

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE MANAGEMENT COMMITTEE

Wednesday, November 11, 1998
Harvest Room, State Capitol
Bismarck, North Dakota

Representative John Dorso, Chairman, called the meeting to order at 9:00 a.m.

Members present: Representatives John Dorso, Merle Boucher, William E. Kretschmar, Mike Timm; Senators Tony Grindberg, Aaron Krauter, Tim Mathern, Gary J. Nelson, David E. Nething

Member absent: Representative Pam Gulleon

Others present: See attached appendix

MINUTES

It was moved by Representative Timm, seconded by Senator Nelson, and carried on a voice vote that the minutes of the October 8, 1998, meeting be approved as distributed.

LEGISLATIVE RENOVATION

Chamber Audio

The assistant director reported that Mr. Wayne Mastel, Audio Systems, Bismarck, was unable to make a presentation due to the recent death of Mr. Joe Mader, founder of the company, but information would be provided to the Legislative Council staff by January 1999.

Chairman Dorso recognized Mr. Alan Nathan, Tricorne Audio, Inc., Fargo, for a presentation concerning a new sound system in the House and Senate chambers. Mr. Nathan introduced Mr. Robert Johnk, Tricorne Audio.

Mr. Nathan described Tricorne Audio as a sound and communications contractor that designs, installs, and services systems in North Dakota, South Dakota, and Minnesota. He said they have installed systems in schools, hospitals, auditoriums, and government agencies. He said Mr. Johnk was involved in the installation of the sound system for the South Dakota Legislature.

Mr. Nathan distributed a sound system proposal for the House and Senate chambers. A copy of the proposal is on file in the Legislative Council office. Mr. Nathan described the proposed system as based on the South Dakota system. He said each legislator would have a sound system module mounted on the legislator's desk. He said the module would include a loudspeaker, loudspeaker volume control, microphone jack, microphone on/off lighted switch, microphone volume control, tape recorder jack, and tape recorder volume control. He said this unit would be

on the left side of each desk and would match the existing voting box on the right side of the desk. He said a lavalier-type microphone would plug into the module and could be hand-held or clipped on clothing. He said similar modules would be provided at the front desk in each chamber, but the microphones would be gooseneck-type microphones. He said the presiding officer would be able to shut down all microphones and override microphones. He said the estimated cost is \$90,000 for the Senate chamber and \$160,000 for the House chamber.

In response to a question from Representative Timm, Mr. Nathan said the proposal does not require a specific type of microphone and various options are available, including a hand-held microphone and a gooseneck microphone.

In response to a question from Senator Grindberg, Mr. Nathan said wireless microphones are not feasible. He said most manufacturers limit their wireless systems to seven to eight microphones. Some may go up to 20 microphones, he said, but the problem is frequency overlap.

In response to a question from Representative Boucher, Mr. Nathan said microphones would cost from \$110 to \$300 each, depending on type and quality.

The assistant director said Mr. Paul Gurholt, Gurholt Construction, had been asked to provide an estimate for refinishing the legislators' desks in the chambers. The assistant director said the estimate totaled \$60,800. He said this was viewed by the committee as a project that would be feasible after the sound system has been replaced and desk work may be required. Representative Boucher said a number of desks in the House chamber have chipped or damaged veneer.

It was moved by Senator Nething, seconded by Senator Grindberg, and carried on a roll call vote that the Legislative Council staff obtain information as to the cost of proposed audio systems for the House and Senate chambers and present that information to the legislative leaders during the session for appropriate action with respect to the legislative branch appropriation. Representatives Dorso, Boucher, Kretschmar, and Timm and Senators Grindberg, Nelson, and Nething voted "aye." No negative votes were cast.

USE OF LEGISLATIVE CHAMBERS

Chairman Dorso recognized Mr. Gregg Boyer, Executive Director, North Dakota Family Alliance, for a presentation concerning a request for use of legislative chambers. Mr. Boyer distributed a prepared statement, a copy of which is on file in the Legislative Council office.

