

# LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

The Legislative Management delegated to the Legislative Procedure and Arrangements Committee the Legislative Management's authority under North Dakota Century Code Section 54-35-11 to make arrangements for the 2019 legislative session. Legislative rules also are reviewed and updated under this authority. The Legislative Management also delegated to the committee the Legislative Management's:

1. Duty under Section 54-03-26 to determine the computer usage fee for legislators, and the authority to establish a policy under which a legislator may purchase the computer used by that legislator upon replacement of the computer by the Legislative Council;
2. Power and duty under Section 54-35-02 to determine access to legislative information services and impose fees for providing such services and copies of legislative documents and to control permanent displays in Memorial Hall and use of the legislative chambers;
3. Responsibility under Section 54-03-20 to make recommendations to adjust legislative compensation amounts;
4. Responsibility under Section 54-03-20 to establish guidelines on maximum reimbursement of legislators sharing lodging during a legislative session;
5. Responsibility under Section 54-60-03 to determine which standing committees will receive a report from the Commissioner of Commerce on goals and objectives of the Department of Commerce;
6. Responsibility under Section 46-02-05 to determine contents of contracts for printing of legislative bills, resolutions, journals, and Session Laws;
7. Responsibility under Section 4.1-44-04 to determine when agricultural commodity promotion groups must report to the standing Agriculture Committees;
8. Responsibility under Section 4.1-36-04 to determine when the Agriculture Commissioner must report to the Agriculture Committees on the status of the pesticide container disposal program; and
9. Authority under Section 54-06-26 to establish guidelines for use of state telephones by legislative branch personnel.

The Legislative Management also assigned to the committee the responsibilities under 2009 Session Laws Chapter 29, § 5, and 2011 Session Laws Chapter 1, § 6, to administer the appropriations for legislative wing equipment and improvements. The Legislative Management designated the committee as the Legislative Ethics Committee under Section 54-35-02.8 with the responsibility to consider or prepare a legislative code of ethics.

Committee members were Representatives Al Carlson (Chairman), Larry Bellew, Kathy Hogan, Corey Mock, and Don Vigesaa and Senators John Grabinger, Joan Heckaman, Ray Holmberg, Jerry Klein, Dave Oehke, and Rich Wardner.

The committee submitted this report to the Legislative Management at the biennial meeting of the Legislative Management in November 2018. The Legislative Management accepted the report for submission to the 66<sup>th</sup> Legislative Assembly.

## LEGISLATIVE SPACE AND CAPITOL FACILITIES IMPROVEMENTS

Due to funding limitations, the committee did not consider any legislative space improvement or renovation projects. The committee was informed a fire inspection of the legislative wing found no violations of code provisions due in part to the Legislative Council staff becoming involved in the inspections and addressing past violations.

The committee received a report from a representative of the Highway Patrol regarding Capitol security. Since 2016, entry to the Capitol has been limited to access cards for employees and officials, and the public has been required to enter through a secured entrance with a magnetometer and be subject to a visual inspection of bags and purses. According to the report, Capitol security officers screened an average of 700 to 1,000 visitors per day during the 2017 legislative session. The representative of the Highway Patrol expressed support for maintaining the security protocols and projecting a security presence to discourage any attempts to bring weapons into the building.

Members of the committee encouraged the Highway Patrol to explore solutions to provide efficient public access at multiple entrances to the building near public parking areas. The committee also requested the Facility Management Division to provide additional and improved directional signage to aid Capitol visitors in parking and entering the building.

The representative of the Highway Patrol requested permission to install security cameras in the House and Senate Chambers. Although committee members expressed concerns with respect to privacy in the chambers, the committee was assured the cameras would be pixelated when zoomed close to a legislator's desk. The committee approved the request of the Highway Patrol to install security cameras in the House and Senate Chambers on the condition the video be pixelated when zoomed close to desks.

The committee received a report from the Facility Management Division regarding the deterioration of the Capitol's west parking lot, which is the parking area reserved for legislative use during legislative sessions. Because other parking lots and Capitol complex roads were scheduled for repair, the representative of the Facility Management Division reported the west parking lot could be scheduled for a 2-inch overlay before the 2019 legislative session. The committee expressed its support for the completion of the parking lot overlay project.

The committee also received reports regarding the upgrade of Capitol elevators, which is expected to be completed before the convening of the 2019 legislative session.

