

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Thursday, September 13, 2018
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 2:15 p.m.

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

Members absent: Representative Kathy Hogan

Others present: Allen H. Knudson, Cody Malloy, Claire Ness, and Lori Ziegler, Legislative Council, Bismarck
See [Appendix A](#) for additional persons present.

It was moved by Senator Holmberg, seconded by Senator Grabinger, and carried on a voice vote that the minutes of the June 20, 2018, meeting be approved as distributed.

CAPITOL SECURITY

Chairman Carlson called on Captain Jody Skogen, Highway Patrol, for a presentation ([Appendix B](#)) regarding Capitol access security.

In response to a question from Chairman Carlson, Captain Skogen said although there are complaints when the parking lots are full and people parking far to the north have to go around the Capitol to the south entrance, it would be very difficult to revert to open access to the building.

In response to a question from Representative Vigesaa, Captain Skogen said the Highway Patrol has been looking at more modern equipment that would allow aesthetic enhancements. However, he said, money is an issue.

In response to a question from Chairman Carlson, Captain Skogen said the magnetometer being used was bought some time ago. He said the only costs incurred recently are costs associated with the personnel at the entrance. He said 2 full-time officers were hired at a cost of \$3100 per person per month, plus benefits.

In response to a question from Senator Heckaman, Captain Skogen said those Capitol access personnel costs do not include the costs associated with security for the Governor. He said he could provide the committee with additional information regarding those costs.

In response to a question from Representative Mock, Captain Skogen said the additional full-time positions were added in the budget for this biennium. He said additional staff would have to be hired to open another screening entrance. He said a second magnetometer could be added to the north entrance if another full-time position were added. He said there are new devices that can identify shapes and devices which could enhance security.

Representative Mock requested Captain Skogen provide additional information for the committee, including historical amounts expended for Capitol security and executive security for the last four bienniums.

Senator Grabinger said better access is needed for the public. He said the entrance on the south side of the building is not sufficient when many people have to park on the north side.

Chairman Carlson requested Captain Skogen provide other ideas regarding building access to legislative leaders before the legislative session. He said it is important to provide for the safety of the public and employees in the building, while providing sufficient and convenient public access.

In response to a question from Chairman Carlson, Captain Skogen said people possessing weapons at the security screening checkpoint have been turned away. He said other people have left upon seeing the security checkpoint. He said the security presence has an impact.

Senator Holmberg said consideration should be given to providing public access through the north or west entrances, both of which are closer to the large parking areas.

Captain Skogen said consideration has been given to all entrances. He said the north entrance is not accessible due to the revolving door. He said additional consideration can be given to improving directional signage.

Chairman Carlson requested the Legislative Council Director to contact the Facility Management Division to request additional and improved directional signage within and outside the Capitol.

Captain Skogen said an ongoing effort is underway to add and replace cameras in the Capitol. He said although there are the cameras in the House and Senate Chambers which provide the feed for public access television, there are no security cameras in either chamber. He said the chamber cameras could tie into the security camera system, but there would be no ability to control the view. He said security cameras could be added in the chambers which could be controlled from the security center. He said those cameras would be limited to prevent zooming into a point at which documents on desks or computer screens could be viewed. He said at a certain zoom level, the view would become pixelated. He said the Highway Patrol is requesting permission to install the cameras in the chambers.

In response to a question from Chairman Carlson, Captain Skogen said the cost of adding the cameras would be approximately \$3000 per chamber. He said that cost was part of the original bid. He said there would be no extra cost for monitoring the cameras.

In response to a question from Senator Grabinger, Captain Skogen said if there were a duress activation in either chamber, the command post could view the camera and relay relevant information to responders.

In response to a question from Representative Mock, Captain Skogen said the chamber cameras would be additional feeds into the existing system. He said hallway cameras can be positioned to monitor the chamber entrances. He said although the pixelation will be fixed, it would not be possible to rule out an intrusion into the system.

