

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Wednesday, September 24, 2014
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 8:00 a.m.

Members present: Representatives Al Carlson, Bill Devlin, Corey Mock, Kenton Onstad, Don Vigesaa; Senators Joan Heckaman, Ray Holmberg, Jerry Klein, Mac Schneider, Rich Wardner

Member absent: Senator Tim Flakoll

Others present: Levi Andrist and Joel Gilbertson, Vogel Law Firm, Bismarck
Allen H. Knudson, Jason J. Steckler, Kyle W. Forster, Lori Ziegler, Sheila M. Sandness, John Walstad; Legislative Council, Bismarck

It was moved by Senator Wardner, seconded by Representative Mock, and carried on a voice vote that the minutes of the June 25, 2014, meeting be approved as distributed.

USE OF LEGISLATIVE CHAMBERS

The Director reviewed a request by Ms. Linda Fisher, Leasing Coordinator, Department of Trust Lands, to use the House chamber for oil and gas lease auctions on Tuesday, May 5, Tuesday, August 4, and Tuesday, November 3, 2015. He said all approvals for use of legislative space are subject to preemption in case a special legislative session is called.

It was moved by Senator Holmberg, seconded by Representative Vigesaa, and carried on a roll call vote to approve the request by the Department of Trust Lands to use the House chamber for oil and gas lease auctions on May 5, August 4, and November 3, 2015. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

CONTRACTS FOR SERVICES

Legislative Assembly Photography Services

Mr. Jason J. Steckler, Administrative Services Division Director, reviewed the 2015 Session Photography and Secretarial Bids and reported the invitation to bid for Legislative Assembly photography services was sent to 242 photography firms in North Dakota. He said six bids were received--\$2,559 by Legacy Photography, Fargo; \$3,800 by J & K Portraits, Fargo; \$4,000 by Anderson Photography, Crosby; \$8,350 by Behl's Photography, Grand Forks; \$10,694 by Brian's Photography, Grand Forks; and \$26,590 by Tweten's Photography, Grafton. For comparison purposes, he said, the bid accepted in 2012 was \$3,500 by Glasser Images, Bismarck. He said Glasser Images did not submit a bid for the 2015 legislative session.

It was moved by Senator Wardner, seconded by Senator Schneider, and carried on a roll call vote that the committee accept the proposal by Anderson Photography to provide photography services to the 64th Legislative Assembly. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Representative Devlin suggested the letter to Anderson Photography of the committee's acceptance of its bid ask that the photographer give legislators a chance to review the retakes done during the first week of the regular session.

Mr. Steckler said photographers usually allow the person to view the proof on a computer or notepad when the pictures are taken.

Secretarial, Telephone Message, and Bill and Journal Room Services

Mr. Steckler said the invitation to bid Legislative Assembly secretarial, telephone message, and bill and journal room services was sent to four temporary personnel services in the Bismarck-Mandan area. He said only one firm--Spherion--submitted a bid to provide secretarial, telephone message, and bill and journal room services based on 4.5 employees for 75 legislative days. He said the bid by Spherion was \$577.60 per day. He said Spherion provided secretarial and telephone message services and bill and journal room services during the 2013 legislative session at a bid price of \$507 per day for 4.5 employees and actual billing was around \$502 per day.

The Director said although staffing is an issue in the Bismarck area due to employment competition, Spherion has had the contract for the past few sessions and has been good with which to work.

It was moved by Senator Heckaman, seconded by Senator Wardner, and carried on a roll call vote that the committee accept the bid by Spherion to provide secretarial, telephone message, and bill and journal room services. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

LEGISLATIVE COMPENSATION

Chairman Carlson recognized Mr. Allen H. Knudson, Legislative Budget Analyst and Auditor, for a presentation regarding legislative compensation. Mr. Knudson said the Legislative Compensation Commission was repealed in 2011. He said North Dakota Century Code Section 54-03-20 was amended to provide that before each regular legislative session the Legislative Management is to make recommendations and submit any necessary legislation to adjust legislative compensation amounts. He said Senator Holmberg, Chairman of the Legislative Management, assigned this responsibility to the Legislative Procedure and Arrangements Committee.

Mr. Knudson reviewed four memorandums regarding legislative compensation--[Legislative Compensation Adjustment Process](#), [Legislative Compensation and Expenses](#), [Legislative Compensation Increases Compared to Inflation and State Employee Salary Increases - 1981 Through 2014](#), and [Legislative Compensation Levels in Other States](#).