The committee received reports regarding the construction of a new residence for the Governor. Senate Bill No. 2304 (2015) appropriated \$5 million for the construction of a new residence for the Governor. Of that appropriation, \$1 million was to come from donations. The committee was informed the Friends of the Residence fundraising committee had not raised the full \$1 million in donations. However, the residence was completed with some modifications from the original plans. The committee also was informed the landscaping on the property has not been completed and the executive branch had plans to hire a landscape architect for future landscape work, which would be considered a project separate from the construction of the residence. Committee members expressed concerns the planned extensive landscaping project would be contrary to the intent of Senate Bill No. 2304.

## **LEGISLATIVE SPACE USE**

### **Legislative Chambers and Memorial Hall**

Since 1981 the Legislative Management has delegated to the committee the responsibility under Section 54-35-02(8) to control the legislative chambers and any permanent displays in Memorial Hall. In exercising this responsibility, the committee has adopted guidelines for use of the legislative chambers and displays in Memorial Hall.

During this interim, the committee approved requests for use of both chambers and legislative committee rooms by the North Dakota High School Activities Association State Student Congress on November 1-2, 2018, and November 7-8, 2019; and use of the Senate or House Chamber by the Dakota Alliance Youth and Government program on October 18-19, 2018 (the event was canceled by the sponsor). Because the request did not conform with the usage guidelines, the committee did not approve a request to use the Senate Chamber for 2 days to film a portion of a movie.

Under the guidelines, any permanent display in Memorial Hall is to be reviewed annually. Since removal of two statues and a replica of the Liberty Bell in 1984, Memorial Hall does not contain any permanent display. (The Liberty Bell is on display in the entrance/commons area of Century High School in Bismarck.)

### **Legislative Committee Rooms**

Joint Rule 804 provides during a legislative session committee rooms may be used only for functions and activities of the legislative branch, but the Secretary of the Senate or the Chief Clerk of the House may grant a state agency permission to use a room at times and under conditions not interfering with the use of the room by the legislative branch. With respect to use during the interim, Section 48-08-04 applies and provides committee rooms may not be used without authorization of the Legislative Council.

The Legislative Management adopted the policy governing approval of use of committee rooms in 1998 and the committee has revised the policy as necessary to address issues that have arisen. The policy also applies to use of the legislative media room on the ground floor of the legislative wing whether during the session or during the interim. The policy is similar to that governing use of the chambers.

## **LEGISLATIVE ETHICS COMMITTEE**

### **Legislative Code of Ethics**

Section 54-35-02.8 requires the Legislative Management to appoint an ethics committee to consider or prepare a legislative code of ethics. Since 1995 the Legislative Management has appointed the Legislative Management (now Legislative Procedure and Arrangements) Committee as the Legislative Ethics Committee.

During the 1995-96 interim, the Legislative Management Committee reviewed North Dakota laws affecting legislative ethics. That committee recommended legislative rules declaring a legislative ethics policy urging members to maintain ethical standards and recognize the importance of standards contained in the rules, urging members to apprise

themselves of constitutional provisions and statutes that prohibit conduct for which criminal penalties may apply, and requiring the Legislative Council to conduct classes on legislative ethics and laws governing the activities and conduct of public officials. The Legislative Assembly adopted those rules as Joint Rules 1001 through 1004.

The committee makes no recommendation regarding changes to the legislative code of ethics.

## **WORKPLACE HARASSMENT POLICY**

In response to numerous reports of sexual harassment incidents throughout the country involving legislators or others involved with the legislative process, the committee reviewed Joint Rule 901, which is a policy providing a definition of sexual harassment and stating sexual harassment will not be tolerated. The committee generally agreed Joint Rule 901 does not provide adequate guidance and procedures with respect to reporting and responding to harassment complaints.

The committee reviewed a draft policy addressing workplace harassment. Under the proposal, an individual who believes he or she has been subjected to any type of workplace harassment is encouraged to report the conduct to a designated contact person. The policy specifies appropriate contact persons, including the Majority and Minority Leaders and designees of the opposite gender. The policy provides procedures for investigating complaints and sanctions for violations of the policy. The policy allows for the contracting of an independent investigator or the investigation of complaints by a review panel appointed by the Majority and Minority Leaders, with a fifth member selected by the four members appointed by the leaders.

Committee members generally agreed a policy that provides flexibility in reporting alleged violations which also includes an assurance of a fair and complete investigation is important to protecting the safety and job security of alleged victims and those alleged to have violated the policy. The committee also recognized the need to provide guidance for those investigating a complaint and requested a checklist for accepting and investigating complaints. There was general consensus among committee members that harassment of any kind will not be tolerated and that education regarding the workplace harassment policy is a necessary component of the policy.