Mr. Boyer said the North Dakota Family Alliance is hosting a youth legislative training seminar on August 9-14, 1999, entitled "City on a Hill." He said the Family Alliance would be inviting youth from across the state, ages 14 to 18, to the Capitol to experience what government is about. He said the seminar would include sessions on the legislative process and how an idea can become law. He said mock proceedings would be held representative of the House of Representatives and the Senate. He said their request is for use of the House and Senate chambers and three committee rooms. He said the proposal is modeled after a similar seminar in Idaho.

In response to a question from Representative Timm, Mr. Boyer said the North Dakota Family Alliance is a private, nonprofit organization. He said the organization does not have the funds to pay a lobbyist and relies on volunteers.

Senator Nething requested the assistant director describe the guidelines for the use of legislative chambers. The guidelines provide that a state agency may use the chambers for official purposes of that agency and any other group or organization may use the chambers for mock legislative sessions only if the group or organization has not employed a registered lobbyist or contracted for independent lobbying services by a registered lobbyist within two years before requesting use of the chambers.

In response to a question from Representative Timm, Mr. Boyer said the alliance would not handpick youth to attend. He said they are proposing asking legislators to nominate youth from their districts in order to have a cross section from around the state.

It was moved by Senator Nething and seconded by Representative Kretschmar that the committee approve the request of the North Dakota Family Alliance for use of the Senate and House chambers and three committee rooms August 9-14, 1999.

Senator Mathern said he had arrived late because of icy highways and had not heard all of the discussion. He requested that the vote on this motion be delayed. Chairman Dorso announced that the committee would take up this issue later in the meeting. **Senator Nething, with the consent of the second, withdrew his motion.**

LEGISLATIVE SESSION EMPLOYEE POSITIONS AND COMPENSATION

The assistant director reviewed a memorandum prepared by the Legislative Council staff entitled *Legislative Assembly Employee Positions and*

Compensation. The memorandum provides information on the number of employee positions during the 1993, 1995, and 1997 legislative sessions and proposes areas for consideration of whether the number of positions could be reduced during the 1999 session.

Each house employs a sergeant-at-arms and a deputy sergeant-at-arms and the Senate has two assistant sergeants-at-arms and the House has three assistant sergeants-at-arms. The assistant sergeants-at-arms sort and deliver mail and assist page and bill book clerks in maintaining legislators' bill books. The memorandum states that, because of the substantial reduction in the number of bill books, consideration can be given to reducing the number of assistant sergeants-at-arms by one position in each chamber. Estimated savings is \$8,120.

The Senate employs three page and bill book clerks and the House employs six. In recent sessions, each page and bill book clerk has been responsible for maintaining eight bill books. Because of computerization, all but an estimated six senators and eight representatives will be using personal computers and will require bill books. In addition, each legislator now has a telephone. The memorandum states that consideration can be given to reducing the number of pages to two in the Senate and three in the House which would still allow for up to 16 bill books to be maintained in the Senate and 24 in the House. Estimated savings from eliminating four positions is \$16,240.

The parking lot is maintained by Facility Management Division personnel and large signs at each end of the parking lot indicate the lot is reserved for legislators. The memorandum states that consideration can be given to reducing the number of parking lot attendants from two to one, for an estimated savings of \$4,002.

The number of telephone messages received in the telephone room has gone down from 62,320 in 1993 to 31,541 in 1997. The memorandum states that consideration can be given to reducing the number of telephone attendants from eight to seven, for an estimated savings of \$4,060.

Senator Nelson said parking lot attendants provide assistance to legislators who have difficulty traversing a snow-covered lot. Representative Dorso said at least one legislator receives assistance because of physical infirmities.

It was moved by Senator Nelson, seconded by Representative Timm, and carried on a roll call vote that the committee recommend the Senate employ one assistant sergeant-at-arms rather than two, the House employ two assistant sergeants-at-arms rather than three, the Senate employ two page and bill book clerks rather than three, and the House employ three page and bill book clerks rather than six, with the resulting total of 41 Senate employees and 46 House employees;

and that the Employment Committees be informed that the two parking lot attendants should have schedules whereby at least one attendant is on duty at all times during working hours. Representatives Dorso, Boucher, Kretschmar, and Timm and Senators Grindberg, Krauter, Mathern, Nelson, and Nething voted "aye." No negative votes were cast.

