

# 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 2021 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. 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;
2. Responsibility under Section 4.1-44-04 to determine when agricultural commodity promotion groups must report to the standing Agriculture Committees;
3. Responsibility under Section 46-02-05 to determine contents of contracts for printing of legislative bills, resolutions, journals, and Session Laws;
4. Responsibility under Section 54-03-20 to make recommendations to adjust legislative compensation amounts;
5. Responsibility under Section 54-03-20 to establish guidelines on maximum reimbursement of legislators sharing lodging during a legislative session;
6. 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;
7. Authority under Section 54-06-26 to establish guidelines for use of state telephones by legislative branch personnel;
8. 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; and
9. 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.

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 Senators Rich Wardner (Chairman), John Grabinger, Joan Heckaman, Jerry Klein, and Oley Larsen and Representatives Josh Boschee, Karla Rose Hanson, Lawrence R. Klemin, Scott Louser, and Chet Pollert.

## LEGISLATIVE SPACE AND CAPITOL FACILITIES IMPROVEMENTS 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 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 5-6, 2020, and November 4-5, 2021. The committee also approved a request from the Supreme Court to use the House Chamber while the Supreme Court offices were being renovated, provided the Legislative Assembly did not need the chamber for a special session. The Supreme Court did not use the chamber because it suspended some activities and held remote hearings during the relevant part of the Coronavirus (COVID-19) pandemic. The committee also approved the display of tribal flags outside the Governor's office as a permanent display and authorized a stand with informational pamphlets to be placed next to the flags.

The committee approved repurposing a security kiosk into a new information kiosk in Memorial Hall. The security kiosk had been located outside the Governor's office but was no longer in use. The former information kiosk, which sat in the middle of Memorial Hall, was no longer sturdy and blocked the view down Memorial Hall and Legislative Assembly Hall. The committee approved removing the former information kiosk and relocating the security kiosk along the north wall of Memorial Hall to the west of the main stairs to serve as the new information kiosk.

## **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.

The committee discussed the need for additional, large committee rooms and work space for legislators and session employees to accommodate social distancing due to COVID-19. The committee was informed several parts of the Capitol complex have been vacated by executive branch agencies due to increased telecommuting during the pandemic. The committee was informed the Legislative Council worked with executive branch agencies to acquire additional space for the 2021 legislative session.

## **Other Areas in the Capitol Complex**

The committee received information regarding the renovation of the south entrance to the Capitol. The committee was informed J2 Studio, a Bismarck architecture and design firm, was chosen to design the new entrance, and the renovations are intended to improve access to the Capitol. The committee received testimony the bids for redesigning the entrance came in under the architect's expectations, and work on the project was ahead of schedule. Testimony indicated the project will be completed before the beginning of the 2021 legislative session.

The committee received information the Associated Press no longer wished to have responsibility for managing the media room in the Capitol. The committee considered a bill draft amending Section 48-08-03 giving the North Dakota Newspaper Association and North Dakota Broadcasters Association joint responsibility for the room. Committee discussion emphasized access to the media room should be limited to statehouse correspondents and should not be used as free office space for other correspondents.

## **Accessibility Upgrades**

The committee received testimony from a representative of the Office of Management and Budget (OMB) regarding renovations required to bring committee rooms and other parts of the Capitol into compliance with the federal Americans with Disabilities Act of 1990 (ADA). Testimony indicated OMB completed a study of the Capitol's compliance with the ADA in January 2020. The committee was informed it would cost approximately \$6,000 to increase the width of each committee room door to the ADA-required width and \$3,000 to add assistive listening devices to each committee room. Testimony indicated OMB was completing ADA-required upgrades costing less than \$500 during the interim and would request funds for the remaining upgrades in its budget request to the 67<sup>th</sup> Legislative Assembly.

## **Recommendations**

The committee recommends a bill draft to give the North Dakota Newspaper Association and the North Dakota Broadcasters Association joint responsibility for the Capitol media room.

## **LEGISLATIVE ETHICS COMMITTEE AND 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.

## **LEGISLATIVE RULES AND PREPARATIONS RESPONDING TO COVID-19**

The committee continued its tradition of reviewing and updating legislative rules. The committee recommends amendments to several rules. The committee recommends amending House Rule 362 and Senate Rule 362 to update the references to technology in the rules and prohibit individuals other than members of the media from making calls and recording and transmitting audio or video from the chamber floors and committee rooms. In response to issues

arising in the 2019 session, the committee also recommends amending Senate Rules 320 and 348 and House Rule 348 to clarify when a roll call vote is required for a motion for reconsideration.

