

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Wednesday, December 6, 2017
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives Al Carlson, Larry Bellew, Kathy Hogan, Corey Mock, Don Vigesaa; Senators John Grabinger, Joan Heckaman, Ray Holmberg, Jerry Klein, Dave Oehlke, Rich Wardner

Others present: Senator Donald Schaible, Mott, member of the Legislative Management
Kyle W. Forster, Jim W. Smith, and Lori Ziegler, Legislative Council, Bismarck

See [appendix](#) for additional persons present.

It was moved by Senator Grabinger, seconded by Senator Holmberg, and carried on a voice vote that the minutes of the September 28, 2017, meeting be approved as distributed.

CENSUS REDISTRICTING PROGRAM PHASE 2

At the request of Chairman Carlson, the Legislative Council staff provided information regarding Phase 2 of the 2020 Census Redistricting Data Program. The Legislative Council staff said participation in Phase 2 is voluntary, but is valuable in that the state has the opportunity to provide voting district, or precinct, boundary information to the United States Census Bureau. He said the state participated in Phase 2 during the 2010 census redistricting process, and the Legislative Council was responsible for mapping the approximately 500 precincts in the state.

It was moved by Senator Holmberg, seconded by Representative Mock, and carried on a roll call vote that the committee authorize participation in Phase 2 of the Census Redistricting Data Program. Representatives Carlson, Bellew, Hogan, Mock, and Vigesaa and Senators Grabinger, Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." No negative votes were cast.

BILL AND JOURNAL ROOM AND LEGISLATIVE DOCUMENT POLICIES

At the request of Chairman Carlson, the Legislative Council staff reviewed the [Bill and Journal Room - Photocopy Fee Policy](#) and the [Legislative Document Subscription Program](#). The Legislative Council staff said the fee for photocopies has remained at \$.25 per page. He said the number of bills and resolutions and daily journals printed was reduced in 2017 from 100 copies to 70 copies and, on average, 27 copies of each bill or resolution remained at the end of the session. He said the contract printing costs for the 2017 session were significantly lower than previous sessions, and the number of copies made on the printers placed in legislative space was significantly lower than 2015, which resulted in additional savings. With respect to the proposed document subscription fees for the 2019 session, he said, the fees are based upon the average of the cost from 2017. He said state agencies again will be encouraged to access information on the legislative branch website rather than picking up multiple copies from the bill and journal room. He said the number of bill status reports printed was reduced to 6 after crossover due to limited use and demand.

In response to a question from Chairman Carlson, Mr. Kyle W. Forster, Information Technology Manager, Legislative Council, said use of the legislative bill tracking application likely reduces the need for the printed bill status report. Although an exact copy of the printed bill status report is not provided online, he said, it likely could be replicated online.

Representative Hogan said she is concerned that paper documents be available for those individuals who do not possess or use electronic devices.

Senator Klein said it appears, based upon the number of documents left at the end of the 2017 session, the number of bills and resolutions and daily journals could be reduced to 50, and the printed bill status reports could be reduced to 5. The Legislative Council staff said the Bill and Journal Room employees are able to print bills on demand.

It was moved by Senator Wardner, seconded by Representative Mock, and carried on a roll call vote that the ***Bill and Journal Room - Photocopy Fee Policy*** be approved; the number of bill status reports printed be reduced to 5; the number of bills and resolutions and daily journals printed be reduced to 50; and that the committee approve the proposed subscription fees for legislative documents. Representatives Carlson, Bellew, Hogan, Mock, and Vigesaa and Senators Grabinger, Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." No negative votes were cast.

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 only a few minor grammatical changes in the document were made from the previous version, and there were no substantive changes to the policy.

In response to a question from Senator Holmberg, Mr. Forster said there usually are a couple computers or tablets lost or stolen each biennium.

In response to a question from Chairman Carlson, Mr. Forster said the personal use option fee for legislators is \$10 per month. He said about 120 legislators pay the personal use option fee.

It was moved by Representative Mock, seconded by Senator Wardner, and carried on a roll call vote that the ***Policy on Use of Computers by Legislators*** be approved. Representatives Carlson, Bellew, Hogan, Mock, and Vigesaa and Senators Grabinger, Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." No negative votes were cast.

GOVERNOR'S RESIDENCE UPDATE

Chairman Carlson called on Mr. John Boyle, Director, Facility Management Division, Office of Management and Budget, for an update on the progress of the construction of the governor's residence. Mr. Boyle said about \$850,000 in donations have been raised toward the goal of \$1 million. He said the fundraising committee expects to meet its goal, but no more than the amount raised will be spent. He said the Governor is expected to move into the residence on Wednesday and Thursday, December 27 and 28, 2017.

In response to a question from Chairman Carlson, Mr. Boyle said the contract for the construction included \$100,000 in contingency funds. Because change orders added costs and also resulted in cost deductions, he said, the contingency funds have not been fully expended. He said the building design committee has not been notified of all changes because none of the changes have been structural changes. Because the changes only have affected the interior of the building, he said, notification of the design committee seemed unnecessary. He said the size of the public space was reduced and the design of a staircase in that area has been revised several times, resulting in the installation of a spiral staircase to save space. He said the installation of a Japanese bathtub was not included in the initial plans, but was added by the architect.

In response to a question from Representative Mock, Mr. Boyle said the old residence will be demolished in April. He said some asbestos remediation will be necessary. He said representatives of the State Historical Society have gone through the residence to identify items of historical significance. He said some of those items will be moved to the new residence. He said items not of historical significance which are able to be used will be sold as surplus property.