The committee approved 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* for receiving and investigating complaints. The committee also recommends an amendment to Joint Rule 901, which incorporates the policy and checklist into the rule and encourages any individual subjected to workplace harassment to contact the Senate Majority Leader or Minority Leader or a designee of the opposite gender, or the House of Representatives Majority Leader or Minority Leader or a designee of the opposite gender.

## **LEGISLATIVE RULES**

The committee continued its tradition of reviewing and updating legislative rules. No specific questions or issues related to legislative rules from the 2017 legislative session were brought to the attention of the committee. However, the committee recommends an amendment to Joint Rule 901 to address the adoption of the *North Dakota Legislative Assembly Policy Against Workplace Harassment*.

## **LEGISLATIVE INFORMATION SERVICES**

Beginning with the 1985-86 interim, the committee has reviewed the cost of providing various printed documents to persons outside the legislative branch. Subscription fees have been established which approximate the cost of printing a set of the relevant documents during the previous legislative session. Representatives of the media, as determined under Joint Rule 803, and state agencies and institutions are not charged the fees for copies of bills and resolutions, daily journals, daily calendars, and committee hearing schedules. All of these documents are available on the legislative branch website.

### **Bills, Resolutions, and Journals Subscription**

During the 2017 legislative session, 11 entities paid to receive a set of bills and resolutions from the bill and journal room, 3 entities paid to receive a set of journals, and 2 entities paid to receive the journal index.

The committee established the following fees with respect to these documents during the 2019 legislative session--\$300 for a set of bills and resolutions as introduced and printed or reprinted, including a set of all engrossed and re-engrossed bills and resolutions; \$150 for a set of daily journals of the Senate and House; and \$85 for the permanent index to the Senate and House journals.

The number of subscribers has been decreasing, likely because all the documents are available on the legislative branch website. The committee continued the policy provided under Joint Rule 603 that a person may not receive more than five copies of a limited number of bills and resolutions without charge. The committee also reduced the number of copies of bills and resolutions and daily journals to be printed due to the number of those documents remaining at the

end of the 2017 legislative session and because the bill and journal room employees are able to print additional documents upon demand. The reduction in the number of bills and resolutions and daily journals requested was attributed largely to the availability of documents online, and the use of the legislative bill tracking service and the *North Dakota Legislative Daily* application.

### **Bill Status Report Subscription**

The printed version of the bill status system provides information on the progress of bills and resolutions, the sponsors of measures, and an index to the subject matter of measures. No one paid the \$565 subscription fee to receive the reports in 2017.

The committee determined printed bill status reports should continue to be made available through the bill and journal room only to those who subscribe to the 2019 bill status reports and pay a \$550 subscription fee.

### **Committee Hearing Schedules and Daily Calendars Subscription**

The committee continued the practice of making committee hearing schedules and daily calendars available at no charge. The committee agreed state agencies and institutions should be encouraged to access the information from the legislative branch website.

### **Bill and Journal Room Photocopy Policy**

Under the contract for providing secretarial, telephone message, and bill and journal room services, the contractor is to collect photocopying fees and transmit those fees to the Legislative Council office. Fees are not charged for providing a photocopy of a legislative document available for distribution to the public by personnel in the bill and journal room (bills, journals, calendars, and committee hearing schedules) nor for providing a photocopy to a legislator, a House or Senate employee, or a Legislative Council employee. Under the policy, the fee for photocopying service is 25 cents per page.

### **Incoming WATS Line Service**

Beginning with the 1985 legislative session, incoming WATS lines have been provided for residents in the state to contact legislators or obtain information concerning legislative proposals. If all lines are in use or the call is made after regular business hours, a caller is given two options--one for staying on the line (if the call is during regular business hours) and one for leaving a message for legislators from the caller's district. This message feature is available 24 hours a day, 7 days a week during regular legislative sessions. It has been the policy to allow a caller to leave a message for the caller's local legislators (legislators from the caller's district and legislators of the city of the caller) and for specifically named legislators identified by the caller.

The committee made no changes regarding the incoming WATS line telephone message service for the 66<sup>th</sup> Legislative Assembly. The WATS number will continue to be 1-888-ND-LEGIS (1-888-635-3447).

## **LEGISLATIVE COMPENSATION**

### **Legislative Compensation Review**

In 2011 the Legislative Assembly repealed the law providing for a Legislative Compensation Commission and amended Section 54-03-20 to provide the Legislative Management is to make recommendations and submit any necessary legislation to adjust legislative compensation amounts.