In preparation for a legislative session during the COVID-19 pandemic, the committee received information on the constitutionality of remote participation in legislative floor sessions, votes, and committee hearings, and public meetings requirements. The committee was informed of other states' use of remote sessions and related court opinions. The committee expressed an intention any special session held in 2020 and the 2021 legislative session would be in-person with the option for individual legislators and the public to participate remotely. The committee recommends amending House Rule 329, Senate Rule 329, and Joint Rules 501 and 502 to remove requirements for fiscal notes to be attached physically to bill drafts or distributed in hard copy, and amending House Rules 102, 201, 303, 305, 321, 360, and 361; Senate Rules 102, 201, 303, 305, 321, 360, and 361; and Joint Rule 801 to permit remote participation by members of the Legislative Assembly in floor sessions and committee meetings, remote testimony in committee hearings, and limitations on the number of individuals allowed in the chambers.

## **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. The committee emphasized state agencies and institutions are expected to obtain the documents through the legislative branch website.

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

During the 2019 legislative session, 13 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 1 entity paid to receive the journal index. The committee established the following fees with respect to these documents during the 2021 legislative session--\$460 for a set of bills and resolutions as introduced and printed or reprinted, including a set of all engrossed and reengrossed bills and resolutions; \$380 for a set of daily journals of the Senate and House; and \$90 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 and 2019 legislative sessions and because the legislative 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 or the \$550 subscription fee to receive the reports in 2019. The committee determined five printed bill status reports should continue to be made available through the bill and journal room to those who pay a \$560 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.

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

During previous legislative sessions, the contract for providing secretarial, telephone message, and bill and journal room services provided for the contractor 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 was 25 cents per page. Although the committee decided the Legislative Assembly should not contract for bill and journal room services for the 2021 legislative session, the bill and journal room policy was adopted by the committee.

## **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 67<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 2021-23 biennium budget of the Legislative Assembly include funding for changes to legislative compensation to provide for adjustments of 1 percent in each year of the 2021-23 biennium, subject to revision if necessary during the 2021 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 \$1,814 per month as reimbursement for lodging for the 2021 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**

### **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 the policy with the addition of a definition of "legislative information systems."

### **Information Technology Initiatives**

#### **Video of Committee Meetings and Other Measures Responding to COVID-19**

The committee discussed the use of social media by members of the Legislative Assembly to record or livestream committee meetings. The committee discussed balancing the need for transparency and public access with members' need to concentrate on matters raised during committee meetings. In September 2019, the committee approved a pilot project to implement video recording by the Legislative Council of committee meetings in the Roughrider and Harvest Rooms. In December 2019, the committee approved acquiring high-definition digital cameras for committee rooms and including closed captioning, indexing, archiving, and search functions in the pilot project.

In response to the COVID-19 pandemic, the committee discussed methods for providing safe public access to committee meetings and safely conducting a possible special session in 2020 and the 2021 legislative session. The committee expressed the need to ensure the public and members of the Legislative Assembly who choose to do so will be able to participate remotely in a special session and the 2021 session. The committee directed the Legislative

Council to install the necessary equipment in the legislative chambers and committee rooms to provide livestreams of committee meetings and floor sessions, permit remote participation by legislators and presenters in committee meetings, provide for remote testimony by members of the public during the session, and allow legislators to participate and vote in floor sessions remotely. The Legislative Council installed the necessary audiovisual equipment, upgraded the voting boards in the legislative chambers to display remote attendees, provided a remote voting system, developed an electronic bill draft request system and an electronic bill sponsor system, installed additional cybersecurity measures, and established a system for the public to submit electronic testimony. A portion of the costs of the purchase and installation of equipment for livestreaming was paid utilizing federal funds provided in response to the pandemic.

### **Digital Projectors**

The committee was informed the projectors in legislative committee rooms were analog and incompatible with some technology used during committee meetings. The committee approved upgrading the projectors to digital.

### **Wall Monitors and Digital Signage**

The committee was informed the wall monitors with information about committee meetings and other legislative matters will be updated after the 2021 legislative session.

### **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. The committee received information that use of personal computers by legislators is strongly discouraged and should be prohibited for remote participation in legislative activities.

### **Scanned Testimony**

During the 2017 legislative session, a pilot project was conducted 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. During the 2017-18 interim, the committee approved an expanded electronic scanning pilot project, including enhancing the LAWS system to include electronic testimony for the 2019 legislative session. The committee was informed the expanded project went well, and all committees will have testimony scanned into LAWS for the 2021 legislative session.

### **Computer Replacement**

The committee received recommendations for laptop computer and tablet replacements for members of the Legislative Assembly which the committee approved. The new laptop computers will be EliteBook 850G6, and the new tablets will be 4<sup>th</sup> generation iPad Pro 12.9. The *Policy on Use of Personal Computers by Legislators* includes a provision allowing legislators who have paid a usage fee to purchase the replaced computers and tablets. The committee set the fee for purchase of the laptops and iPads at \$200 per device.

