

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE MANAGEMENT COMMITTEE

Wednesday, November 15, 2000
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Mike Timm, Chairman, called the meeting to order at 1:00 p.m.

Members present: Representatives Mike Timm, Rick Berg, Merle Boucher, Pam Gulleeson, David Monson; Senators Layton Freborg, Joel C. Heitkamp, Aaron Krauter, Gary J. Nelson, David E. Nething

Member absent: Representative John Dorso

Others present: Rick Heidt, North Dakota Council of Educational Leaders, Bismarck

Jerry Tjaden, Bismarck

Sheila Peterson, Office of Management and Budget, Bismarck

Curt Zimmerman, Facility Management, Bismarck

John Val Emter, Bismarck

Kathi Osteen, Mandan

Jim W. Smith, Karen J. Mund; Legislative Council, Bismarck

MINUTES

It was moved by Representative Berg, seconded by Representative Gulleeson, and carried on a voice vote that the minutes of the October 5, 2000, meeting be approved as distributed.

PREFILING OF APPROPRIATION BILLS

Chairman Timm recognized Ms. Sheila Peterson, Director of Fiscal Management, Office of Management and Budget. Ms. Peterson requested an extension of the filing deadline for bills implementing the executive budget. She said the deadline, as proposed by this committee, would be December 8, but the Office of Management and Budget is unable to meet that deadline and requests an extension to December 15. She said the Office of Management and Budget will file by December 8 bills making substantive changes and appropriation bills that are going to be heard by the Appropriations Committees the first week of January. She said the final budget recommendation is not finalized until November 15, and it is difficult for the Office of Management and Budget to prepare appropriation bills in three weeks. She also suggested that the budget information would be completed earlier if the legislative and executive branches submitted their budget proposals by November 8.

It was moved by Senator Nething, seconded by Representative Berg, and carried on a voice vote that the Legislative Council staff be requested to accept for prefiling until December 15 appropriation bills filed by the Office of Management and Budget, but not bills that are not appropriation bills or which will be heard by the Appropriations Committees the first week of January.

LEGISLATIVE RENOVATION

Brynhild Haugland Room Chair Lift

Chairman Timm recognized Mr. Curt Zimmerman, Director of Facility Management, Office of Management and Budget. Mr. Zimmerman said the chair lift in the west entryway to the Brynhild Haugland Room was installed during the 1981-82 interim. He said it is difficult to find repair parts. He said there have been complaints that during operation the lift is extremely noisy and disturbs meetings in the Brynhild Haugland Room. He requested the committee to consider authorizing funds to be expended for installing a new chair lift in the entryway. He said a local firm quoted a price of \$15,950 to install a chair lift. If authorized by this committee, he said, the Office of Management and Budget would ask for bids, and a replacement chair lift could be installed either before the 2001 legislative session or during non-business hours during the session.

Representative Berg said access to the Brynhild Haugland Room is extremely critical because that is the only large hearing room in the Capitol.

It was moved by Senator Nething, seconded by Senator Krauter, and carried on a roll call vote that the committee authorize the expenditure from Legislative Assembly funds of the amount necessary to replace the chair lift in the west entryway of the Brynhild Haugland Room. Representatives Timm, Berg, Boucher, Gulleeson, and Monson and Senators Freborg, Heitkamp, Krauter, Nelson, and Nething voted "aye." No negative votes were cast.

LEGISLATIVE SESSION

ARRANGEMENTS

Close Up Day

Chairman Timm recognized Mr. Rick Heidt, Director of Student Activities, North Dakota Council of

Educational Leaders. Mr. Heidt said the council has assumed responsibility for the North Dakota Close Up program. He said the program is scheduled for February 11-13, 2001, and will focus on North Dakota youth and their exodus from North Dakota and how to reverse that trend.

Mr. Heidt said his requests are two-fold--that legislators be available at the Doublewood Inn from 4:30 to 6:30 p.m. on Monday, February 12, 2001, to engage in dialogue with students from their districts; and that consideration be given to scheduling for hearing those bills that may relate to youth and opportunities in North Dakota. He said he expects approximately 200 participants in the program.

Senator Nething said the timeframe is at a critical point during the legislative process--within two weeks before crossover. He said he pointed this out to Mr. Heidt because it may be difficult to schedule bills on these subjects.