The assistant director reviewed the portion of the memorandum reviewing compensation levels of Legislative Assembly employees and a concurrent resolution draft containing proposed compensation levels and other provisions governing session employee compensation. He said the last general increase in legislative session employee compensation was in 1991. In 1995, he said, committee clerk compensation was revised to recognize a three-tier structure—appropriations committee clerks, assistant appropriations committee clerks and three-day committee clerks, and two-day committee clerks—with \$4 per day separating each tier. The memorandum proposes a seven percent across-the-board salary increase rounded to the nearest dollar and skills recognition adjustments for certain positions. The assistant director said the skills recognition adjustment recognizes the increased demand for employees with technical skills and the difficulty in filling some positions, i.e., committee clerks.

Senator Grindberg said the Legislative Assembly needs an appropriate salary structure to attract qualified individuals.

It was moved by Senator Nething, seconded by Senator Grindberg, and carried on a roll call vote that the committee approve the proposed salary structure for 1999 legislative session employees and recommend to the Employment Committees the employee compensation concurrent resolution draft. Representatives Dorso, Boucher, Kretschmar, and Timm and Senators Grindberg, Mathern, Nelson, and Nething voted "aye." No negative votes were cast.

LEGISLATIVE SESSION ARRANGEMENTS

Incoming WATS Line Service

The assistant director presented a memorandum entitled *Session WATS Line Service - Incoming Lines - Message Options*. The memorandum reviews the number of calls received on the incoming WATS lines during the 1991 through the 1997 legislative sessions. In 1991, 60,896 calls were received; in 1993, 62,320 calls were received; in 1995, 41,668 calls were received; and in 1997, 31,541 calls were received. The memorandum points out that there are six incoming WATS lines and as a result of reviewing the statistics during the 1991 session, AT&T said the percent of incomplete calls was 18 percent in January and February and 11 percent in March, which was within acceptable ranges. The memorandum also proposes three different options for eliminating "busy"

signals. One option is to provide a call hold feature whereby the caller could stay on the line and be connected with the next available telephone attendant; another is a message feature whereby the caller could leave a message for a legislator; and the third is a combination whereby the caller could either stay on the line for the next available telephone attendant or leave a message. The assistant director said the message feature could be in place 24 hours a day, seven days a week. He said the impact of leaving messages is unknown because of the need for accurate spelling of constituent names and the type of information needed to forward complete messages to legislators.

Senator Mathern inquired what could be done to eliminate "busy" signals (callers receive a message saying all lines are busy and please call back). Representative Dorso said overloading the lines only occurs sporadically, when a "hot" issue is before one of the houses. He said it would be impracticable to staff the telephone room for the limited instances when hundreds of calls are received. He said a message feature should reduce any negative feelings over not being immediately connected with a telephone attendant.

It was moved by Senator Mathern and seconded by Senator Nelson that the incoming WATS line service be expanded to provide an option for a caller to stay on the line until the next available telephone attendant is routed the call or to leave a message to be given to legislators; that the message option be available around the clock; that the message option be reviewed at the end of the first month of the session to determine whether the option should be discontinued in light of incomplete or garbled messages; and that arrangements be made for tracking the number of incomplete calls during the 1999 legislative session. The director suggested that if an option is provided for telephone messages, there may be a need to schedule early hours for telephone attendants to retrieve messages before the start of the day, as some messages may be from persons who are calling to notify their legislators or a committee chairman that they are unable to attend an early morning hearing. After this discussion, **the motion carried on a roll call vote.** Representatives Dorso, Boucher, Kretschmar, and Timm and Senators Grindberg, Mathern, Nelson, and Nething voted "aye." No negative votes were cast.

Representative Dorso requested the Legislative Council staff to notify the Employment Committees of the added message feature for the telephone room and to urge those committees to provide for flexible work hours for telephone attendants so that the messages can be retrieved as soon as possible during the day and before normal business hours.

Representative Dorso requested the Legislative Council staff to review the feasibility of providing voice

mail for each legislator for consideration during the next interim. Representative Boucher requested a review of the feasibility of revising the LAWS system to allow messages to be recorded as yes or no on appropriate bills. Senator Grindberg said he likes the features of the LAWS system in providing a summary of constituent views and the names and addresses of constituents. He said relying on voice mail to provide this information would result in legislators personally having to listen to many calls that simply leave messages to vote yes or no on specific measures and do not require any further involvement by legislators. He estimated 80 percent of calls to legislators are to vote yes or no on specific measures and these calls do not need personal responses.