The committee received information on legislative compensation and expenses, the process for adjusting compensation, legislative compensation increases compared to inflation and state employee salary increases, and legislative compensation levels in other states.

The committee recommended the 2019-21 biennium budget of the Legislative Assembly include funding for changes to legislative compensation to provide for adjustments of 2 percent in each year of the 2019-21 biennium, subject to revision if necessary during the 2019 legislative session to equal the percentage changes provided for state employee salary increases, and the necessary related statutory changes.

### **Legislator Expense Reimbursement Policy**

Section 26 of Article XI of the Constitution of North Dakota provides payment for necessary expenses of legislators may not exceed that allowed for other state employees. Section 54-03-20 provides the maximum lodging reimbursement for legislators during a regular legislative session may not exceed 30 times 70 percent of the daily lodging reimbursement for state employees and officials. Under that formula, legislators may receive up to \$1,758 per month as reimbursement for lodging for the 2019 legislative session.

The committee made no changes to the legislative expense reimbursement policy that was in place for the previous four legislative sessions--reimbursable lodging expenses during a legislative session include utilities (electricity, heat,

and water, including garbage collection and sewer charges), basic telephone service and telephone installation charges, snow removal expense, and furniture (rental of furniture and appliances and transit charges for moving rental furniture and appliances). In addition, the lodging expense reimbursement of two or more legislators sharing housing in a single dwelling is subject to approval by the Chairman of the Legislative Management, in accordance with Section 54-03-20.

## **LEGISLATIVE INFORMATION TECHNOLOGY**

### **Information Technology Initiatives**

#### **Cybersecurity Awareness**

The committee received reports regarding online cybersecurity awareness training for legislators. The Majority and Minority Leaders agreed to contact caucus members to encourage legislators to complete the annual training. The committee also approved including cybersecurity awareness training in the mandatory training sessions before new legislators are issued laptops and tablets.

#### **Scanned Testimony**

The committee received a report regarding the pilot project conducted during the 2017 legislative session in which interns for two standing committees scanned testimony and placed the testimony in an electronic folder that could be accessed by committee members. Although members of the committees generally found the electronic testimony to be useful, it was suggested placing the testimony in the Legislator's Automated Work Station (LAWS) system would be more useful in allowing all legislators to review the testimony when considering bills on the floor.

The committee was informed the pilot project could be expanded to include additional standing committees at a cost of approximately \$900 per committee room - the cost of adding a printer with a scanner. In addition, to make changes to the LAWS system to include the electronic testimony would cost approximately \$15,000.

The committee authorized proceeding with the electronic scanning pilot project with at least four committees and enhancing the LAWS system to include electronic testimony.

#### **Bill Drafting System**

The committee was informed the legislative bill drafting system (LEGEND) core upgrade will be operational before the 2019 legislative session.

#### **Information Technology Department Services**

The committee received a report regarding the use of the executive branch Information Technology Department services. The report indicated executive branch initiatives, including committing the state to a cloud computing environment and unification of the Information Technology Department and other executive branch information technology personnel, were moving forward without significant input from the legislative branch. While expressing support for organizational efficiencies and cost-savings, the committee agreed mission-critical legislative branch applications, such as the LEGEND system, should not be transferred to the cloud.

#### **Legislator Data Plan Reimbursement**

Before November 1, 2012, legislators received reimbursement for their mobile data plans two ways. The method for non-Verizon users required legislators to submit a voucher at least quarterly to the Legislative Council. The method for Verizon users required legislators to participate in split billing--a legislator's data costs associated with the legislator's plan were billed separately to the state of North Dakota.

During the 2011-12 interim, the committee approved a new method of reimbursing legislators for their data plans effective November 1, 2012. All participating legislators were required to submit a request form for reimbursement of their mobile data costs to the Legislative Council, identifying data costs associated with legislative business, along with a copy of their wireless carrier bill identifying the mobile data costs. The Legislative Council provided monthly reimbursement at that level until the legislator incurred a change in mobile data cost, contract, or vendor. At such time, the legislator was to submit a new request form to the Legislative Council for reimbursement of the legislator's mobile data costs, identifying data costs associated with legislative business, along with a new copy of the wireless carrier bill showing new mobile data costs.

