

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Wednesday, June 20, 2018
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 1:05 p.m.

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

Member absent: Senator John Grabinger

Others present: Kyle W. Forster, Allen H. Knudson, Jim W. Smith, Jason J. Steckler, and Lori Ziegler, Legislative Council, Bismarck

John Boyle, Facility Management Division, and Tag Anderson, Risk Management Division, Office of Management and Budget, Bismarck

See [Appendix A](#) for additional persons present.

It was moved by Representative Bellew, seconded by Senator Klein, and carried on a voice vote that the minutes of the March 19, 2018, meeting be approved as distributed.

USE OF LEGISLATIVE CHAMBERS

The Legislative Council staff reviewed the [Guidelines for Use of Legislative Chambers and Displays in Assembly Hall and Memorial Hall](#). The Legislative Council staff said Mr. Meseret Haddis submitted a request to use the Senate Chamber for 2 days in September 2018. He said Mr. Haddis indicated he is a filmmaker based in New York City, but is originally from Bismarck. He said Mr. Haddis requested to use the Senate Chamber to film a portion of a movie he is making which will use the oil boom as a backdrop to examine the lives of ranchers and indigenous people in the region.

Chairman Carlson said the guidelines are intended to allow the chambers to be used for educational mock legislative sessions and for state agencies that need the space for events. He said the guidelines for use of the chambers do not address the use for making a movie, and he has concerns regarding the use of the chambers for purposes outside the guidelines.

In response to a question from Senator Holmberg, the Legislative Council staff said the information submitted with the request indicated cast and crew for the film would include about 10 people. He said the request did not provide any additional information regarding the type of film and the script.

Senator Wardner said without having more information, he is not comfortable allowing use of the Senate Chamber for filming a movie.

Senator Heckaman said the use does not fall within the guidelines and without more information regarding the impact of the use, she is reluctant to make an exception to the guidelines.

Representative Hogan said although it would be nice to share the beauty of the chambers with the world, she is unsure of whether an exception to the guidelines should be made.

Senator Klein said it would be good to know whether the use would be nonpartisan.

Representative Vigesaa said he is opposed to changing the guidelines, and the filmmaker should be able to find a set that would be reflective of the chamber.

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 7, 2018, and provides for acceptance after review by this committee. He said the invitation is sent to photographers statewide. In 2016, he said, six bids were received, two of which were nonconforming to the specifications. He said the only notable change in the specifications from 2016 is the additional detail provided regarding provision of a web-ready digital image.

It was moved by Senator Holmberg, seconded by Senator Klein, 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, Bellew, Hogan, Mock, and Vigesaa and Senators Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." No negative votes were cast.

Secretarial Services Policy

The Legislative Council staff reviewed the proposed [Policy Regarding Secretarial Services to Legislators](#). He said the policy governs the use of services provided by the contract secretarial service. He said there are no substantive changes from the policy approved in 2016.

It was moved by Representative Mock, seconded by Senator Wardner, and carried on a roll call vote that the committee approve the policy regarding secretarial services. Representatives Carlson, Bellew, Hogan, Mock, and Vigesaa and Senators Heckaman, Holmberg, Klein, Oehlke, 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 2016 invitation. He said the invitation provides for the receipt of bids by Friday, September 7, 2018. In 2016, he said, three bids were received.

It was moved by Representative Hogan, seconded by Representative Vigesaa, 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, Bellew, Hogan, Mock, and Vigesaa and Senators Heckaman, Holmberg, Klein, Oehlke, 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 association has 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, which is 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, 2018 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.

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.

Doctor of the Day Program

The Legislative Council staff said the North Dakota Medical Association has offered to provide physician services to legislators during the 2019 legislative session. He said the association also offered to continue providing health screenings and other wellness and educational activities during the session.

Legislator Stationery

The Legislative Council staff said before the 2013 legislative session, the committee discontinued the practice of providing stationery to legislators. He said the practice since that time has been to provide legislators a template of electronic letterhead which may be used to print correspondence on regular paper and envelopes.

Incoming WATS Line

The Legislative Council staff said an incoming WATS line has been provided to allow residents of the state to contact legislators during legislative sessions. He said the number of calls has decreased from almost 20,000 calls during the 2001 legislative session to 625 calls during the 2017 legislative session.

Legislator Photo ID Cards and Capitol Card Access

The Legislative Council staff said legislators have been provided photo identification cards each session after the individual photos are delivered. He said that practice will be continued. He said capitol access cards were not returned by legislators upon the adjournment of the session in 2017. He said capitol access continues to be limited to entrance through a security checkpoint or through card access. He said new legislators will be issued access cards upon request.

It was moved by Representative Mock, seconded by Senator Heckaman, and carried on a roll call vote that the chaplaincy program, tour guide program, and doctor of the day program be continued for the 2019 legislative session; the policy regarding each legislator receiving a template for printing letterhead through the word processing and email software be continued; the incoming WATS line be continued; and the policies regarding legislator photo identification cards and capitol card access be continued. Representatives Carlson, Bellew, Hogan, Mock, and Vigesaa and Senators Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." No negative votes were cast.