Secretarial Service

The assistant director reported three bids were submitted to provide secretarial services during the 1999 legislative session. He said Olsten Staffing Services, Bismarck, submitted a bid of \$642 per day; Kelly Services, Bismarck, submitted a bid of \$784.56 per day; and Interim Personnel, Bismarck, submitted a bid of \$614.80 per day. He said the 1997 contractor provided secretarial service for \$605 per day.

Senator Grindberg inquired whether secretarial services need to be continued due to legislators having computers with word processing and e-mail capabilities. He questioned how many legislators actually send letters to constituents. The assistant director said the 1997 secretarial service produced 3,463 documents, in addition to transcribing 40 tapes of minutes of a standing committee.

Representative Dorso said the secretarial service could be available to fill in where work is needed. Senator Nelson said it is difficult to rely on individuals other than committee clerks to prepare minutes. He said this has been attempted in the past and people do not identify themselves before speaking and the inflection of voice often is difficult to interpret as to whether a statement is a question or an observation and when one sentence ends and another begins. Representative Dorso said the Chief Clerk of the House and Secretary of the Senate could be informed that the secretarial service is available but primary reliance should be on committee clerks to prepare their own materials.

It was moved by Senator Nething, seconded by Representative Timm, and carried on a roll call vote that the committee accept the bid of Interim Personnel to provide secretarial service during the 1999 legislative session. Representatives Dorso, Boucher, Kretschmar, and Timm and Senators Grindberg, Mathern, Nelson, and Nething voted "aye." No negative votes were cast.

Legislators' Photo Identification Cards

The assistant director said legislators are issued a card stating the bearer is a legislator and a member of

the Legislative Assembly. He said the normal way of obtaining after-hours access to the State Capitol is to display to the security person a state employee or official photo identification card or a Capitol key. He said some individuals have indicated problems with not being able to identify legislators, and legislators have expressed concerns that individuals are not readily able to identify them for purposes of entry into the building.

It was moved by Senator Nelson, seconded by Senator Nething, and carried on a voice vote that legislators be given the option of obtaining a photo identification card through the Central Services Division of the Office of Management and Budget.

Legislative Intern Program

The director reported that there are not enough students enrolled in the legislative internship program to provide interns as authorized by the committee. He said there are three vacancies in the program. Representative Dorso said this may be a time to look at changing the focus of the program to ensure that the positions are filled. He said one thought is to involve other universities in the program. He said he would rely on the director to take whatever action is necessary to provide a full complement of interns if possible. The director said the internship program has only been available to college graduates who are either law school students or graduate school students, and it would dramatically change the program to open it to undergraduate students.

Bill Books

Representative Dorso said he has received calls from some legislators requesting bill books in the chambers. He said he would like to discourage use of bill books on legislators' desks except for those legislators without notebook computers. He suggested that a policy be established that a legislator may not have both. If a legislator wants a bill book, he said, that legislator should return the notebook computer to the Legislative Council. He asked for comments from the other leaders.

Senator Mathern agreed and said everything possible should be done to promote the use of technology and not the continued use of paper.

Senator Nelson said he has not had any inquiries, but there are a couple of empty desks in the front of the Senate chamber and those may be used for bill books for use during periods other than floor sessions.

Representative Dorso said he is considering the option of three carts with bill books that can be wheeled into the chamber during floor sessions for use by legislators. Representative Boucher agreed; he said bill books are available in the leadership offices for reference and a legislator should not have both a bill book and notebook computer on the floor.

In light of this discussion, the consensus was that new legislators will be informed that they will be receiving notebook computers for use during the session and during the interim. Also, legislators who have notebook computers and who request bill books on the floor will be informed that they cannot have both and must return the notebook computers in order to receive bill books for use on the floor.