It was moved by Representative Berg, seconded by Representative Monson, and carried on a voice vote that February 12, 2001, be designated as North Dakota Close Up Day, and legislative leaders be encouraged to set aside 4:30 to 6:30 p.m. for meeting with students participating in the program.

State of the Judiciary Request

The assistant director read a letter from Mr. Keith E. Nelson, State Court Administrator, requesting that the state of the judiciary address be scheduled at either 1:00 or 1:30 p.m. or at 11:00 a.m. on Wednesday, January 10, 2001, so that the Chief Justice could attend a United States Supreme Court committee meeting on federal-state jurisdiction. A copy of the letter is on file in the Legislative Council office. It was the consensus of the committee that the state of the judiciary address be scheduled for 1:00 p.m. on Wednesday, January 10, 2001.

Use of Legislative Chambers

The assistant director read a letter from the North Dakota High School Activities Association requesting use of the legislative chambers and certain committee rooms for a state student congress on November 1-2, 2001. The letter also pointed out that the High School Activities Association has scheduled state student congresses for the first Thursday and Friday of November for the next four years. A copy of the letter is on file in the Legislative Council office. Representative Timm said he does not see a need to approve use of the legislative chambers four years in advance. Senator Nething noted November may be the time when the Legislative Assembly reconvenes to consider legislative redistricting (a session on redistricting was held November 4-8, 1991, and November 16-19, 1981).

It was moved by Senator Heitkamp, seconded by Representative Gulleason, and carried on a

voice vote that the committee approve the request of the North Dakota High School Activities Association for use of the chambers for a state student congress November 1-2, 2001.

Secretarial Services and Telephone Message Services

At the request of Chairman Timm, the assistant director reviewed a tabulation of bids to provide secretarial services during the 2001 legislative session. The assistant director said bids were received from two firms--Spherion, Bismarck, submitted a bid of \$333.20 per day and Expressway Personnel, Bismarck, submitted a bid of \$427.50 per day to provide secretarial services during the 2001 legislative session. Based on the bid specification of four persons, he said, lowest bid would be a daily rate per person of \$83.30. He said the 1999 contract was to provide seven employees and a supervisor for \$614.80 per day for 71 days. As reported to the committee in July 1999, he said, the 1999 contractor, Interim Personnel (now known as Spherion) billed the Legislative Assembly only for the employees and hours actually worked and recommended that the core contract be for four employees for 2001. Based on the contract rate in 1999, he said, for eight employees the average daily rate was \$76.85 per person.

At the request of Chairman Timm, the assistant director reviewed the bids received to provide telephone message services during the 2001 legislative session. The assistant director said two firms submitted bids--Expressway Personnel for \$647.36 per day and Spherion for \$711.20 per day. He said bid specifications were for nine telephone attendants, with one of the attendants designated as the supervisor. For comparison purposes, he said, during the 1999 session the Legislative Assembly employed 11 attendants and pages in the telephone room at a total salary and Social Security cost of \$57,169.69 for 71 days (an average per person per day cost of \$73.20). He said the legislative pay rates ranged from \$62 to \$74 per day for those positions.

Organizational Session Agenda

At the request of Chairman Timm, the assistant director reviewed the revised agenda for the legislative organizational session. In October, he said, the committee eliminated the time set aside for caucuses on Tuesday morning and requested that orientation programs for newly elected legislators be moved to available time periods. As a result, he said, legislative branch orientation classes formerly scheduled for Tuesday afternoon were moved to Tuesday morning, and legislative process orientation classes formerly scheduled for Wednesday morning were moved to Tuesday afternoon. He said this results in no classes scheduled for newly elected legislators on Wednesday morning and orientation classes on use

of legislative documents scheduled for Wednesday afternoon. He said computer training courses are scheduled for veteran legislators throughout the organizational session. Although computer training classes for newly elected legislators were scheduled for Monday, December 4, and Friday through Sunday, December 8-10, he said, this schedule was proposed under the assumption there would be approximately 40 newly elected legislators, but there are approximately 24 newly elected legislators and thus the Saturday and Sunday training schedules are unnecessary and have been canceled.

The director said Senator Rich Wardner has suggested that the Council of State Governments Midwestern Office be scheduled to make a presentation regarding the Council of State Governments, and the National Conference of State Legislatures has asked to participate in legislators' orientation also. He suggested the Wednesday afternoon orientation class on use of legislative documents be moved to Wednesday morning at 10:45 a.m. and time be scheduled Wednesday afternoon at 2:15 p.m. for presentations from those organizations with which the Legislative Assembly affiliates.