During the 2013-14 interim, the committee reviewed the effects of the November 2012 policy. This method of reimbursement was found to have its own problems. Plan configurations and options, as well as devices, change so frequently that legislators may not have selected the most cost-effective or friendly plan. In addition, constantly revising the policy to address every variation of plan configurations was not viewed as feasible. The committee approved discontinuance of the November 2012 policy and approved a \$90 per month information technology stipend for legislators who sign an agreement to use the stipend for technology-related costs. The policy eliminated the need for split billing and state involvement with reimbursements. The committee recognized a stipend would be included in a member's taxable income, but broadband and mobile data expenses are deductible expenses and this should be a wash for a member.

The committee made no changes to the data plan reimbursement policy.

### **Personal Computer Use Policy**

The committee reviewed the *Policy on Use of Personal Computers by Legislators*. The policy describes statutory restrictions on use of personal computers and governs use of state-owned personal computers and use of privately owned personal computers to access legislative information systems. The policy also addresses the use of tablet computers, provides for copying of legislator information to replacement computers, includes a procedure on purchase of old computers, and authorizes a fee for acquiring a replaced computer and a computer assistance fee.

The committee approved a change in the policy to require legislators to complete training courses, including training regarding cybersecurity awareness.

### **Legislator Computer Training**

The organizational session agenda approved by the committee continues the computer training classes for returning legislators beginning at 9:00 a.m. on Monday, December 3, 2018. The agenda also provides for a computer distribution and training session for new legislators at 3:15 p.m. on Monday, December 3, 2018, in addition to the traditional training sessions for new legislators on Wednesday, December 5, 2018. The agenda also includes laptop computer and tablet training sessions on Tuesday and Wednesday, December 4-5, 2018, for returning legislators. The training sessions for new legislators include training related to cybersecurity awareness.

## **SESSION ARRANGEMENTS**

### **Doctor of the Day Program**

The committee accepted an offer by the North Dakota Medical Association to continue the doctor of the day program during the 2019 legislative session under the same arrangements as in the past. The association is planning to rely on physicians and residents from around the state to volunteer for the program and provide basic health care services and referrals on most days during which the Legislative Assembly is in session. The association also is planning to provide opportunities as in past sessions for legislators to participate in health screenings and other educational and wellness activities during the legislative session.

### **Legislator Wellness Program**

Section 54-52.1-14 requires the Public Employees Retirement System (PERS) Board to develop an employer-based wellness program encouraging employers to adopt a board-approved program. The incentive for adoption of a program is a 1 percent of health insurance premium charge to agencies that do not participate in the program.

A wellness program must include the "mandatory activity" of communicating wellness materials provided by PERS and Sanford Health to individual employees on a monthly basis and promoting the PERS smoking cessation program to employees. In addition to this mandatory activity, different "optional" activities must be developed each year.

The comprehensive health assessment will be continued during the 2019 legislative session as provided through the doctor of the day program by the North Dakota Medical Association during previous legislative sessions.

## **Legislators' Supplies**

### **Stationery**

Before 2013 every legislator had been given the option of receiving 250 sheets of regular (8.5 inches by 11 inches) or Monarch (7.5 inches by 10.5 inches) stationery and envelopes, 250 sheets of each type of stationery and envelopes, 500 sheets of either type of stationery and envelopes, or 250 or 500 envelopes. A legislator also was allowed to request an additional 500 sheets of stationery and 500 envelopes, up to 1,000 sheets and envelopes total. The Speaker, each leader, and each assistant leader were entitled to as much regular and Monarch stationery as needed. In addition, an electronic letterhead was provided to all legislators to use as a template to print correspondence on regular paper and envelopes.

That policy was changed for the 2013 legislative session. In 2012 the committee determined legislators should be provided with an electronic letterhead for use in printing letters and envelopes rather than receive stationery and envelopes through a contract printer. Because computers are provided to all legislators, the committee concluded there was little need for continuing to provide individualized stationery and envelopes when templates are provided for legislators to use through software on their computers.

The committee approved continuation of the policy of providing electronic letterhead for use in printing letters and envelopes.

## **Brief Bags**

The committee approved continuation of the policy, first established in 1984, of providing a brief bag to each legislator on request. With respect to newly elected legislators, the request form is included in the information packets distributed to newly elected legislators during the organizational session. During the 2013-14 interim, the committee approved use of a saddle brown leather brief bag that includes an embossed Great Seal on the side, "North Dakota Legislative Assembly" on the outside of the name tag, and the name of the legislator on the inside of the name tag. The upgrade to the higher-quality leather brief bag was approved with the intent the bags would last 4 years.