Representative Mock said he is concerned with privacy of legislators who are meeting with constituents. He said legislators, other than leaders, do not have office space and frequently meet with people at their desks.

Captain Skogen said the Highway Patrol will try to provide additional information to legislators regarding the installation of the cameras and the privacy settings.

Senator Wardner said he is not concerned about the privacy. He said the installation of the cameras will help the Highway Patrol provide a quick and effective response in the event of an emergency situation. He said legislators have access to meeting rooms and conference rooms around the chambers if privacy is needed.

Senator Heckaman said although there have been no serious incidents, she supports the addition of the cameras as a protective measure.

Representative Mock said he supports additional security measures. However, he said, he is concerned with the lack of privacy for legislators on the floor.

Captain Skogen said he will try to provide additional information regarding who can access the recordings. He said access generally is very limited.

It was moved by Senator Wardner, seconded by Senator Oehlke, and carried on a roll call vote to allow the installation of security cameras in the House and Senate Chambers with the condition the video be pixelated when zoomed close to desks. Representatives Carlson and Vigesaa and Senators Grabinger, Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." Representatives Bellew and Mock voted "nay."

CONTRACTS FOR SERVICES

Legislative Assembly Photography Services

At the request of Chairman Carlson, the Director reviewed the 66th Legislative Assembly photography bids. The Director said the invitation to bid was sent to 449 photographers throughout the state and five bids were received, one of which was received after the deadline. He said the conforming bids were Anderson Photography, Crosby, \$4,000 and \$15 for each additional 11 x 14 inches frame; Jesse Knutson Photography, Bismarck, \$4,650 and \$20 for each additional frame; LPT Images, Mandan, \$12,872.50 and \$60 for each additional frame; and Robbins-Arlie LLC, Bismarck, \$24,937.50 and \$49 for each additional frame.

It was moved by Senator Holmberg, seconded by Senator Oehlke, and carried on a roll call vote that the committee accept the proposal by Anderson Photography to provide photography services for the 66th Legislative Assembly. Representatives Carlson, Bellew, Mock, and Vigesaa and Senators Grabinger, Heckaman, Holmberg, Klein, Oehlke, 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 Director reviewed the 2019 legislative session secretarial, telephone message, and bill and journal room services bids. The Director said the invitation to bid was sent to secretarial services in the Bismarck and Mandan area. He said two bids were received--Spherion Staffing LLC bid \$564.02 per day for 3.5 employees and \$158.92 per day for one employee for 14 days before the convening of the regular session; and Dakota Staffing Solutions bid \$564.20 per day for 3.5 employees and \$165.20 per day for the 14 days.

It was moved by Senator Grabinger, seconded by Senator Wardner, and carried on a roll call vote that the committee accept the bid of Spherion Staffing LLC to provide secretarial, telephone message, and bill and journal room services during the 66th Legislative Assembly. Representatives Carlson, Bellew, Mock, and Vigesaa and Senators Grabinger, Heckaman, Holmberg, Klein, Oehlke, 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 entitled [Legislative Compensation Adjustment Process](#), [Legislative Compensation and Expenses](#), [Legislative Compensation Increases Compared to Inflation and State Employee Salary Increases - 1981 Through 2018](#), and [Legislative Compensation Levels in Other States](#).

Senator Holmberg said a recommendation is needed for the budget proposal. He said whatever is included in the budget proposal will be changed based upon the executive budget.

Representative Mock said it is a sacrifice for most people to leave a job to serve in the Legislative Assembly.

Chairman Carlson said it often is difficult to find candidates who are able to take time off from work to run for office and serve. He said state employees should receive raises and should not have to go another biennium without salary increases.

It was moved by Senator Holmberg, seconded by Senator Wardner, 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 2 percent for the 1st year and 2 percent for the 2nd year for the 2019-21 biennium, to be adjusted during the 2019 legislative session to the appropriate level as compared to state employee salary adjustments. Representatives Carlson, Mock, and Vigesaa and Senators Grabinger, Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." Representative Bellew voted "nay."