Mr. Knudson said the Legislative Council staff is preparing the 2015-17 budget for the Legislative Assembly and is including funding for changes to legislative compensation in the same percentage as provided for state employee salary increases for the 2015-17 biennium. He said the plan is to include funding to allow for a 4 percent increase for the first year of the biennium and 3 percent increase for the second year in legislative compensation amounts for monthly pay, session pay, interim pay, and leaders' additional monthly pay. He said the related statutory changes will be included in the legislative branch appropriation bill. If the executive budget recommendation or subsequent legislative action relating to state employee salary increases differs from the percentages or amounts included in the Legislative Assembly budget and the appropriation bill, he said, changes may be made by amendment during the session. He said no changes are being proposed for travel expense reimbursement levels that apply to legislators as well as state employees.

The following chart shows the proposed legislative compensation changes based on the recommended increases and the estimated cost of these increases for the 2015-17 biennium:

	Current Rate	Rate Effective July 1, 2015	Rate Effective July 1, 2016	Estimated Cost 2015-17 Biennium
Monthly pay	\$467	\$486	\$501	\$96,536
Daily session pay	\$167	\$174	\$179	211,287
Interim meeting pay	\$167	\$174	\$179	34,595
Leaders' additional monthly pay	\$335	\$348	\$358	2,325
Total				\$344,746

It was moved by Senator Holmberg, seconded by Senator Klein, and carried on a roll call vote that the committee support the inclusion in the appropriation bill for the legislative branch of the statutory changes and funding for legislative compensation adjustments of 4 percent the first year and 3 percent the second year for the 2015-17 biennium, to be adjusted during the 2015 legislative session to the appropriate level as compared to state employee salary adjustments. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

2015 COUNCIL OF STATE GOVERNMENTS MIDWESTERN LEGISLATIVE CONFERENCE

The Director distributed a letter from Senator Flakoll regarding hosting of the 2015 Midwestern Legislative Conference. The letter states:

"North Dakota is hosting the CSG Midwestern Legislative Conference in Bismarck next summer, July 12-15, 2015. The event will bring 500 to 600 legislators, spouses, and others from 10 states and 4 Canadian provinces to North Dakota. North Dakota has this opportunity every 12 years or so and the event was last held in Fargo 13 years ago and in Bismarck 23 years ago. We plan to have a premier event, showcasing the successes of North Dakota and focusing on energy and agriculture. Featuring these two areas will be vital for the ongoing support by state and provincial leaders as well as building a strong base for those who move on to federal positions, including Congress or agencies, such as the Environmental Protection Agency. The plan is to tie in local tourist destinations with the event for pre- or post-conference vacations. This conference will have significant economic impact on the area.

Planning efforts are well underway. North Dakota is responsible for planning the evening events, as well as the spouse and youth events. Main events are planned at the Heritage Center on Sunday evening, Fort Lincoln on Monday evening, and a state dinner on Tuesday evening. Attached is a [summary of expense budgeted](#) and income projected. The events in Nebraska and Minnesota for the last 2 years had a budget of around \$500,000. The Council of State Governments' out-of-state fundraising efforts should generate approximately \$90,000, as do the registration fees, for a total of \$180,000 from those sources, leaving around \$350,000 to be raised in North Dakota. We are beginning fundraising efforts, headed up by Senator Ron Carlisle. To have a premier North Dakota event, I believe we need state general fund support in the Legislative Assembly's budget for the 2015-17 biennium, and I request that the committee support, by motion, the inclusion of \$350,000 in the budget as a starting point, to be reduced by any funds raised by North Dakota's fundraising team."

Senator Carlisle, Chair of the fundraising team for the conference, discussed the need for funding the event and echoed Senator Flakoll's written comments. He said North Dakota gets the opportunity to host the event every 12 years or so and should do it right. He said he will work hard with his fundraising team to raise as much money as possible for the conference. He said the state must show a commitment to the conference.

The Director said the budget for the event in Fargo in 2002 was around \$220,000, but the conference was a "spartan" conference with few frills.

Senator Wardner chaired the conference in 2002 and said it was a no frills conference and fundraising was difficult. He said he supports the request for \$350,000 in funding and said the fundraising team will be diligent and will raise all the money it can. He said we need to show support so that planning for the conference can be completed.

Chairman Carlson asked about the dues the state pays to the national Council of State Governments and how that supports the conference. The Director said those dues go to the national organization and may provide some support for the regional staff, but not the conference.

Chairman Carlson said although it may be difficult to raise funds if donors know there already is money in the budget, it is important to have a successful conference.

