



LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Wednesday, June 24, 2020

Senator Rich Wardner, Chairman, called the meeting to order at 1:00 p.m.

Members present: Senators Rich Wardner, John Grabinger, Joan Heckaman, Jerry Klein; Representatives Josh Boschee, Karla Rose Hanson, Lawrence R. Klemin, Scott Louser, Chet Pollert

Member absent: Senator Oley Larsen

Others present: John Bjornson and Kyle W. Forster, Legislative Council, Bismarck
See [Appendix A](#) for additional persons present.

It was moved by Representative Boschee, seconded by Representative Pollert, and carried on a voice vote that the minutes of the March 18, 2020, and May 18, 2020, meetings be approved as distributed.

Chairman Wardner called on Ms. Claire Ness, Counsel, Legislative Council, for a presentation of a memorandum entitled [Invitation to Bid - Legislative Assembly Photography Services](#).

It was moved by Senator Heckaman, seconded by Representative Hanson, and carried on a roll call vote that the invitation to bid be approved as distributed. Senators Wardner, Heckaman, and Klein and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." No negative votes were cast.

CAPITOL RENOVATIONS, GOVERNOR'S RESIDENCE, AND INFORMATION KIOSK

Chairman Wardner called on Mr. John Boyle, Director, Facility Management Division, Office of Management and Budget, for a presentation ([Appendix B](#)) regarding Americans with Disabilities Act of 1990 (ADA) compliance of committee rooms, an update on improvements at the governor's residence, and an update on renovations to the south entrance of the Capitol.

Mr. Boyle said legislative committee room doors will be expanded from 30 inches to 36 inches at a cost of approximately \$6,000 per room. He said two or three assisted listening devices will be placed in each committee room at approximately \$3,000 per room. He said the Office of Management and Budget (OMB) will include these costs in its budget request and coordinate the work necessary to make the updates.

In response to questions from Chairman Wardner, Mr. Boyle said the rooms in the judicial wing of the Capitol have ADA-compliant doors but need assisted listening devices. He said a wireless sound system will be installed.

Mr. Boyle said the \$250,000 for the Capitol Grounds Planning Commission is a recurrent appropriation for work on the Capitol grounds each biennium. He said because only \$800,000 out of \$1 million in donations required for the governor's residence was obtained through fundraising, the \$250,000 appropriation for the Capitol grounds this biennium was spent on improvements to the governor's residence. He said \$35,000 was spent on sound-absorbing acoustical panels in the residence. He said the remainder of the appropriation was going to be spent on changes to the lower level kitchen to prevent sounds and smells from reaching the main floor of the residence, but the bids for the kitchen project were more than \$250,000. He said the kitchen project may be postponed.

In response to questions from Representative Pollert, Mr. Boyle said the state may accept funds raised for landscaping at the governor's residence. He said, during the prior biennium, the Capitol Grounds Planning Commission hired a landscape architect and accepted the architect's drawing. He said the cost of the landscaping would be \$2 million. He said the Prairie Room was included in the ADA compliance study and needs wider doors and assisted listening devices. He said the Pioneer Room needs only the assisted listening devices. He said OMB has been performing ADA upgrades costing less than \$500. He said it would be a good idea to move legislative committees from the Prairie Room to the Pioneer Room. He said OMB will request for \$700,000 from Coronavirus

Aid, Relief, and Economic Security (CARES) Act funds for air ionization equipment from the Emergency Commission. He said the equipment will be installed in both chambers, hearing rooms, the cafeteria, and anywhere else the public is permitted. He said, for an extra \$300,000, the equipment could be added to every heat pump on the Capitol campus. He said touchless bathroom fixtures are being installed throughout the Capitol.

In response to questions from Senator Klein, Mr. Boyle said his office is researching the historic significance of some doors in the building, but he has not received a definitive answer from the legal counsel yet.

In response to questions from Representative Klemin, Ms. Ness said the restroom nearest to the Prairie Room is in a secured area of the Legislative Council office and is not ADA compliant.

