

# NORTH DAKOTA LEGISLATIVE COUNCIL

## Minutes of the

### LEGISLATIVE MANAGEMENT COMMITTEE

Monday, October 29, 2007  
Harvest Room, State Capitol  
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 2:05 p.m.

**Members present:** Representatives Al Carlson, Rick Berg, Merle Boucher, Jeff Delzer, David Monson; Senators Randel Christmann, Dwight Cook, Carolyn Nelson, David O'Connell, Bob Stenehjem

**Member absent:** Representative Kenton Onstad

**Others present:** See [Appendix A](#)

#### MINUTES

It was moved by Senator O'Connell, seconded by Senator Nelson, and carried on a voice vote to approve the minutes of the June 26, 2007, meeting of the committee.

#### LEGISLATIVE APPLICATIONS REPLACEMENT PROJECT STATUS

Chairman Carlson recognized Mr. Jim Gienger, Project Manager, Enterprise Solutions, Inc., for a report on the status of the legislative applications replacement project. Mr. Gienger distributed the quarterly project status report ([Appendix B](#)) for the period July 1, 2007, through September 30, 2007. He said test hardware and software have been installed in the Legislative Council office. Even when the applications are in production, he said, this hardware will remain in place because testing of features will continue throughout the years of production. He said he has met several times with personnel from the Information Technology Department, and the cooperation of the Information Technology Department is key to the success of this project.

Mr. Gienger said the potential risk to this project is the reliance of PTC on one individual as the developer with the overall vision for the project. He said the current status of "yellow" with respect to three non-critical task deliverables being late will be addressed during the first quarter of 2008. He noted that with a project of this duration, it is necessary to revise the baseline as the project progresses without impacting the overall project deadline.

Representative Carlson inquired as to what legislators will experience with the new system. Mr. John D. Olsrud, Director, Legislative Council, said the primary effect of the project is to replace or migrate applications from the mainframe (enterprise server) of the Information Technology Department. He said the current system provides legislators with substantial information but the applications are

cumbersome and new applications should be more flexible and efficient in providing information to legislators. With respect to the cost of the project, Phase I Analysis and Design cost \$1,076,348; Phase II Catalyst Initiative Stage 0 cost \$737,367; and Phase II Stages 1-5 is budgeted at \$3,910,827.

Representative Carlson requested that PTC be asked to provide a demonstration during the next committee meeting of what legislators could expect during the 2009 legislative session.

#### BILL FORMAT

The assistant director referred to a proposed format for printed bills as illustrated by 2007 Senate Bill No. 2041 ([Appendix C](#)). He said the proposed format resulted from the new bill draft application. He said a feature of using XML as the editor allows various "style sheets" to be developed for viewing information obtained from the application. He said a different style sheet is developed for a printed version, for the version legislators see in their legislative information application, and for the versions on the legislative branch web site either in HTML format or PDF format. He said bills currently are printed with Helvetica Latin1 10 font. During the 2007 legislative session, he said, 1,106 bills and resolutions were introduced consisting of 3,492 pages and the printing of 250 copies of each resulted in 872,500 pages. He said these figures do not include the 250 copies of engrossed bills printed during the 2007 legislative session nor the 18,593 photocopies made in the bill and journal room to meet demand when the printed copies were not available. He said the total cost of printing bills and resolutions was \$63,831.25, not including the copier cost of \$10,035.30. He said the proposed format for bills uses Times New Roman 11 font with reduced line spacing. He said the proposal provides for more characters per line and more lines per page and the proposed format reduces almost three pages of a bill printed in the current format to approximately one and one-half pages. He said with the proposed format, bills would be printed on approximately one-half the number of pages resulting in cost-savings.

The assistant director referred to a reformatted version of Senate Bill No. 2041 showing the "tags" that appear in the bill drafting application as used by the Legislative Council staff information processing specialists or others using the bill drafting application

to prepare bill drafts. He said this version also illustrates the metadata tags required for information used by other applications, e.g., the bill status report and the daily journals. The example is attached as [Appendix D](#).