The committee considered the purchase of additional leather brief bags for new legislators and for replacement of worn bags. However, there were members of the committee who expressed support for purchasing less expensive canvas computer bags or backpacks to replace the heavier leather bags. The committee reviewed three types of canvas computer bags and approved the purchase of a canvas computer tote that can be used as a brief bag or backpack, and which includes a built-in power bank that allows the charging of two devices.

## **Capitol Access Cards**

Since October 1999 the Capitol has operated under a security card system. Access to the Capitol on weekdays before 6:45 a.m. or after 5:30 p.m. or on weekends requires use of a security card to present near a reader that unlocks the door and records use of the card. Each security card is coded and a computerized record is kept of use. Since 2008 security access cards have been provided to legislators on request. A security card will be provided to a legislator who requests one and signs a form acknowledging receipt of the card. In addition, a legislator may request a key fob that will provide the same access to the building.

## **Legislator Photo Identification Cards**

Starting in 2010 each legislator was provided with a credit card-sized photo identification card containing the legislator's current legislative photograph, a current signature of the legislator, the legislative session WATS line number (1-888-635-3447), the Legislative Council telephone number, and the Legislative Council WATS line number. A photo identification card expires upon the expiration of the term of the legislator. New cards will be issued to legislators.

## **Legislator Photographs**

The committee approved the invitation to bid for photography services to the 66<sup>th</sup> Legislative Assembly. The invitation to bid contained generally the same specifications as the contract for the 65<sup>th</sup> Legislative Assembly. The photographs of legislators are to be taken during the organizational session in 2018, and the photographs of the six elected legislative officers are to be taken during the first week of the regular session.

The photographer is to provide the digital image of the pose selected by the photographer to the Legislative Council by Wednesday, December 19, 2018, for use in updating the legislative branch website, and the photographer is to provide the digital image of the final pose to the Legislative Council by Friday, February 15, 2019.

The invitation to bid was sent to 449 photography firms in the state.

Five photographers submitted bids, one of which was received after the deadline. 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. The committee awarded the contract to Anderson Photography.

## **Session Employee Positions**

The committee reviewed the number of employee positions during the 2017 legislative session and historical changes in legislative employee positions since 1993. The 1993 legislative session was used as a base session because legislative employment peaked during that session, with 59 Senate employees and 77 House employees. During the 2015-16 interim, the committee recommended a total of 84 session employees--37 Senate employees and 47 House employees. The actual number of employee positions during the 2017 legislative session was 36 in the Senate and 45 in the House.

The committee reviewed and approved a legislative session employee position plan that proposed 37 Senate employee positions and 46 House employee positions during the 2019 legislative session. The plan:

- Continued the four staff assistants authorized for the Majority Leaders and the four staff assistants authorized for the Minority Leaders.
- Continued employment of a parking lot attendant by each house.
- Continued employment of the supply room coordinator by the Senate.

- Continued employment of the number of assistant sergeants-at-arms at the 2017 level.
- Reduced the number of House assistant committee clerks from three to two.

### **Session Employee Compensation**

The committee reviewed legislative session employee compensation levels during the 2017 legislative session. The committee received information indicating session employee compensation increases in recent sessions were reflective of average pay increases authorized for state employees. Because state employees were not authorized salary increases in 2017 and 2018, the committee did not approve general increases for session employees for the 2019 legislative session. The committee recommended increasing the compensation of the Secretary of the Senate and the Chief Clerk of the House by \$5 per day because those positions have the responsibility of supervising session employees and the positions were paid only \$5 per day more than the next highest paid positions.

Compensation will range from \$115 to \$201 per day (\$14.38 to \$25.12 per hour based on an 8-hour day). The committee recommends continuation of the authorization for employees to receive an additional \$1 per day for each previous regular session employed, up to an additional \$10 per day.

The committee recommends the concurrent resolution establishing employee positions continue the practice of not including specific names or identifying specific individuals. This type of resolution was first adopted in 1997 as a means to provide flexibility in the hiring of employees after adoption of the concurrent resolution. By designating positions and compensation levels, and not naming employees, an employment committee report that names an employee and designates the position is sufficient to identify that employee, the position, and the compensation level. The committee also recommends the concurrent resolution continue to refer to the generic position of "legislative assistant" in place of employees formerly classified as assistant sergeant-at-arms, supply room coordinator, desk page, page and bill book clerk, information kiosk attendant, and parking lot attendant; continue to include provisions authorizing conversion of full-time positions to part-time positions; and continue to authorize the leaders to consolidate staff assistant positions.