It was moved by Senator Nething, seconded by Representative Monson, and carried on a voice vote that the orientation classes on use of legislative documents be moved from Wednesday at 2:15 p.m. to Wednesday at 10:45 a.m. and that presentations from legislative-affiliated organizations be scheduled for Wednesday at 2:15 p.m.

It was moved by Senator Nething, seconded by Representative Berg, and carried on a voice vote that the legislative organizational session agenda, as revised and amended, be approved.

Session Employee Compensation

At the request of Chairman Timm, the assistant director reviewed the memorandum entitled *Legislative Assembly Employee Positions and Compensation*. The memorandum provides information on the number of employee positions during the 1995, 1997, and 1999 legislative sessions and reviews options concerning the number of employee positions for the 2001 legislative session. The memorandum also provides information on employee compensation during the 1999 legislative session and suggests compensation levels for the 2001 legislative session. The memorandum suggests these proposed areas of consideration:

1. Reduce the total number of positions in the telephone room from 11 to 9 by eliminating the Senate telephone page position and the House telephone page position. (This was recommended by the committee at its August 30, 2000, meeting). Estimated savings based on proposed 2001 compensation is \$9,100.

2. Eliminate the chief telephone attendant and eight telephone attendant positions by contracting with a third party to provide telephone message service. Estimated compensation costs for providing nine telephone attendant positions during the 2001 legislative session is \$43,736 for 70 legislative days and one day of training.
3. Review the need for two information desk attendants. If the number is reduced from two to one, estimated savings is \$4,615 for 70 legislative days and one day of training.
4. Review the need for two parking lot attendants. Estimated savings from reducing the number of parking lot attendants from two to one is \$4,550 for 70 legislative days.
5. Redesignate the desk reporter as journal reporter.

The assistant director said the estimated savings do not include Social Security or workers' compensation contributions. If one information desk attendant and one parking lot attendant is eliminated, he said, the proposed number of employees for the 2001 session is 38 Senate employees and 44 House employees. If the telephone message services are privatized, he said, this would reduce the number of employees to 34 Senate employees and 39 House employees.

Senator Nething said when the information kiosk was installed, one attendant was provided from each house because each house would then have a representative available to the public to answer questions, especially if the houses were controlled by different parties. He said it is important the information desk attendants know how people can reach members of each house. He said the point of initial contact with the Legislative Assembly for most people is the information desk.

Representative Timm said whenever he has walked past the information desk, there does not appear to be anybody around it.

Senator Nething said a reduction could be made to one attendant, and if an additional attendant is needed one could be added.

It was moved by Senator Heitkamp, seconded by Senator Nelson, and carried on a voice vote that the committee recommend elimination of one information desk attendant position. It was suggested the Senate employ the information desk attendant during the 2001 legislative session.

Senator Krauter said the parking lot attendants are valuable in that they ensure that reserved parking is in fact reserved. He said both positions should be maintained.

Senator Nething said he sees no problem reducing the positions to one attendant at the end of the session, when regular committee hearings are no longer scheduled and the traffic to the Capitol has decreased.

Senator Nelson said if a good attendant can be employed, that one attendant can handle the job.

It was moved by Senator Heitkamp, seconded by Representative Berg, and carried on a voice vote that the committee recommend the elimination of one parking lot attendant position, with the understanding that if the person employed is unable to handle the responsibilities an additional employee could be added during the session. It was suggested the House employ the parking lot attendant during the 2001 legislative session.

It was moved by Senator Nelson, seconded by Senator Krauter, and carried on a voice vote that the committee approve redesignation of the desk reporter as journal reporter.

The assistant director said with the changes approved by the committee in employee positions and titles, appropriate amendments would be made to Senate and House Rules 206 relating to officer and employee positions. The members concurred that these amendments be included in the legislative rules amendments recommended by the committee.

Representative Berg said contracting for telephone message services during the 2001 session would result in some savings based on 1999 costs.

It was moved by Representative Berg and seconded by Senator Heitkamp that the committee recommend the lowest bid for the secretarial services and the lowest bid for the telephone message services. Representative Berg said the invitations to bid for the 2003 session should provide an alternate for a combined bid for providing both services. Until then, he said, it would be more appropriate to award the bid to the lowest bidder for each service.

Representative Boucher said it would be an advantage for the same company to provide both services.

