left in the bill and journal room.

In response to a question from Chairman Carlson, Mr. Steckler said the employees in the bill and journal room have the ability to print copies of bills, resolutions, and journals on demand. He said the Legislative Council staff is looking for ways to save money and reduce waste while not reducing services. He said people are moving to using the electronic versions of documents and moving away from paper copies. He said the contract for copiers for use during the 2017 legislative session was negotiated to save \$566 per month.

In response to a question from Chairman Carlson, the Legislative Council staff said the Legislative Council could communicate with representatives of state agencies to encourage the use of the electronic resources provided by the Legislative Council, and to encourage them to avoid taking large numbers of paper copies of documents that are available online.

In response to a question from Representative Mock, Mr. Steckler said the cost of making copies on demand is one and one-half cents per black and white copy and eight cents per color copy.

Chairman Carlson said it is much more cost effective to reduce the number of copies ordered and to make additional copies on demand if necessary. He requested the Legislative Council staff to communicate with representatives of state agencies to inform them the number of copies produced by the printers will be reduced and state officials and employees should be using electronic versions and the web resources whenever possible in an effort to reduce costs and reduce waste.

Secretarial Service Policy

The Legislative Council staff reviewed the [Policy Regarding Secretarial Services to Legislators](#).

It was moved by Senator Holmberg, seconded by Senator Klein, and carried on a roll call vote that the secretarial service policy be approved. Representatives Carlson, Belter, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

USE OF LEGISLATIVE WING SPACE

The Legislative Council staff said the Office of Management and Budget forwarded a request from Mr. Zachary Smith, Communication and Government Relations Director/Legal Counsel, North Dakota Association of Rural Electric Cooperatives, to place an electronic device charging station in Memorial Hall.

In response to a question from Representative Mock, Mr. Z. Smith said the request to place the device in Memorial Hall was based on the premise of ease of access. He said the device would be similar to table top charging stations commonly seen in airports and other public places and likely would have various charging cords and allow the charging of four devices at the same time. He said the device would not be for the exclusive use of legislators and would be intended to be available for use by anybody. He said after discussing the proposal with representatives of the Office of Management and Budget, he came to the conclusion Memorial Hall may not be the best location.

Representative Mock said the offer is an excellent idea and a charging station would be a valuable resource in the building. He said he hoped the Office of Management and Budget could find a suitable location in the building to place a charging station.

It was moved by Senator Heckaman, seconded by Representative Mock, and carried on a voice vote that the Office of Management and Budget be encouraged to work with Mr. Z. Smith to find a suitable location, other than Memorial Hall, to place an electronic device charging station.

LEGISLATIVE DEADLINES AND RULES

At the request of Chairman Carlson, the Legislative Council staff presented proposed amendments [[17.9481.01000](#)] to House and Senate Rules 206. He said the amendments account for changes in the numbers of legislative employees, which were recommended at the last meeting.

It was moved by Senator Holmberg, seconded by Representative Belter, and carried on a roll call vote that the proposed amendments [[17.9481.01000](#)] to House and Senate Rules 206 be approved and recommended to the Legislative Management. Representatives Carlson, Belter, Mock, Onstad, and Vigesaa 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 reviewed the [Proposed Revised 2017 Legislative Deadlines](#) for the 2017 Legislative Assembly. He said the proposal saves 2 legislative days by scheduling the State of the Judiciary address and the Tribal-State Relationship address for the same day, Friday, January 6, 2017. He said Wednesday, January 4, and Thursday, January 5, would be days on which committee meetings would be held the entire day, with no floor sessions. He said the 2-day and 3-day committees would all have the opportunity to conduct organizational sessions and hold hearings on bills during the days on which there are not floor sessions. He said various legislative rules that apply to legislative deadlines, such as bill introduction deadlines, also would be affected by the proposed changes.

Representative Mock said provisions would need to be made to ensure legislative employees are paid for those days.

In response to a question from Senator Schneider, Chairman Carlson said the Tribal-State Relationship address has been an attempt by the Legislative Assembly to reach out to the tribes in the state. However, he said, the address is not required by law.

In response to a question from Representative Mock, Mr. Jim W. Smith, Director, Legislative Council, said the legislative branch budget is based on 77 legislative days for the 2017 legislative session.

It was moved by Senator Holmberg, seconded by Representative Vigesaa, and carried on a roll call vote that the proposed legislative deadlines be revised to save 2 legislative days during the first week of the legislative session and that any rules that would be affected by the change in deadlines be amended and recommended to the Legislative Management. Representatives Carlson, Belter, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, and Wardner voted "aye." Senator Schneider voted "nay."

LEGISLATIVE MEETING ROOMS

Chairman Carlson said because the Legislative Management will ultimately approve the names for the three legislative meeting rooms located in the judicial wing and because the Budget Section meeting is about to begin, the committee will defer the naming decision to the Legislative Management, which will be meeting later in the day.

OTHER BUSINESS

It was moved by Senator Holmberg, seconded by Representative Mock, and carried on a roll call vote that the Chairman and the Legislative Council staff be requested to prepare a report and rules amendments and to present the report and rules amendments to the Legislative Management. Representatives Carlson, Belter, Mock, Onstad, and Vigesaa and Senators Erbele, Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

No further business appearing, Chairman Carlson adjourned the meeting at 10:00 a.m.

John Bjornson
Legal Division Director

ATTACH:2