Representative Pollert said any discussion of opening that restroom to legislators or the public raises concerns about Legislative Council staff privacy.

Mr. Boyle said the bid to redesign the south entrance of the Capitol came in under the architect's expectations. He said the demolition work is complete, and sidewalks will be installed soon. He said the renovation project is ahead of schedule.

Representative Boschee said ensuring ADA compliance supersedes maintaining historical accuracy.

Chairman Wardner said the money spent on ionizers will be well spent, and OMB should put ADA-compliance upgrades in its budget. He said new chair racks should be included in the budget so Memorial Hall can be cleared of clutter.

Mr. Boyle said he will provide the total cost to the committee.

Chairman Wardner called on Ms. Ness for a presentation regarding the information kiosk in Memorial Hall. Ms. Ness said the kiosk is not in good repair and could be replaced with the smaller kiosk formerly placed outside the governor's office. She said that kiosk could be moved against the north wall of the hallway just to the west of the main stairs so it will be less obtrusive.

In response to a question from Representative Klemin, Ms. Ness said the new kiosk would have video monitors.

In response to questions from Representative Pollert, Mr. Boyle said the changes to the kiosk could be handled by Facility Management personnel, and the floor under the old kiosk would be repaired.

It was moved by Representative Pollert, seconded by Representative Klein, and carried on a roll call vote that the information kiosk be replaced and the new kiosk be moved to the north wall west of the main stairs. Senators Wardner, Grabinger, Heckaman, and Klein and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." No negative votes were cast.

CHAPLAINCY PROGRAM, TOUR GUIDE PROGRAM, LEGISLATOR STATIONERY, AND WATS LINE

Chairman Wardner called on Ms. Ness to present information regarding the chaplaincy program, tour guide program, and legislator stationery for the 2021 legislative session. Ms. Ness said the committee has authorized a chaplaincy program for the Legislative Assembly each biennium. She said the local ministerial association historically has been asked to coordinate scheduling chaplains to provide opening prayers in both houses each day during the sessions. She said the committee also has authorized a tour guide program to run during legislative sessions to coordinate tour groups and provide tours of the Capitol. She said the committee has approved the distribution of electronic letterhead rather than paper stationery for the past several sessions.

In response to a question from Chairman Wardner, Ms. Ness said the WATS telephone line, which allows residents of the state to contact legislators during legislative sessions, was used only a few times in the prior session and could be continued.

It was moved by Senator Grabinger, seconded by Representative Hanson, and carried on a roll call vote that the chaplaincy and tour guide programs, the WATS telephone line, and the practice of providing each legislator an electronic template for printing letterhead through the word processing and email software be continued. Senators Wardner, Grabinger, Heckaman, and Klein and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." No negative votes were cast.

ADDRESSES TO THE LEGISLATIVE ASSEMBLY

Chairman Wardner called on Ms. Ness to present information regarding the State of the State Address, the Tribal-State Relationship Message, and the State of the Judiciary Address. Ms. Ness said all three addresses were given during the 1st day of the last session. She said the Tribal-State Relationship Message was given at 10:00 a.m., and the State of the Judiciary Address was given at 11:00 a.m. She said the two houses convened in a joint session at noon and voted to print the message and address in the journals before recessing. She said the houses reconvened in a joint session at 1:00 p.m. for oaths of office to be taken and to hear the State of the State Address.

It was moved by Senator Heckaman, seconded by Representative Klemin, and carried on a roll call vote that the Legislative Council be requested to contact the Governor with respect to scheduling the State of the State Address at 1:00 p.m. on the 1st legislative day (January 5, 2021), to contact the Chief Justice to make plans for the State of the Judiciary Address at 11:00 a.m. on the 1st legislative day, and to invite a representative of the Indian tribes to address the Legislative Assembly at 10:00 a.m. on the 1st legislative day. Senators Wardner, Grabinger, Heckaman, and Klein and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." No negative votes were cast.