Americans With Disabilities Act

The director distributed a letter he had received from Mr. Mark Hill, Unit Director, Communication Service for the Deaf, Moorhead, Minnesota, regarding experience he has had with services for deaf individuals during the 1997 legislative session. A copy of the letter is on file in the Legislative Council office. In his letter, Mr. Hill suggested the Legislative Council be in contact with American Sign Language interpreting agencies to obtain interpreting services, and an American Sign Language interpreter would be available from the Communication Service for the Deaf.

The assistant director said the Legislative Council works closely with the Vocational Rehabilitation Division of the Department of Human Services in obtaining interpreters when needed. He said the Legislative Council works with the desk forces, and committee chairmen are urged to contact the respective desk force whenever a request has been made for special services to assist individuals with disabilities.

MISCELLANEOUS MATTERS

Disposition of Notebook Computers

The assistant director reviewed a memorandum entitled *Purchase of Notebook Computers - Results of Survey of Legislators*. The memorandum summarizes the results of the survey of legislators as to whether they were interested in acquiring the notebook computers used by legislators. Sixty 755CD computers were available and 55 legislators had those computers. The assistant director said additional responses have been received since the memorandum was prepared, and he gave the revised figures—65 legislators expressed interest in purchasing the computers; 39 of the 55 legislators with the computers indicated they were interested in purchasing the computers; and 26 legislators who had not had those computers indicated they were interested in purchasing the computers. The memorandum identifies a number of questions concerning assignment of computers to current legislators, new legislators, and legislators who had not had those computers.

The director said the staff needs direction as to whether the personal computers should be transferred to the Office of Management and Budget for disposition according to the surplus property laws or whether the staff should retain the computers to see if

legislation is enacted in 1999 to provide legislators the opportunity to purchase them before they are transferred under the surplus property laws.

Senator Mathern said it is positive that a number of legislators expressed a preference for purchasing computers. He suggested that law be enacted providing for this option in the future. He said this way legislators would know in advance of the option to purchase the computers and a system would be in place for replacing old equipment with new.

Representative Dorso noted the survey pointed out that some computers need work. The assistant director said preliminary work with computers being replaced indicates that approximately one-third need some type of service. Senator Nething said the survey results might be quite different if legislators had understood how bad the condition is of some of the computers. Representative Dorso said a major question is how the Legislative Council staff should respond to legislators who acquire computers that need work. He said one way out of this quandary would be to transfer the computers to the Surplus Property Division for disposition.

It was moved by Representative Boucher and seconded by Senator Nething that the 755CD and the 360C computers be transferred to the Office of Management and Budget for disposition by the Surplus Property Division. Representative Timm said he supports the motion because more legislators indicated they would be interested in purchasing computers than there are computers available. Representative Dorso said he does not see the need to cause additional work or problems with respect to repair work before making the computers available for purchase. After this discussion, **the motion carried on a roll call vote.** Representatives Dorso, Boucher, Kretschmar, and Timm and Senators Grindberg, Krauter, Mathern, and Nething voted "aye." Senator Nelson voted "nay."

Sponsorship of Legislative Council Measures

The assistant director reviewed a memorandum entitled *Interim Committee Measures - Sponsorship by Individual Legislators*. The memorandum describes the history of the practice of including legislators' names on Legislative Council measures. In 1975 the practice was discontinued under the rationale that proposals were being identified with individual legislators rather than on the merits. In 1995 the practice was reinstated under the rationale that named legislators would take responsibility for following through on the bills during the session. The memorandum points out that 78 percent of the Legislative Council measures without named legislators passed in 1997, 78 percent of the Legislative Council measures with bipartisan sponsorship passed, 70 percent of the Legislative Council measures with only majority sponsors passed, and 50 percent of the measures with only minority sponsors passed. The

assistant director noted that the original intent was that legislators would volunteer to have their names placed on bills, but many committee chairmen name legislators or request Legislative Council staff to contact those legislators to determine if they are interested in being named on the bills, or chairmen name members for sponsorship who are unaware of being named.

It was moved by Senator Nelson, seconded by Senator Grindberg, and carried on a voice vote that the committee recommend discontinuance of the policy of allowing individual legislators to be named on Legislative Council bills.