USE OF LEGISLATIVE CHAMBERS

The Director said Mr. Brian Bubach submitted a request on behalf of the North Dakota High School Activities Association to use the House and Senate Chambers and various committee rooms for the 2019 State Student Congress scheduled for November 7-8, 2019.

It was moved by Senator Wardner, seconded by Representative Mock, and carried on a roll call vote that the committee approve the request of the North Dakota High School Activities Association to use the House and Senate Chambers and committee rooms for the 2019 North Dakota High School Activities Association State Student Congress on Thursday and Friday, November 7-8, 2019. Representatives Carlson, Bellew, Mock, and Vigesaa and Senators Grabinger, Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." No negative votes were cast.

SESSION ARRANGEMENTS

Organizational Session Agenda, Computer Training, and Legislative Employee Training

At the request of Chairman Carlson, the Director reviewed the [Legislative Organizational Session](#) tentative agenda. The Director said the agenda is essentially the same as prior organizational sessions, except for the addition of a presentation regarding workplace harassment, which will be incorporated into the presentation regarding ethics. He said the tentative agenda includes the computer training schedule for legislators, which also is outlined in a separate document entitled [Computer Training Sessions for Legislators](#). He said the only change to

the training sessions is the addition of cybersecurity training for new legislators. He said the only significant change to the document entitled [Orientation and Training Sessions for Certain Legislative Employees](#) is the addition of cybersecurity training for the session employees and interns.

It was moved by Senator Holmberg, seconded by Senator Grabinger, and carried on a roll call vote that the tentative agenda for the legislative organizational session be approved. Representatives Carlson, Bellew, Mock, and Vigesaa and Senators Grabinger, Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." No negative votes were cast.

It was moved by Senator Wardner, seconded by Representative Vigesaa, and carried on a roll call vote that the legislator computer training schedule be approved. Representatives Carlson, Bellew, Mock, and Vigesaa and Senators Grabinger, Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." No negative votes were cast.

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

Screening of Legislative Employee Applications

It was moved by Senator Heckaman, seconded by Representative Bellew, 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 66th Legislative Assembly. Representatives Carlson, Bellew, 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 Director reviewed the [Policy on Use of Computers by Legislators](#). The Director said the policy has been updated to require legislators to complete training courses including cybersecurity awareness.

In response to a question from Senator Heckaman, the Director said it is very difficult to enforce the training requirements. However, he said, the Legislative Council staff will work with legislative leaders to encourage compliance with the training requirements.

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

Brief Bags

Ms. Lori Ziegler, Legislative Administrative Officer, distributed documents ([Appendix C](#)) summarizing the specifications of three types of canvas computer bags.

In response to a question from Chairman Carlson, Ms. Ziegler said the laptops distributed to legislators will fit in any of the bags.

Senator Oehlke said he has received insurance claims due to fires started in charging bags.

It was moved by Senator Grabinger, seconded by Senator Heckaman, and carried on a roll call vote to approve the purchase of the Life in Motion Charging Computer Tote, with the state seal embroidered on the bag, for all legislators. Representatives Carlson and Mock and Senators Grabinger, Heckaman, Holmberg, and Wardner voted "aye." Representatives Bellew and Vigesaa and Senators Klein and Oehlke voted "nay."

Addresses and Reports

The Director 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.

The Director said North Dakota Century Code Section 4.1-44-04 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 1st and 10th legislative days. He said Section 4.1-36-04 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 1st and 10th 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.

Senator Heckaman said she would like to see the return of the State of the Judiciary address and the tribal address.

Representative Bellew said he prefers fewer addresses so that legislative business can be started immediately.

Chairman Carlson said he is concerned with using multiple days for ceremonial address when it is becoming more difficult to complete the legislative session within the 80-day constitutional limit. He said the individual meetings with tribal representatives worked well in 2017. He said one representative of all the tribes does not speak for all the tribes. He said there are differing interests and concerns among the various tribes.