Senator Nelson agreed with Representative Boucher and said contracting with the same company to provide both services would provide flexibility for that company to coordinate employee work schedules and move employees to either service as needed.

Senator Heitkamp said if the intent is to issue a contract to one contractor, it should have been provided for in the bid.

Senator Nething said no decision has been made on contracting with a third party for telephone message services. He said he likes the idea of a single company providing both services. He said the committee's decision needs to be based on what would be the best effort for efficiency. He said it should be a benefit if a company can move employees to either service as needed.

Representative Monson said there is no guarantee that flexible scheduling or moving employees from one service to the other would result in any savings.

Senator Heitkamp inquired whether bidding could be reopened and each bidder asked to submit a

consolidated bid. Senator Freborg said it is poor policy to ask for a consolidated bid after the bids have already been made. He said Expressway Personnel did not submit a complete bid because it did not provide references when it submitted its bid. He said the references were provided after the bids were opened and it was noticed no references were included.

After this discussion, **the motion failed on a roll call vote for lack of a majority.** Representatives Timm, Berg, Gulleston, and Monson and Senator Heitkamp voted "aye." Representative Boucher and Senators Freborg, Krauter, Nelson, and Nething voted "nay."

It was moved by Senator Nelson, seconded by Senator Nething, and carried on a roll call vote that the committee recommend the lowest combined bid--Spherion--be accepted to provide secretarial services and telephone message services during the 2001 legislative session. Representatives Timm, Berg, Boucher, and Monson and Senators Freborg, Krauter, Nelson, and Nething voted "aye." Representative Gulleston and Senator Heitkamp voted "nay."

The assistant director reviewed the portion of the memorandum concerning legislative session employee compensation. The memorandum lists 1999 daily salary per position and proposes a five percent increase (based on a two percent increase for the first year and three percent increase for the second year of the biennium allowed state employees generally) and skills recognition adjustments of \$2 to \$11 per day for five positions. The proposed compensation would range from \$65 to \$109 per day. He said these levels do not include the additional \$1 per day per session experience factor, up to a maximum \$10 per day, allowed session employees.

The assistant director said the continued enhancements to legislative information systems result in efficiency in completing tasks but require skilled and dedicated employees. Of particular concern, he said, is the calendar clerk position (thus the proposed \$11 per day skills factor) and the journal reporter position (thus the proposed \$5 per day skills factor). He said the entries made by these employees directly affect the voting system, journal system, bill status system, and LAWS system, and those entries will no longer be subject to review by others.

Senator Nelson said each majority leader and minority leader is allowed two staff assistants, and in the last session the majority leaders have employed one assistant each and reallocated additional pay authorized for four assistants. He said it would be more appropriate to reduce the total numbers allowed to three staff assistants for the majority leaders and three staff assistants for the minority leaders and increase the compensation accordingly.

It was moved by Representative Monson, seconded by Senator Krauter, and carried on a voice vote that the committee recommend the compensation levels as proposed and contained in the memorandum. Representatives Timm, Berg, Gulleston, and Monson and Senators Freborg, Heitkamp, Krauter, Nelson, and Nething voted "aye." No negative votes were cast.

It was moved by Senator Nelson, seconded by Representative Berg, and carried on a roll call vote that the rules changes approved by the committee and the bill drafts and concurrent resolution draft recommended by the committee be approved and recommended to the Legislative Council and that the chairman and the staff of the Legislative Council be requested to prepare a report and the bill and concurrent resolution drafts recommended by the committee and to present the report and the recommended bill and resolution drafts to the Legislative Council. Representatives Timm, Berg, Gulleston, and Monson and Senators Freborg, Heitkamp, Krauter, Nelson, and Nething voted "aye." No negative votes were cast.

ADMINISTRATIVE MATTERS

The director reported that the Roosevelt Park Room is being used by the Governor's transition team and inquired whether that room would be needed during the organizational session. It was the consensus of committee members that the room could continue to be used by the Governor's transition team.

The director reported that some of the caucuses will be meeting to elect new leaders, but for purposes of Legislative Council membership, the new leaders take office December 1.

It was moved by Senator Heitkamp, seconded by Representative Berg, and carried on a voice vote that the meeting be adjourned sine die. No further business appearing, Chairman Timm adjourned the meeting sine die at 3:00 p.m.

Jay E. Buringrud
Assistant Director

John D. Olsrud
Director