Supplementary Rules of Operation and Procedure

The director distributed copies of the *Supplementary Rules of Operation and Procedure of the North Dakota Legislative Council*. He said those rules were last revised in 1987. He said the Legislative Council chairman requested the Legislative Council staff to review the supplementary rules and propose appropriate revisions to bring them up to date.

The director distributed a draft of revised *Supplementary Rules of Operation and Procedure of the North Dakota Legislative Council*. He pointed out these major revisions:

- Including a provision that attendance by a member of an interim committee meeting may be by interactive video or teleconference call if the chairman of the committee has announced in advance that the meeting will be by interactive video or teleconference call and all members of the committee have an opportunity to participate through the alternative medium. He said this addition addresses a potential issue of a committee member not attending meetings in person but attending through teleconference call and using the "savings" resulting from no travel expense reimbursement as a political issue.
- Including traditional authorities, placed in writing for the first time, including Legislative Council chairman authority to preapprove out-of-state travel by legislators reimbursed by the Council, and Legislative Council chairman authority to approve personnel matters and compensation as recommended by the director.
- Including traditional responsibilities authorized by Legislative Council motion each interim, including authorizing the Legislative Council chairman to make appointments to interim committees, to make additional assignments of studies and responsibilities to interim committees, and to create additional committees as the chairman determines appropriate or necessary.

- Including a provision recognizing the role of the director and the legislative budget analyst and auditor in hiring personnel.

Senator Mathern inquired whether there was too much detail in the responsibilities identified as provided to the Legislative Council chairman. For example, he said, the required prior approval by the chairman for out-of-state travel by legislators. Senator Nelson said this does not change the current role of the Legislative Council chairman in approving out-of-state travel. He said as chairman of the Legislative Council, he has continued the tradition of contacting the leaders for their recommendations as to who should be authorized for out-of-state travel.

It was moved by Senator Nething, seconded by Representative Timm, and carried on a roll call vote that the committee recommend approval of the revised *Supplementary Rules of Operation and Procedure of the North Dakota Legislative Council*. Representatives Dorso, Boucher, Kretschmar, and Timm and Senators Grindberg, Krauter, Mathern, Nelson, and Nething voted "aye." No negative votes were cast.

USE OF LEGISLATIVE CHAMBERS

Chairman Dorso announced that the committee would return to consideration of the request of the North Dakota Family Alliance to use the legislative chambers.

It was moved by Senator Nething and seconded by Representative Kretschmar that the committee approve the request of the North Dakota Family Alliance for use of the Senate and House chambers and three committee rooms August 9-14, 1999.

Representative Boucher said the 1997 House Journal records the late Mr. Clinton E. Birst, North Dakota Family Alliance, as a registered lobbyist. He questioned whether this would disqualify the North Dakota Family Alliance from being approved to use the chambers because the guidelines refer to whether a lobbyist has been "employed" by a group.

The director said the application of the guidelines depends on how "employed" is interpreted, and as this committee created the guidelines, the committee has the authority to interpret or change the guidelines.

Representative Boucher said he does not have a problem with groups using the legislative chambers, because youth should be encouraged to become involved in civic activities. However, he said he is concerned that the process used by the North Dakota Family Alliance to select participants may not be open.

After this discussion, **the motion carried on a roll call vote.** Representatives Dorso and Kretschmar and Senators Grindberg, Nelson, and Nething voted "aye." Representatives Boucher and Timm and Senators Krauter and Mathern voted "nay."

FINAL WRAP-UP

It was moved by Senator Nelson, seconded by Representative Kretschmar, and carried on a roll call vote that the rules amendments approved by the committee for recommendation to the Legislative Council be approved; that the actions adopted and recommended by the committee be approved; and that the chairman and the Legislative Council staff be requested to prepare a report, the concurrent resolution draft, and the rules amendments approved by the committee and to present the report, the concurrent resolution draft, and rules amendments to the Legislative Council. Representatives Dorso, Boucher, Kretschmar, and Timm and Senators Grindberg, Krauter, Mathern, Nelson, and Nething voted "aye." No negative votes were cast.

No further business appearing, Chairman Dorso adjourned the meeting sine die at 4:17 p.m.

Jay E. Buringrud
Assistant Director

John D. Olsrud
Director

ATTACH:1