In response to a question from Representative Hogan, Mr. Boyle said although nothing has been scheduled, there likely will be an opportunity for the public to see the interior of the new residence.

SEXUAL HARASSMENT POLICY

At the request of Chairman Carlson, the Legislative Council staff reviewed [*Joint Rule 901 - Sexual harassment policy*](#). The Legislative Council staff said the policy was adopted in the early 1990s.

Chairman Carlson said he included this topic on the agenda because of all the news relating to sexual harassment around the country. Although he is not aware of any issues here, he said, he would like input on the policy and would like to review a revised policy at a future meeting.

Representative Hogan said it is important to have a policy that provides a formal reporting process, specifies who is responsible for investigating a complaint, specifies who makes a decision regarding the complaint, and provides consequences for violations. She said she has researched policies in other states and there are many variations in policies. She said a new policy developed by the committee could set standards that would be an example for other states.

Chairman Carlson said it is important that everyone feel safe in the workplace. He said a revised policy should provide a reporting process, as well as a method for investigating complaints.

In response to a question from Chairman Carlson, the Legislative Council staff said the executive branch policy developed by the Human Resource Management Services Division could be used as an example in developing a policy, but the policy would not be appropriate for the legislative branch.

Representative Mock said although it appears there may have been no issues in the legislative branch, without a formal reporting and investigation process there is no way to know if there have been issues. He said it is important to defend the reputation of the legislative institution and a revised policy is necessary to do so. He said not every act of misconduct warrants termination and the voters can make decisions in many instances whether an act of misconduct is serious.

Senator Heckaman said a chain of command and a formal process is necessary to provide victims assurance a complaint will be taken seriously. She said in addition to having a review of the sexual harassment policy during the organizational session, there should be more time spent on reviewing ethical guidelines. She said a review of other processes should be done to determine if legislative rules are being followed.

Representative Hogan said a revised policy should be broad enough to cover everyone involved in the legislative process, including lobbyists. She said she is aware of situations involving inappropriate conduct that have been directed toward female lobbyists.

Chairman Carlson said the best cure for these problems is education.

In response to a question from Representative Hogan, the Legislative Council staff said a revised policy likely would include a guarantee that a complaint and the investigative process would be confidential, and also would involve additional training during the organizational session.

Representative Mock said the orientation process during the organizational session should include a review of all workplace policies.

LEGISLATIVE INFORMATION TECHNOLOGY INITIATIVES

Chairman Carlson called on Mr. Forster for an update on information technology initiatives. Mr. Forster said October was cybersecurity training month and all staff and legislators were sent reminders to take an online course. He said 48 legislators informed him they had completed the course. Although there is no way to mandate taking the training course, he said, there will be a continued effort to get legislators to complete the training.

Senator Klein requested Mr. Forster to send an email message to the leaders which could be forwarded to all legislators and which reminds them to complete the training course.

Mr. Forster said a contractor for the Information Technology Department has been sending phishing emails as part of the training. He said there have been approximately 50 clicks by legislators on links in the messages since September.

Mr. Forster said a pilot project was conducted during the 2017 legislative session with two standing committees through which committee interns scanned submitted testimony and placed the testimony in an electronic folder that members of the committees could access. He said there were members of each committee who indicated the scanned testimony was useful. He said the chairman of one of the committees recommended placing the scanned testimony in the Legislator's Automated Work Station (LAWS) system so that legislators could review the testimony while considering bills on the floor. To expand the project, he said, an investment in additional printers for scanning would be necessary. He said expansion to the appropriations committees would require identification of employees to scan documents since those committees do not have interns.

Senator Schaible said although it took some time to get used to using the scanned documents, he found the pilot project to be valuable.

In response to a question from Chairman Carlson, Mr. Forster said the scanned documents were available only to legislators. He said if video recording of committees would be implemented in the future, scanned testimony could be attached to the recordings. He said if the project is expanded to additional committees, it would make sense to make the documents available in LAWS.

Representative Hogan requested Mr. Forster to prepare an estimate of the cost of expanding the program and to suggest an expansion schedule over two or three sessions.

Senator Wardner said the program should be expanded and the documents should be stored in LAWS.

Mr. Forster said the printers would cost approximately \$500 each. He said there would be no additional cost for the policy committees because the interns can handle the scanning responsibilities. He said encouraging the submission of electronic testimony will make the program more effective.

Senator Oehlke said there should be an examination of whether additional staff would be necessary to expand the program to the appropriations committees.

Mr. Forster said an issue he will keep the committee informed upon is the potential transition of state email to Microsoft cloud storage. He said the Information Technology Department is moving employee email to the cloud. He said legislative email remains hosted on servers in Bismarck and Mandan, but the department is planning to move all email to the cloud within a couple years. He said the Legislative Council will continue to monitor this situation and determine the potential impact and any implications such a move could have with respect to privacy of legislative emails.

2019 LEGISLATIVE DEADLINES

The Legislative Council staff distributed a copy of the [2019 Legislative Deadlines](#) that were approved by the Legislative Management.

MISCELLANEOUS ADMINISTRATIVE MATTERS

Mr. Jim W. Smith, Director, Legislative Council, said the fire department inspection of the legislative wing was recently completed and no violations were found. He said after Legislative Council staff became involved in the inspections a few years ago, issues were addressed and violations have been eliminated.

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

John Bjornson
Legal Division Director

ATTACH:1