### **Session Employee Orientation and Training**

The Legislative Council staff will provide the orientation and training of legislative session employees. The training will be similar to that provided before the 2017 legislative session, except for the addition of cybersecurity awareness training. Most employees needing specialized training will receive training in December.

### **Secretarial, Telephone Message, and Bill and Journal Room Services**

#### **Secretarial Services**

In 1993 the joint secretarial pool consisted of the equivalent of 10.5 stenographers and typists and each house employed a chief stenographer and payroll clerk. Beginning with the 1995 legislative session, the Legislative Assembly has contracted with a third party to provide secretarial services. Beginning with the 2013 legislative session, the Legislative Council staff assumed the responsibility for handling payroll for the Legislative Assembly.

#### **Telephone Message Services**

In 1999 the Legislative Assembly employed a chief telephone attendant, eight telephone attendants, and two telephone pages. Beginning with the 2001 legislative session, the Legislative Assembly has contracted with a third party to provide telephone message services.

#### **Bill and Journal Room Services**

In 1995 the Legislative Assembly employed 12 bill and journal room clerks. Beginning with the 1997 legislative session, the Legislative Assembly has contracted with a third party to provide bill and journal room services.

#### **Consolidated Services**

Beginning with the 2001 legislative session, secretarial services and telephone message services were provided by the same contractor. Beginning with the 2003 legislative session, secretarial, telephone message, and bill and journal room services have been provided by one third-party contractor.

Since the first contract with a third party to provide services formerly provided by Legislative Assembly employees, the committee has reviewed workload to ensure appropriate levels of service. As a result of the decreasing number of documents prepared and the decreasing number of telephone calls received during recent legislative sessions, as well as recommendations of the third-party contractors to allow for cross-training of employees so they can be assigned among the areas as needed, the number of employees under contract to provide secretarial, telephone message, and bill and journal room services has been reduced as appropriate to meet workload.

The committee approved an invitation to bid for services during the 2019 legislative session to provide 3.5 employees for secretarial, telephone message, and bill and journal room services. Beginning with the 2015 legislative session, the secretarial and telephone message and the bill and journal room services were collocated in the bill and journal room.

The invitation to bid was sent to secretarial services providers in the Bismarck/Mandan area. The committee received two bids--Dakota Staffing Solutions bid \$564.20 per day and Spherion Staffing LLC bid \$564.02 per day for approximately 75 days during the legislative session for 3.5 employees. Each bidder also provided a bid for 1 employee for 14 days before the convening of the legislative session. For that portion of the bid, Dakota Staffing Solutions bid \$165.20 per day and Spherion Staffing LLC bid \$158.92 per day. The hourly pay is at least \$14.50 for the employees and at least \$15 for the onsite supervisor.

The committee accepted the bid by Spherion Staffing LLC to provide secretarial, telephone message, and bill and journal room services during the 2019 legislative session.

### **Secretarial Services Policy**

To ensure proper use of secretarial services, the committee reviewed and approved the *Policy Regarding Secretarial Services to Legislators* last approved by the Legislative Management in November 2016. The policy points out secretarial service employees are not legislative employees; describes secretarial services as being available between 7:00 a.m. and 5:00 p.m.; provides for 24-hour turnaround of most projects; limits requests for transcripts of committee hearing tapes to the Majority Leader, as requested by the committee chairman when the committee clerk is unable to prepare minutes due to illness, disability, or absence; limits merge requests to 25 individual addresses unless otherwise approved by a Majority Leader or Minority Leader, as appropriate; and provides the procedure for any comment or complaint regarding the service. A copy of the policy is included in the legislators' information packets distributed during the organizational session.

### **Legislative Internship Program**

Since 1969 the Legislative Assembly has sponsored a legislative internship program. During recent legislative sessions, the program has provided the Legislative Assembly with the assistance of law school students for a variety of tasks, especially the preparation of amendments, and has provided the students with a valuable educational experience. Although assigned to committees, the interns are supervised by the Legislative Council staff. Since the beginning of the program, each intern has received a stipend as a means of covering the expense of participating in the program.

The committee approved continuation of the program for the 66<sup>th</sup> Legislative Assembly, with at least 10 intern positions allocated to the University of North Dakota School of Law for assignment to the 3-day and 2-day standing committees. The committee authorized the Legislative Council to work with representatives of the School of Law to develop an approved reimbursement policy, with a maximum reimbursement of \$3,500 per month for the 4-month program.