The assistant director said the main purpose for presenting the proposed format to the committee is to receive approval for continuous line numbering throughout a bill or resolution. He said continuous line numbering will allow development of automated amendment preparation and bill engrossment as well as allow easier reference when viewing a bill on a computer screen in a format that does not separate pages. He said automated amendment preparation would have a substantial impact on the workflow as amendments are prepared and bills are engrossed during legislative session. He said the major change legislators would see is that an amendment would not refer to page numbers but would refer to line numbers, e.g., rather than "page 3, line 26," the amendment would refer to "line 62." He said line numbers would change only when bills are engrossed, the same as when page and line numbers change under the current format.

Senator Stenehjem said the type font is too small to read easily. He said line spacing should be increased to provide easier readability.

Representative Delzer said continuous line numbering would make it more difficult to find material referenced after large amounts of material have been added or removed from a bill.

**It was moved by Senator Nelson and seconded by Senator Cook that the committee approve the use of continuous line numbering in bills and resolutions.** The assistant director said the proposed format would be modified by using a larger font as well as adding additional line spacing. **The motion carried on a roll call vote.** Representatives Carlson, Berg, and Boucher and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." Representatives Delzer and Monson voted "nay."

## CAPITOL TOWER STAIRWAY FIRE EXITS

Chairman Carlson recognized Ms. Pam Sharp, Director, Office of Management and Budget, for a presentation on the Capitol fire suppression project phase that provides for direct exit access from the stairways in the Capitol tower. Ms. Sharp introduced Mr. Al Fitterer, Al Fitterer Architect, PC, who described the proposals making the stairways in the Capitol tower fire code compliant.

Mr. Fitterer said the stairways in the tower are under a negative pressure, i.e., smoke will go up the stairwells as a result of a "chimney" effect. He said the stairways need to be pressurized. He said a protected path of travel from the stairways to exit the building is required under the International Building Code and the National Fire Protection Association.

Mr. Fitterer presented two options for providing exits from the north stairway and one option for providing an exit from the south stairway. A copy of the options is attached as [Appendix E](#). Mr. Fitterer said North Option A provides for an exit from the north stairway through a hall along the west side of the Red River Room, exiting through a new door in an existing window opening, and leaving the Red River Room dimensions 16' 3" x 23' 4". He said North Option B provides for an exit hallway along the south side of the Red River Room, exiting in the existing corridor and allowing exit through the north entrance, and with new doors placed approximately where the newsstands are located in order to pressurize that exit way, leaving the Red River Room 21' 7" x 22' 2". He said South Option A provides an exit from the south stairway through a hallway to the east, reducing an office in the Governor's office suite, and turning south along the west side of the Sakakawea Room, exiting through a new door in an existing window opening, and leaving the Sakakawea Room dimensions 21' 7" x 29' 2".

Representative Carlson asked why this is being proposed. Mr. Fitterer said the proposal would provide a clear, protected exit from the stairwells in the Capitol tower. He said although Bismarck does not have jurisdiction over the Capitol grounds with respect to fire code enforcement, this phase of the fire suppression project completes putting the exits from the Capitol fire code compliant.

In response to a question from Representative Berg, Mr. Fitterer said people would need to be trained during fire drills to use the fire exits rather than exit through the main hallways. He said the doors from the stairways into the main hallways on the ground floor would close when the alarms sound.

In response to a question from Senator Stenehjem, Mr. Fitterer said to use the existing exits into the main hallway and then exiting through the mailroom entrance would require doors to be placed in the hallway west of the elevators so the exit way would be pressurized.

Senator Cook said it appears committee members are considering two issues, whether exits should be provided and how the exits are going to be provided. He said the first issue is not really in question because the safety of people is paramount and there is not a choice--exits need to be provided.

Representative Boucher agreed with Senator Cook, but he questioned whether the hallways as proposed would handle the people trying the exit. Mr. Fitterer said the hallways are a width of 44 inches, which is the minimum required width.