Brief Bags

The Legislative Council staff said during the 2013-14 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 the bags appear to have aged well and very few of the bags have been returned to the Legislative Council office with defects. Although additional bags were ordered before the 2017 legislative session, he said, there are very few remaining bags due to the large number of new legislators elected in 2016. He said the vendor from which the bags were purchased has indicated additional bags would cost between \$202.75 and \$217 per bag, depending upon the quantity ordered. In addition, he said, the leather identification tags would cost between \$9 and \$11 each, depending upon the quantity ordered.

Representative Mock said the money that would be spent on purchasing new bags could be used for better purposes if cheaper bags were ordered. He said an option to consider would be to allow legislators a stipend during each term to purchase a bag. He said many legislators do not use the leather bags because they prefer other types of bags. He requested the Legislative Council staff to research other options for bags.

Chairman Carlson said he likes the uniformity of everyone being provided the same bag. He said when attending meetings with legislators from other states, he notices legislators from other states have some type of bag identified with their state. He said it always is difficult to please everyone with choices like this. He requested the Legislative Council staff to examine alternatives and bring options to the committee at its next meeting.

Session Employee Positions and Compensation

The Legislative Council staff reviewed a memorandum entitled [Legislative Assembly Employee Positions and Compensation](#). During the 2015-16 interim, he said, the committee recommended a total of 84 session employees, 37 Senate employees and 47 House employees. During the 2017 legislative session, he said, the actual number of Senate employee positions was 36 and the number of House employee positions was 45. For the 2019 legislative session, he said, the memorandum proposes 37 employee positions for the Senate and 46 employee positions for the House. Because recent decisions regarding session employee compensation have been tied to state employee compensation, he said, the memorandum recommends no increase in session employee compensation.

Chairman Carlson said the Chief Clerk of the House of Representatives and the Secretary of the Senate have the responsibility for supervising session employees. He said the compensation for those positions is only \$5 per day higher than the next highest paid employee. He said those positions should be paid \$10 more per day than the journal reporters.

It was moved by Senator Holmberg, seconded by Senator Heckaman, and carried on a roll call vote that the committee recommend employment positions as proposed for the 2019 legislative session--37 Senate employee positions and 46 House employee positions; recommend compensation levels as proposed with the exception of the Secretary of the Senate and the Chief Clerk of the House for which the compensation be increased to \$201 per day; and request the Legislative Council staff to prepare a House concurrent resolution based upon 2017 Senate Concurrent Resolution No. 4007 with the recommended compensation levels. Representatives Carlson, Bellew, Hogan, Mock, and Vigesaa and Senators Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." No negative votes were cast.

In response to a question from Representative Mock, the Legislative Council staff said he is unaware of any compensation comparisons for session employees.

Chairman Carlson said it is difficult to compare a part-time session job with other jobs.

Representative Mock said it is difficult to find employees, and it would be helpful to know whether the pay is competitive.

Senator Holmberg said if the job market is booming, it can be very difficult to recruit session employees.

CENSUS REDISTRICTING DATA PROJECT PHASE 2

The Legislative Council staff said the work of the Legislative Council on Phase 2 of the Census Redistricting Data Project is complete.

WORKPLACE HARASSMENT POLICY

The Legislative Council staff reviewed a draft policy entitled [North Dakota Legislative Assembly Policy Against Workplace Harassment](#). He said the policy was revised after the last meeting of the committee based upon comments and recommendations made by committee members. He said among the most substantial changes involved clarifying the definition of "contact person" and removing the details regarding the complaint forms. He said a separate complaint checklist can be developed which would provide the detail for documenting the complaint and conducting the investigation. He said the provisions relating to the Legislative Council were removed because the Legislative Council office would have a separate policy with most of same elements. He said another significant revision involves the handling of a complaint by a review panel appointed by legislative leaders.

Representative Hogan said she prepared a revised version ([Appendix B](#)) of the policy. She said her version includes an outline of the complaint investigation process. She said the policy should be clear to require immediate referral to law enforcement of any conduct that appears to be criminal.

The Legislative Council staff said the complaint investigation process outlined in Representative Hogan's policy could be incorporated into the separate checklist, along with a directive to contact the Risk Management Division if there appears to be any risk of liability to the state. He said workplace harassment training required by the policy would be incorporated into the organizational session agenda, which will be presented to the committee at the next committee meeting.

Chairman Carlson said the policy and mandatory training are good preventative medicine. He said it is important that everyone knows the consequences for inappropriate behavior. He said legislative leaders need to be certain all members of their caucuses know and follow the rules. He said the policy is a work in progress and should be finalized at the next meeting of the committee.

In response to a question from Representative Mock, the Legislative Council staff said the policy does not list specific sanctions for submitting a false complaint. He said the employer of an individual making a false complaint should be able to handle the issue through other established personnel policies.

Representative Hogan said she will continue to work with the Legislative Council staff to combine portions of her policy with the policy updated for the committee. She said addressing the established complaint procedures is important. She said the Department of Labor and Human Rights receives more complaints related to retaliation than complaints of workplace harassment. She said most victims are very cautious in reporting complaints. She said it is important to protect the safety and job stability of victims of harassment.