### **Legislative Tour Guide Program**

During the past 21 legislative sessions, the Legislative Council has operated a tour guide program that coordinates tours of the Legislative Assembly by high school groups. The tour guide program is used extensively by high school groups; however, upon request, other groups have been placed on the tour schedule. The committee approved the continuation of the tour guide program for the 2019 legislative session.

### **Chaplaincy Program**

The Bismarck-Mandan Ministerial Association has coordinated the scheduling of a chaplain in each house to open the daily session with a prayer. Each chaplain receives a daily stipend of \$25. The committee authorized the Legislative Council staff to invite the local ministerial associations to continue to schedule chaplains for opening prayers for both houses each day of the 2019 legislative session.

The committee authorized the Legislative Council staff to notify all legislators they have until December 31, 2018, to schedule out-of-town clergy to give the opening prayer any day of the legislative session for their respective houses during the 2019 legislative session.

### **Organizational Session Agenda**

The committee approved a tentative agenda for the 2018 organizational session. Two major changes first made in 2002 were continued--convening the session on Monday rather than Tuesday and convening at 1:00 p.m. rather than 9:00 a.m. The agenda continues the provision of orientation classes for freshman legislators and computer training classes for returning legislators beginning at 9:00 a.m. on Monday. The agenda includes a computer distribution and training session for new legislators at 3:15 p.m. on Monday and additional computer distribution and training sessions on Tuesday and Wednesday. The committee approved including cybersecurity awareness training as part of the computer training sessions for new legislators. The committee also approved inclusion of training related to the *North Dakota Legislative Assembly Policy Against Workplace Harassment* as part of the organizational session ethics presentation.

### **State of the State Address**

During the 2017 legislative session, the House and Senate convened in joint session at 1:00 p.m. on the 1<sup>st</sup> legislative day. Three escort committees were appointed - one for the Lieutenant Governor, one for the Chief Justice of the Supreme Court, and one for the Governor and First Lady. After the Chief Justice administered the oath of office to elected officials of the executive and judicial branch, the Governor presented the State of the State address.

The committee authorized the Legislative Council staff to contact the Governor for presentation of the State of the State address on the 1<sup>st</sup> legislative day of the 2019 legislative session.

### **State of the Judiciary Address**

The committee authorized the Legislative Council staff to make plans with the Chief Justice of the Supreme Court for the State of the Judiciary address to be held at 11:00 a.m. on the 1<sup>st</sup> legislative day.

### **Tribal-State Relationship Message**

The committee authorized the Legislative Council staff to extend an invitation to representatives of the Indian tribes to address the 66<sup>th</sup> Legislative Assembly at 10:00 a.m. on the 1<sup>st</sup> legislative day.

### **Agricultural Commodity Promotion Groups Report**

The committee reviewed Section 4.1-44-04, which requires 14 agricultural commodity promotion groups to file a uniform report at a public hearing before the standing Agriculture Committee of each house. The committee designated Friday, January 11, 2019, as the day for a joint hearing by the Senate and House Agriculture Committees to receive this report.

### **Agriculture Commissioner Report**

The committee reviewed Section 4.1-36-04, which 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. The committee determined the report should be made on the same day the committees receive the agricultural commodity promotion groups report--Friday, January 11, 2019.

### **Commissioner of Commerce Report**

The committee reviewed Section 54-60-03, which requires the Commissioner of Commerce to report on the Department of Commerce's goals, objectives, and activities to a standing committee of each house as determined by the Legislative Management. The committee determined the report should be made to the Industry, Business and Labor Committees on Wednesday, January 9, 2019.

### **TELEPHONE USAGE GUIDELINES**

Under Section 54-06-26, a state official or employee may use a state telephone to receive or place a local call for essential personal purposes to the extent use does not interfere with the functions of the official's or employee's agency. When a state official or employee is away from the official's or employee's residence for official state business and long-distance tolls would apply to a call to the city of residence, the official or employee is entitled to make at least one long-distance call per day at state expense. A state agency may establish guidelines defining reasonable and appropriate use of state telephones for essential personal purposes.

The committee makes no recommendation for guidelines defining reasonable and appropriate use of state telephones for essential personal purposes.

### **CENSUS DATA REDISTRICTING PROJECT**

The committee received information regarding participation in Phase 2 of the Census Redistricting Data Program. Phase 2 is a voluntary program in which states may provide voting district, or precinct, boundary information to the United States Census Bureau. The committee authorized the Legislative Council to participate in the Phase 2 program, which the Legislative Council completed within the time allotted by the Census Bureau.