It was moved by Senator Wardner, seconded by Representative Onstad, and carried on a roll call vote that the committee support the inclusion of funding of \$350,000 in the Legislative Assembly budget request for the 2015-17 biennium in support of the 2015 Council of State Government's Midwestern Legislative Conference to be held in Bismarck in July 2015, with the expectation that the amount budgeted will be reduced by any additional funds that are raised. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

MEMORIAL HALL DISPLAY OF GRAND PIANO

The Director said he had been contacted by representatives of the Office of Management and Budget (OMB) regarding the donation of a grand piano by Mr. Joel Gilbertson to the state of North Dakota for use at events in the Capitol. He said the planned location of the grand piano would be the west end of Memorial Hall. He said the Legislative Procedures and Arrangements Committee has a policy regarding "permanent displays" in that area and would need to provide an exception to that policy for the grand piano.

Ms. Pam Sharp, Director, Office of Management and Budget, explained the request. She said OMB had been contacted by Mr. Gilbertson who would donate the grand piano to the state for use at various events in the Capitol and OMB would insure and maintain the piano.

Mr. Gilbertson said it is his and his wife Jan's gift to the state, it is something that every Capitol should have, and it will commemorate the state's 125th anniversary. He said said the piano would be covered to protect it, would have wheels to allow it to be moved throughout the Great Hall, and would need to be tuned twice a year.

Various committee members expressed their gratitude to Mr. and Mrs. Gilbertson for the gift.

In response to a question from Senator Heckaman, the Director said the smaller upright piano that was purchased by the legislative branch is stored in the legislator study on the first floor next to the Senate and will continue to be available for use in the chambers.

Chairman Carlson asked Mr. John Boyle, Director, Facility Management Division, Office of Management and Budget, about the status of the north parking lot project and the cafeteria remodel. Mr. Boyle said the north parking lot should be finished by mid-November and the cafeteria by mid-October. He said the brass restoration in the House and Senate Chambers is completed.

It was moved by Senator Heckaman, seconded by Representative Devlin, and carried on a roll call vote that the committee support the acceptance of the grand piano, recognizing that the Office of Management and Budget will insure and maintain the grand piano and that the staff will revise the committee's policy on permanent displays in Memorial Hall to allow for the location of the grand piano on the west end of the Memorial Hall. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

SESSION ARRANGEMENTS

Organizational Session Agenda, Computer Training, and Legislative Employee Training

The Director reviewed the [tentative agenda](#) for the legislative organizational session. He said the agenda is based on the 2012 organizational session agenda. He said the proposed agenda provides for the convening of the organizational session at 1:00 p.m. on Monday, December 1, 2014, to allow legislators to travel to Bismarck on Monday morning rather than on Sunday. He said the agenda also provides orientation classes for freshman legislators and computer training classes for veteran legislators beginning at 9:00 a.m. on Monday, as was done in 2012.

The Director said a major change is to combine the Legislative Management report and the staff presentation on legislative ethics during the time slot on Tuesday, December 2, at 9:10 a.m. and to remove the report from the Uniform Laws Commission. He said the Chairman of the Legislative Management has reviewed the Uniform Laws Commission bills introduced during the last legislative session and the bills were referred to the Judiciary committees.

Senator Holmberg said the two Judiciary committees should meet jointly during the first full week of the session and have the opportunity to consider the report in more depth than a joint session allows.

The Director also reviewed the schedule for [Computer Training Sessions for Legislators](#), which also will be held during the legislative organizational session and the schedule for [Orientation and Training Sessions for Certain Legislative Employees](#) that will occur between the organizational session and the regular session. He said the computer distribution and training session for new legislators at 3:15 p.m. on Monday is continued, in addition to the traditional training sessions for new legislators on Wednesday. In addition, he said, tablet training sessions have been added for returning legislators on Monday, Tuesday, and Wednesday.

It was moved by Representative Devlin, seconded by Senator Heckaman, and carried on a roll call vote that the tentative agenda for the legislative organizational session, the legislator computer training schedule, and the legislative employee training schedule be approved. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Screening of Legislative Employee Applications

Chairman Carlson and Senator Wardner announced that Representative Bob Martinson and Senator Dick Dever are authorized to begin the process to recruit and hire employees for the 64th Legislative Assembly.

Heating and Cooling of Technology Equipment in Chamber Spaces

Mr. Steckler said because of the installation of servers and other equipment behind the chambers to support the voting boards and sound systems, the staff has been working with the Facility Management Division of OMB to monitor the temperatures in those areas. He said we are close to the allowable operating temperatures and the

area should be cooled to protect the equipment. He said OMB has developed a bid of \$21,656 to upgrade the heating, ventilation, and cooling of those areas. He said there are available funds in the legislative wing improvements budget for this expenditure.