INFORMATION TECHNOLOGY INITIATIVES UPDATE

Mr. Kyle W. Forster, Information Technology Manager, Legislative Council, said the number of legislators who have completed the cybersecurity training has increased slightly since the last meeting of the committee. He said the Legislative Council is able to track in PeopleSoft when individuals have completed the training. He said there will be an update to the computer use policy which will require annual cybersecurity training. He said the legislators newly elected in November will be mandated to take the training course before being given access to legislative computers and tablets.

In response to a question from Representative Bellew, Mr. Forster said annual training is critical. He said some state users were phished last winter, their personal identifiable information was obtained, and false federal income tax returns were filed using the person's information.

Mr. Forster said the Information Technology Department (ITD) is continuing its effort to move state email systems to the cloud. He said he is not sure when legislative emails will be moved.

In response to a question from Chairman Carlson, Mr. Forster said the legislative branch could decide not to move email to the cloud. However, he said, a number of items would need to be separated and the legislative branch would have to host several of its systems, which would be costly. Because the level of support should not change, he said, he is not concerned with moving legislative branch email to the cloud. Although ITD continues its initiative to move other systems to the cloud, he said, none of the mission critical legislative systems should be moved to the cloud. He said ITD and other executive branch state information technology employee consolidation initiative will not affect the legislative branch. He said he has heard concerns regarding the consolidation from information technology personnel in various agencies and from ITD staff.

Mr. Forster said ITD has entered a contract with Microsoft for Office365 productivity suite which will involve the use of that product with about 6,500 employees in the executive branch. He said the contract does not include employees in most agencies under constitutionally elected officials other than the Governor. He said the contract includes cloud-based identity and access management, which is an attempt to improve the security posture of the users and their data. He said ITD may require multifactor authentication for the network and several computer systems.

In response to a question from Chairman Carlson, Mr. Forster said it would cost more for the legislative branch to opt-in to use the products in the contract and it may not be worth the additional cost because of the limited use by legislators. He said ITD has not identified how multifactor authentication will be made available to agency staff who do not opt into the contract. He said is he not aware as to whether ITD competitively bid the purchase of office suite software.

Mr. Forster said the legislative bill drafting system is undergoing a core upgrade that will be operational before the 2019 legislative session. He said all legislative committee rooms have updated audio and visual equipment.

In response to a question from Chairman Carlson, Mr. Forster said the legislative branch budget request for the next biennium will address replacement of legislator's computers. He said 2020 will be the end of the life for the equipment.

LEGISLATIVE PARKING LOT AND CAPITOL FACILITIES UPDATE

Mr. John Boyle, Director, Facility Management Division, Office of Management and Budget, said the west parking lot ([Appendix C](#)) used by legislators is in poor condition with numerous potholes that pose a trip hazard. He said money available in the Capitol building fund may be used for a two-inch overlay project. He said the project would cost about \$82,000. He said the work can be done this August and September so it would be completed before the legislative session. He said numerous other areas of the Capitol parking lots and roads would be repaired at the same time at a cost of about \$20,000. He said he would like the support of this committee before he takes the request for the project to the Capitol Grounds Planning Commission.

It was moved by Senator Wardner, seconded by Senator Holmberg, and carried on a roll call vote that the committee support the completion of the legislative parking lot overlay project. Representatives Carlson, Bellew, Hogan, Mock, and Vigesaa and Senators Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." No negative votes were cast.

In response to a question from Senator Holmberg, Mr. Boyle said the Capitol elevator upgrade project is moving along and the project must be completed by the middle of December. He said the project is a performance contract, with the costs anticipated to be repaid by the elimination of maintenance contracts for 10 years and the reduction in electrical costs. He said the total cost of the project is \$1.8 million. He said \$1.2 million will be saved by no longer paying \$120,000 per year for a service contract. The remaining savings, he said, will be reduced utility costs.

In response to a question from Representative Mock, Mr. Boyle said Capitol security issues are handled by the Highway Patrol.

Chairman Carlson said restricting building access to the public to only one entrance does not seem necessary. He requested the Legislative Council staff to invite representatives of the Highway Patrol to attend the next meeting of the committee to answer questions relating to Capitol security.

In response to a question from Chairman Carlson, Mr. Boyle said the full \$1 million in donated funds has not yet been raised for the Governor's residence project. He said the project is essentially complete, except for landscaping. He said if the remaining \$130,000 in donations is raised, the funds would be used for landscaping. He

said a landscape architect was hired to plan for future landscape work, which would be considered a separate project. He said the landscaping cost could be paid from donations or through an appropriation for that purpose. He said there is some question as to whether there would need to be legislative authority to spend the additional funds.

Chairman Carlson said the spending for the entire project is not to exceed the \$5 million appropriated for the project. He said any additional spending must be subject to legislative appropriation.

No further business appearing, Chairman Carlson adjourned the meeting at 3:15 p.m.

John Bjornson
Legal Division Director

ATTACH:3