REPORTS TO THE LEGISLATIVE ASSEMBLY

Chairman Wardner called on Ms. Ness for a presentation on the reports to the Legislative Assembly. Ms. Ness said North Dakota Century Code Sections 4.1-44-04 and 4.1-36-04 require a report of 14 agricultural commodity promotion groups be provided to the Agriculture Committee of each house and the biennial report of the Agriculture Commissioner on the status of the pesticide container disposal program be provided to a joint hearing of the Senate and House Agriculture Committees. She said Section 54-60-03 requires the Commissioner of the Department of Commerce to give a report on the department's goals, objectives, activities, measurable results, and commerce benchmarks to a standing committee of each house. She said the standing committee receiving the report generally has been the Industry, Business and Labor Committee. She said these reports must be given between the 1st and 10th legislative days of the session.

It was moved by Representative Pollert, seconded by Representative Hanson, and carried on a roll call vote that Thursday, January 14, 2021, be designated as the day for a joint hearing by the Senate and House Agriculture Committees to receive the report of the agriculture commodity promotion groups under Section 4.1-44-04 and to receive the report of the Agriculture Commissioner on the status of the pesticide container disposal program under Section 4.1-36-04; and Wednesday, January 13, 2021, be designated as the day the Commissioner of the Department of Commerce reports to the Industry, Business and Labor Committees. Senators Wardner, Grabinger, Heckaman, and Klein and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." No negative votes were cast.

LEGISLATIVE ASSEMBLY EMPLOYEE POSITIONS AND COMPENSATION

Chairman Wardner called on Ms. Ness to present a memorandum entitled [Legislative Assembly Employee Positions and Compensation](#) and to discuss bill and journal room duties. Ms. Ness said the memorandum suggests maintaining the same number of Legislative Assembly employees for the 2021 session as for the 2019 session. She said the higher compensation amounts in the memorandum reflected the same compensation increases as state employees received. She said the committee may wish to consider having employees cover the duties of the bill and journal room, telephone messaging, and secretarial service to eliminate the need for a separate contract for those responsibilities. She said the number of hours needed under the contract has been reduced during each of the last two legislative sessions as demand for those services has decreased significantly.

Chairman Wardner said leaders' staffs have assisted with secretarial services in the past. He said employees may need to be flexible with regard to the duties they perform and be willing to cover responsibilities outside their traditional roles. He said some employees do not have much work to do when the houses are not in floor session.

Senator Klein said technology has reduced the workload for some types of employees such as pages.

It was moved by Representative Pollert, seconded by Representative Boschee, and carried on a roll call vote that the committee recommend 37 Senate employee positions, 46 House of Representatives employee positions, and compensation increases consistent with state employee compensation increases; and request the Legislative Council staff prepare a draft resolution based upon House Concurrent Resolution No. 3022 (2019) with the recommended compensation levels. Senators Wardner, Grabinger, Heckaman, and Klein and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." No negative votes were cast.

FEDERAL COVID FUNDS AND INFORMATION TECHNOLOGY PROJECTS

Chairman Wardner called on Mr. Kyle W. Forster, Information Technology Manager, Legislative Council, for a presentation regarding information technology upgrades to legislative committee rooms and chambers, remote voting, online testimony document submission, and computer replacement. Mr. Forster said all the new laptops and tablets have arrived and are being distributed to legislators as legislators travel to Bismarck for meetings. He said the pilot project to install video systems in certain legislative committee rooms is complete, and the systems are operational for remote participation in meetings. He said the systems have worked well. He said the videos are being indexed for easier review of specific agenda items and presenters. He said the installation of new cameras in the legislative chambers and remaining committee rooms is underway. He said installation purchase orders and purchase orders for indexing and archiving services have been issued. He said closed captioning of committee meetings is available to the public for the interim meetings but closed captioning will be available only for activities in the chambers during the legislative session. He said there are several projects to complete to be able to support a remote, special legislative session. He said the projects include continuing to use remote video software for legislators to participate in committee hearings and floor sessions remotely, upgrading cameras, upgrading the voting boards to display video of remote participants, installing a module to allow legislators to vote securely from a remote location, two-factor authentication, installing systems to display voting boards on remote video meetings, and establishing a system for persons to submit electronic testimony. He said protective measures, such as providing hand sanitizer and other supplies are needed.