Representative Carlson said the Capitol is an old building and when it was constructed it met the standards and it had an exit plan. Now, he said, there is a different exit plan.

In response to a question from Senator Nelson, Mr. John Boyle, Director, Facility Management, said the proposal to restrict the south exit to visitors was not funded in 2007 and it may be repropose in 2009.

In response to a question from Senator Stenehjem, Mr. Joe Leopoldt, Staff Architect/Planner, Facility Management, said stairways in the judicial wing exit to the exterior and include a gate to prevent employees from accidentally exiting into the basement. He said the legislative wing is not four stories, so those stairways are allowed to be open because they are not considered fire exits.

Representative Carlson requested additional options in placing doors in the corridors. Senator Cook said Option B is the best between Option A and Option B. With respect to Option C, he inquired why additional space was not taken from the Governor's office area.

Chairman Carlson recessed the meeting for a tour of the Sakakawea Room and the Governor's office area. Committee members expressed concern over the loss of space in the Sakakawea Room and the Red River Room.

### **MEDORA/GREAT PLAINS ROOM**

Committee members toured the Medora/Great Plains Room to view the effect of removal of the wall between the two rooms. The cost of the wall removal was \$12,850. The committee members viewed a proposed arrangement of audience chairs along the south wall of the room and a proposed table arrangement of a semicircular table following the curvature of the north wall. A copy of the proposal is attached as [Appendix F](#).

The assistant director said the proposed table would seat 12. He said the table would consist of five sections, with cantilevered legs from the front of the table so that members would not contend with legs on their side of the table. He said individual sections would not be able to stand on their own and thus the table would remain as five sections assembled into one table. He said the proposal includes an option to have laminate extend to the edge or laminate in an inlay-style top. He said the wood-surfaced tables in committee rooms sustain much damage due to three-ringed binders scratching the tabletops and cooking appliances or hot food containers stripping away the finish. He said a black laminate inlay inside a three-inch medium oak border would provide a protective surface that complements the carpeting and committee member chairs. The U-shaped table in the Prairie Room was made by Roughrider Industries in 1987 at a cost of \$4,025. He said a decision needs to be made as to the shape of the table, whether the table should be able to provide space for 12 individuals, whether the top should be laminate or wood, if laminate whether the laminate should be inlay with a three-inch oak wood border or should extend to the edge, if laminate the color of the laminate if other than black, and the width of the table. He referred to a table that was 42 inches wide and which had tape placed at 30-, 32-, and 36-inch widths. He said tables in committee rooms have different widths, e.g., members sit at both sides of 48-inch tables in the Fort Union, Peace Garden, and Lewis and Clark Rooms; at

both sides of 49.5-inch tables in the Fort Totten Room, and at both sides of a 61.5-inch table in the Roughrider Room. He said the question is whether the members of the committee will be placing three-ringed binders on the tables in addition to regular or thin client notebook computers.

Representative Delzer said 30 inches is not enough space for binders and computers.

Representative Berg said with this committee room arrangement, placing three-ringed binders on the tables between committee members and the audience will obstruct the views as well as give the impression of cluttered workspace. He suggested that shelves be placed along the walls behind committee members for storage of notebooks and other printed materials. He said the Legislative Assembly should not continue using castoff and mismatched tables. He said he would prefer a wood tabletop, but understands the issue concerning scratches and other damages to a wood tabletop. He said a glass top could be placed over the wood if wood were the tabletop. He said a black laminate inlay would be a good-looking alternative to wood.

### **COMMITTEE ROOM USE**

The assistant director said use of committee rooms during the interim is governed by North Dakota Century Code Section 48-08-04, and the Legislative Management Committee has adopted [Guidelines for Use of Legislative Committee Rooms, North Dakota State Capitol](#). Under the guidelines, he said, the director of the Legislative Council arranges with the Office of Management and Budget to manage the scheduling of most committee rooms and no displacement of chairs and tables from the rooms is allowed in order to reduce the clutter in the halls and the damage caused by moving furniture in and out of the rooms. He said a request has been received from Human Resource Management Services to move the tables out of the Peace Garden Room and that request has been brought to the committee for a decision.