It was moved by Senator Klein, seconded by Representative Vigesaa, and carried on a roll call vote that the committee approve the expenditure of funds for the heating and cooling of chamber technology storage areas. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Policy on Use of Computers by Legislators

The Director distributed and discussed a memorandum entitled [*Policy on Use of Computers by Legislators*](#). He said the policy was revised to accommodate the committee's approval to go to a stipend reimbursement for data plans this interim. At this point, he said, the next biennium's budget will include continuation of the \$90 per month stipend.

Chairman Carlson said leaders should ask members how that amount is covering the data and other related costs.

Mr. Kyle W. Forster, Information Technology Manager, provided project and session preparation updates to committee members. He said everything is on schedule, including the sound system upgrades and microphone replacements. He said there will be copier upgrades in the leader's offices, and copiers for clerks and other legislative employees will be rented new copiers, rather than the rented used machines used last session.

It was moved by Senator Holmberg, seconded by Representative Vigesaa, and carried on a roll call vote that the committee approve the policy on use of computers by legislators. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Policy Regarding Secretarial Services to Legislators

The Director distributed a memorandum entitled [*Policy Regarding Secretarial Services to Legislators*](#). He said the policy is in line with the policy used in previous sessions. He said the policy is used as direction should any issues arise.

It was moved by Senator Klein, seconded by Senator Wardner, and carried on a roll call vote that the committee approve the policy regarding secretarial services to legislators. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Legislator Stationery

The Director reviewed the policy regarding stationery provided to legislators. He said an electronic letterhead is provided to all legislators to use as a template so they can print correspondence on regular paper and envelopes. He proposed that legislators continue to be provided with an electronic letterhead for use in printing letters and envelopes rather than receiving stationery and envelopes through a contract printer.

It was moved by Representative Vigesaa, seconded by Senator Heckaman, and carried on a roll call vote that the policy regarding each legislator receiving a template for printing letterhead through the word processing and email software be continued. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

Brief Bags

The Director reviewed the policy of providing brief bags to legislators. He said leather-type brief bags have been authorized for legislators after each election since 1984. He said brief bags are provided on request to new legislators as well as holdover legislators. He said a request form is placed in the information packet distributed to legislators during the organizational session. He said legislators who desire a brief bag must return that request form to the Legislative Council office. He said the options available include the holdover type leather-simulated bag at a cost of \$50, a Buffalo Valley leather bag at a cost of \$134, and a Fort Canyon leather bag at a cost of \$169. He said either of the two new leather bags can be obtained in a dark brown or saddle brown color. He said the newer leather bags would have an embossed great seal on the side, "North Dakota Legislative Assembly" on the outside of the name tag, and individual legislator identification on the inside of the name tag. He said the bags could be more durable and could last four years. The general discussion favored going with the Fort Canyon bag in a saddle brown color.

It was moved by Senator Wardner, seconded by Representative Mock, and carried on a roll call vote that for the 64th Legislative Assembly each legislator is entitled to the Fort Canyon leather brief bag in a saddle brown color which includes an embossed Great Seal on the side, "North Dakota Legislative Assembly" on the outside of the name tag, and the legislator's identification on the inside of the name tag, with the order form to be included in the information packet for all legislators. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

LEGISLATIVE RULES

The Director distributed copies of rules changes [[House Rule 202](#)], [[Senate Rule 306](#)], and [[Senate Rule 358](#)], recommended by the committee at a previous meeting. He said recommended changes are presented to the Senate and House Rules Committees during the organizational session for consideration. He said an additional rule proposal regarding the reading of papers on the floor was submitted for Senator Flakoll. The committee discussed the rule change and committee members generally agreed the rule requires some redrafting to make it clear that a member could read the member's own speech, but would need permission to read statements of anyone else.

WRAP-UP

The Director indicated as part of the chamber upgrades the sound system and microphones have been replaced. He said the staff plans to offer the old microphones to legislators at the Legislative Management meeting in November. The microphones have been determined to have no value, other than sentimental value and therefore will not be surplus property.

In response to an inquiry from Chairman Carlson, the Director said it appears the committee has completed its work and is ready to report to the Legislative Management on November 12-13.

It was moved by Senator Holmberg, seconded by Representative Mock, and carried on a roll call vote that the Chairman and the Legislative Council staff be requested to prepare a report and the rules amendments recommended by the committee and to present the report and recommended rules amendments to the Legislative Management. Representatives Carlson, Devlin, Mock, Onstad, and Vigesaa and Senators Heckaman, Holmberg, Klein, Schneider, and Wardner voted "aye." No negative votes were cast.

No further business appearing, Chairman Carlson adjourned the meeting at 9:35 a.m.

Jim W. Smith
Director