In response to questions from Representative Hanson, Mr. Forster said agendas and notices inform the public that comments may be mailed to the staff person for the meeting and provide the staff person's email address. He said the comments received are linked to the agenda item on the Legislative Council website. He said there are ways to allow the public to provide live testimony to a committee from a remote location, but the committee staff would need to manage access. He said the remote meeting could not be opened completely to the public without considerable technical and security problems, but, if committee staff know in advance who wishes to testify, that can be accommodated from a technical standpoint. He said a Zoom meeting may be one way to do so.

In response to a question from Representative Klemin, Mr. Forster said using personal computers is strongly discouraged, and he recommended a rule requiring legislators to use only their state-issued equipment for remote participation.

It was moved by Representative Pollert, seconded by Representative Boschee, and carried on a roll call vote that, to prepare for the possibility of the Legislative Assembly needing to meet remotely prior to the end of 2020 due to the Coronavirus (COVID-19) pandemic, the committee approve the expenditure of up to \$1.25 million of federal funds for the purchase and installation of equipment and other costs necessary to prepare the Legislative Assembly and its standing committees to meet remotely, and to take other protective measures to prevent the spread of COVID-19. Senators Wardner, Grabinger, Heckaman, and Klein and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." No negative votes were cast.

LEGISLATIVE RULES

Chairman Wardner invited Ms. Ness to present draft amendments [[21.9164.01000](#) and [21.9159.02000](#)] to legislative rules. Ms. Ness said the proposed amendments to Senate Rules 320 and 348 would make the Senate rules consistent with changes made to House Rules 320 and 348 during the 2019 legislative session. She said the proposed amendment to House Rule 348, which is reflected in the draft amendment to Senate Rule 348, is for clarity. She said the proposed amendments to House Rule 362 and Senate Rule 362 include the amendments the committee reviewed in December 2019 and the additional change requested by Representative Klemin.

It was moved by Representative Pollert, seconded by Senator Grabinger, and carried on a roll call vote that the proposed amendments to Senate Rules 320 and 348 and House Rule 348 be approved as distributed and recommended to the Legislative Management. Senators Wardner, Grabinger, Heckaman, and Klein and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." No negative votes were cast.

It was moved by Representative Klemin, seconded by Representative Louser, and carried on a roll call vote that the proposed amendments to House Rule 362 and Senate Rule 362 be approved as distributed and recommended to the Legislative Management. Senators Wardner, Grabinger, Heckaman, and Klein and Representatives Hanson, Klemin, Louser, and Pollert voted "aye." Representative Boschee voted "nay."

REMOTE SESSION PREPARATIONS

Representative Klemin said he distributed an email ([Appendix C](#)) with six suggested preparations for a remote session.

Chairman Wardner invited Ms. Ness to update the committee on preparations for a remote session. Ms. Ness said, as part of its work to prepare for a possible remote session, the Legislative Council has completed five of the six items listed by Representative Klemin, and the remaining item is in progress. She said the memorandum entitled [Legal Considerations for Remote Legislative Sessions](#) is available on the Legislative Council website and addresses some of the issues raised by Representative Klemin. She said other states have held remote legislative sessions, and she was unaware of any state amending the state constitution to do so. She said states are changing legislative rules or amending statutes as necessary for remote sessions. She said proposed rule changes will be presented to the committee at its next meeting.

Mr. John Bjornson, Director, Legislative Council, said the Legislative Council has been reviewing the Centers for Disease Control and Prevention guidelines as they change and has been purchasing sanitizer and other supplies to reduce transmission of COVID-19.

Representative Boschee said some leaders have called for a special session. He said a special session would allow legislators to prepare a ballot measure for the voters' consideration in November 2020 to address situations like the pandemic.

In response to Representative Klemin, Mr. Forster said the development of the online bill request system is in progress.

No further business appearing, Chairman Wardner adjourned the meeting at 3:40 p.m.

Claire Ness
Counsel

ATTACH:3