Chairman Carlson recognized Ms. Linda Jensen, Training and Development Administrator, Human Resource Management Services, Office of Management and Budget. Ms. Jensen distributed a prepared statement ([Appendix G](#)). She said the agency conducts training for state employees and uses various committee rooms available during the interim. During the last two interims, she said, the committee tables in the Peace Garden Room have been replaced with lighter weight, easier-to-move tables from the Pioneer Room, for purposes of training classes. She said this allows flexibility in setting up a room depending on the type of training conducted. She requested approval of replacing the large wooden tables in the Peace Garden Room during the interim with tables from the Pioneer Room for purposes of training classes.

Senator Stenehjem said he does not favor putting furniture out in the hallway. Ms. Jensen said she is

only asking for removal of furniture from the Peace Garden Room.

In response to a question from Representative Delzer, Ms. Jensen said the Peace Garden Room is favored because it is one of the larger rooms available, other than the Pioneer Room, which is too large for smaller classes.

**It was moved by Senator Stenehjem, seconded by Representative Berg, and carried on a roll call vote that the committee authorize the removal of tables and chairs from the Peace Garden Room for use of the room for training purposes by the Human Resource Management Services Division so long as those tables and chairs are not placed in any hallway.** Representatives Carlson, Berg, Boucher, Delzer, and Monson and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

### USE OF LEGISLATIVE CHAMBERS

The assistant director referred to four requests for the use of the legislative chambers. He said the committee has approved use of the chambers by these entities in the past.

**It was moved by Senator Stenehjem, seconded by Representative Berg, and carried on a roll call vote that the committee approve use of the House chamber on March 10-11, 2008, to conduct a statewide election conference; use of the House chamber on July 30-August 1, 2008, for the 2008 Silver-Haired Assembly; use of the House chamber on February 5, May 6, August 5, and November 4, 2008, for state oil and gas lease auctions; and use of the House and Senate chambers and legislative committee rooms on November 6-7, 2008, for the North Dakota High School Activities Association State Student Congress.** Representatives Carlson, Berg, Boucher, Delzer, and Monson and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

### 2010 CENSUS REDISTRICTING DATA PROGRAM - PHASE 2

Chairman Carlson recognized Mr. John Bjornson, Counsel, Legislative Council, for a presentation on the 2010 Census Redistricting Data Program. Mr. Bjornson distributed a memorandum entitled [2010 Census Redistricting Data Program - Phase 2](#). The memorandum describes correspondence from the United States Census Redistricting Data Office notifying North Dakota that the state may elect to participate in Phase 2 of the 2010 Census Redistricting Data Program if confirmation is given by December 15, 2007. He said the program involves the identification of precinct boundaries in the state. Under the program a participating state will receive population and other information for precincts and other geographic areas to assist in redistricting efforts after the 2010 census.

Mr. Bjornson said during the 2001 redistricting process, the interim Legislative Redistricting Committee determined that redistricting plans should adhere to the following criteria:

1. Preserve existing district boundaries to the extent possible;
2. Preserve political subdivision boundaries to the extent possible; and
3. Provide for a population variance of under 10 percent.

Mr. Bjornson noted that historically legislative redistricting has been accomplished and precinct boundaries have been established based on those legislative districts. Since the last redistricting in 2001, he said, legislation in 2003 provided for the creation of a central voter file--an electronic data base in the office of the Secretary of State which, among other things, provides for identification of voting precincts.

In response to a question from Representative Carlson, Mr. Bjornson said there does not appear to be a cost to participate in Phase 2 other than the staff time involved as long as the Secretary of State has a transferable data base that can be used by the Redistricting Data Office. He said he is unable to estimate the amount of staff time that would be required under the project.

In response to a question from Representative Delzer, Mr. Bjornson said counties are required to create precincts after redistricting. He said the census will be available on a census block basis, and the precinct data is an extra tool legislators can use in setting up districts.