Senator Heckaman said including the tribal address and the State of the Judiciary would be honoring a long tradition. She said legislators could visit with individuals representing the various tribes in addition to having the more formal tribal address.

Senator Klein said it may work to have all three addresses on 1 day.

Senator Wardner said one option would be to hold the tribal address and the State of the Judiciary in the morning before convening the session at noon.

It was moved by Senator Heckaman, seconded by Senator Oehlke, and carried on a roll call vote that the Legislative Council be requested to contact the Governor with respect to scheduling the State of the State address by the Governor at 1:00 p.m. on the 1st legislative day (January 3, 2019), to contact the Chief Justice to make plans for the State of the Judiciary address at 11:00 a.m. on January 3, 2019, and to invite a representative of the Indian tribes to address the Legislative Assembly at 10:00 a.m. on January 3, 2019. Representatives Carlson, Bellew, Mock, and Vigesaa and Senators Grabinger, Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." No negative votes were cast.

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

- **Friday, January 11, 2019, 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 4.1-44-04;**
- **Friday, January 11, 2019, 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 4.1-36-04; and**
- **Wednesday, January 9, 2019, be designated as the day the Commissioner of the Department of Commerce reports to the Industry, Business and Labor Committees.**

Representatives Carlson, Bellew, Mock, and Vigesaa and Senators Grabinger, Heckaman, Holmberg, Klein, Oehlke, and Wardner voted "aye." No negative votes were cast.

WORKPLACE HARASSMENT POLICY

At the request of Chairman Carlson, the Director distributed the [North Dakota Legislative Assembly Policy Against Workplace Harassment](#) and the [Checklist for Intake and Investigations under the North Dakota Legislative Assembly Policy Against Workplace Harassment](#), and a proposed amendment to Joint Rule No. 901 [19.9409.01000]. The Director said the policy was revised to incorporate a reference to using the checklist when a complaint is received and when investigating a complaint. He said the checklist was created to incorporate the suggestions provided by Representative Hogan at the last meeting. He said the amendment to Joint Rule No. 901 changes the rule from addressing only sexual harassment to addressing all workplace harassment.

Senator Heckaman distributed documents [North Dakota Legislative Assembly Policy Against Workplace Harassment](#), the [Checklist for Intake and Investigations under the North Dakota Legislative Assembly Policy Against Workplace Harassment](#), and a proposed amendment to Joint Rule No. 901 [19.9415.01000] prepared by the Legislative Council staff for Representative Hogan.

In response to a question from Senator Heckaman, the Director said Representative Hogan's policy provides all investigations would be conducted by the Human Resource Management Services Division. He said the policy also

would reduce the time frame during which an investigation may be conducted; require contact persons to provide referrals to the employee assistance program; and require all complaints be reported to the Risk Management Division. He said Representative Hogan's proposed amendment of Joint Rule No. 901 would provide information regarding contact persons.

Chairman Carlson said he is not comfortable turning all investigations over to an executive branch agency. He said the checklist is a good addition to the policy. He said it is important to get a policy in place and he does not oppose changing the time frame for investigations as provided in Representative Hogan's version.

It was moved by Representative Mock, seconded by Senator Heckaman, and carried on a roll call vote that the committee approve the policy against workplace harassment, the checklist for reviewing and investigating complaints, and the amendment to Joint Rule No. 901, with the changes proposed by Representative Hogan except for the investigation of the complaints by the Human Resource Management Division. Representatives Carlson, Mock, and Vigesaa and Senators Heckaman, Holmberg, Klein, and Wardner voted "aye." No negative votes were cast.

OTHER BUSINESS

It was moved by Representative Mock, seconded by Senator Holmberg, and carried on a voice vote that the Chairman and the Legislative Council Director be requested to prepare a report and rules amendment and to present the report and rules amendment to the Legislative Management.

No further business appearing, Chairman Carlson adjourned the meeting at 5:05 p.m.

John Bjornson
Director

ATTACH:3