**It was moved by Representative Berg, seconded by Representative Boucher, and carried on a roll call vote that the committee authorize participation in Phase 2 of the 2010 Census Redistricting Data Program.** Representatives Carlson, Berg, Boucher, Delzer, and Monson and Senators Christmann, Nelson, and Stenehjem voted "aye." Senators Cook and O'Connell voted "nay."

### LEGISLATIVE COUNCIL STAFF SERVICES AND STAFFING NEEDS STUDY

The assistant director presented a memorandum entitled [Review of Legislative Council Staff Services and Future Staffing Needs - Background Memorandum](#). Section 8 of 2007 House Bill No. 1001 provides the Legislative Council is to review Legislative Council staff services during the 2007-08 interim for purposes of determining legislative staffing needs, including the appropriateness of the current organizational structure as it relates to future staffing needs and the effect of the information technology applications system and pending retirements on staffing needs, succession planning, and knowledge transfer. The Legislative Council assigned this study to the Legislative Management Committee.

The memorandum notes the Legislative Council has 33 authorized full-time equivalent positions and as of October 1, 2007, the staff consisted of 30 employees. The Legislative Council staff is organized into legal, fiscal, information technology, administrative, library, and administrative support staffs. The memorandum points out that the Legislative Council staff has been substantially involved in information technology applications since 1968. The assistant director said the listing of information technology applications initiated or developed by the Legislative Council staff is intended to illustrate that information technology is not static and staff constantly reviews how technology can be used to increase efficiencies. As an example, he said, the development by staff of the computerized applications for the bill status report, bill drafts, daily journals, daily calendars, and committee hearing schedules became the base for the Legislator's Automated Work Station (LAWS) system. The memorandum notes that even with the replacement of the legislative applications, enhancements and efficiencies are envisioned. The assistant director noted that as a result of initiating and developing software programs, staffing needs of the Legislative Council during a legislative session have been reduced from an additional six operators and eight proofreaders to an additional two operators and four proofreaders.

The memorandum reviews the effect of pending retirements by noting the number of employees in various age categories and the fact that qualification for nonreduced Public Employees Retirement System retirement benefits could come as early as age 49.5 without any additional purchase of retirement credit. The assistant director said this information is intended to show that retirement is not necessarily based on age of an employee but other personal factors.

The memorandum describes succession planning as the process of identifying and preparing suitable employees through mentoring to develop their skills and abilities and prepare them for advancement to replace key players within the organization as their terms expire. The memorandum describes effective succession planning as being grouped into five areas--understand the current situation within the organization, work with staff to anticipate transition,

prepare the organization for transition, work with emerging leaders and other responsible employees, and guide emerging leaders toward new responsibilities.

The memorandum reviews knowledge transfer as a process that can include the passing on of knowledge, information, research findings, or innovations and the adopting or adapting or utilizing of such knowledge, information, research findings, or innovations. The memorandum describes methods used by the Legislative Council staff for knowledge transfer, including mentoring, lines of authority, promotion from within, and procedural manuals.

### ADMINISTRATIVE MATTERS

Chairman Carlson announced that the memorandum entitled [House and Senate Rule Differences](#) and the memorandum entitled [Results of 2007 Legislative Process Questionnaire](#) will be reviewed at a future meeting.

Senator Stenehjem requested that the Office of Management and Budget be invited to report to the committee at a future meeting regarding its plan for the south entrance of the Capitol. He said he is concerned about statements made concerning use of that south entrance as the visitors' entrance to the Capitol.

Senators Stenehjem and Cook expressed appreciation to the director, who has announced his retirement, for his career with the Legislative Council and his assistance to the Legislative Management Committee over the years. The director said it has been a pleasure working with the leadership.

No further business appearing, Chairman Carlson adjourned the meeting at 5:25 p.m.

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Jay E. Buringrud  
Assistant Director

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John D. Olsrud  
Director

ATTACH:7