### **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.

### **Legislator Computer Training**

The tentative organizational session agenda approved by the committee continues the computer training classes for returning legislators beginning at 9:00 a.m. on Tuesday, December 1, 2020. The agenda also provides for a computer distribution and training session for new legislators at 3:15 p.m. on Tuesday, December 1, 2020, in addition to the traditional training sessions for new legislators on Thursday, December 3, 2020. The agenda also includes laptop computer and tablet training sessions on Wednesday and Thursday, December 2-3, 2020, 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 2021 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 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 2021 legislative session as provided through the doctor of the day program by the North Dakota Medical Association during previous legislative sessions.

### **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.

### **Legislator Photographs**

The committee approved the invitation to bid for photography services to the 67<sup>th</sup> Legislative Assembly. The invitation to bid contained generally the same specifications as the contract for the 66<sup>th</sup> Legislative Assembly. The photographs of legislators are to be taken during the organizational session in 2020, and the photographs of the six elected legislative officers are to be taken during the 2<sup>nd</sup> week of the regular session. The photographer is to provide the digital image of the pose selected by each legislator to the Legislative Council by Friday, December 18, 2020, for use in updating the legislative branch website, and the photographer is to provide the digital image of the pose selected by each elected legislative officer and of any legislator who chose to have a retake to the Legislative Council by Wednesday, January 20, 2021. The invitation to bid was sent to 300 photography firms in the state. Six photographers submitted bids, two of which did not comply with the bid requirement to provide sample photographs. The conforming bids were Lostwood Media, Stanley, \$4,000 and \$23 for each additional 11x14 frame; Aizzah Nelson, Dickinson, \$4,500 and \$15 for each additional 11x14 frame; Dakota College at Bottineau Photography, \$4,598 and \$35 for each additional 11x14 frame; and Owolabi Banjoko, Fargo, \$6,500. The committee accepted the bid from Lostwood Media.

### **Session Employee Positions**

The committee reviewed the number of employee positions during the 2019 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 2017-18 interim, the committee recommended a total of 83 session employees--37 Senate employees and

46 House employees, and the numbers of employees actually hired for the session matched the recommended numbers. The committee reviewed and approved a legislative session employee position plan that proposed maintaining the same legislative employee positions during the 2021 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 2019 level.
- Continued employment of the number of assistant committee clerks at the 2019 level.

Committee discussion emphasized the duties of session employees may vary from previous sessions due to the acceptance of remote testimony, remote participation of some legislators, and livestreaming of committee hearings. Committee clerks will need to have sufficient technical skills to manage the new audiovisual equipment. The committee approved having clerks prepare truncated minutes of hearings in light of the video recordings that will be livestreamed and available for review. Sergeants-at-arms may be required to limit the number of individuals in the chambers due to social distancing requirements resulting from the COVID-19 pandemic. Because the committee did not recommend contracting with a company to provide bill and journal room services or secretarial services, some legislative employees will need to provide those services when not otherwise occupied.

### **Session Employee Compensation**

The committee reviewed legislative session employee compensation levels during the 2019 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 compensation of the Secretary of the Senate and the Chief Clerk of the House were increased 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. The committee recommends raises consistent with state employee compensation increases of 2 percent for the 1<sup>st</sup> year of the 2019-21 biennium and 2.5 percent for the 2<sup>nd</sup> year of the biennium.

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 2019 legislative session, although some employees will be cross-trained on multiple positions and some employees will receive training on new technology to facilitate remote testimony, remote participation in floor sessions and committee hearings, and other changes intended to reduce transmission of COVID-19. 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. 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 demand for secretarial services has diminished significantly due to the use of word processing and email, and the need to distribute hard copy documents to the public has diminished significantly due to widely available electronic access to legislative documents. The responsibilities of some legislative employees such as pages also have been reduced due to advances in technology. The committee recommended discontinuing the practice of contracting with a third party for secretarial, telephone, and bill and journal room services and instead having legislative employees fulfill the remaining need for those services.

### **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 67<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 and one student assigned to work with the Legislative Council fiscal staff. 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 22 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 2021 legislative session. However, due to the COVID-19 pandemic and anticipated lack of tour groups at the Capitol, the tour guide program will be suspended.

### **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 2021 legislative session. The Legislative Council staff will notify all legislators they have until December 31, 2020, to schedule out-of-town clergy to give the opening prayer any day of the legislative session for their respective houses during the 2021 legislative session.

### **Organizational Session Agenda**

The committee approved a tentative agenda for the 2020 organizational session. The 2020 organizational session will convene at 1:00 p.m. on Tuesday, December 1, 2020. The 2020 agenda continues the provision of orientation classes for freshman legislators and computer training classes for returning legislators beginning at 9:00 a.m. on December 1. In 2017, the committee first approved including cybersecurity awareness training as part of the computer training sessions for new legislators and including training related to the *North Dakota Legislative Assembly Policy Against Workplace Harassment* as part of the 2018 organizational session ethics presentation. These training topics are included in the 2020 tentative agenda. The agenda also includes a computer distribution and training session for new legislators at 3:15 p.m. on Tuesday and additional computer distribution and training sessions on Wednesday and Thursday.



The committee approved changes in the tentative agenda for the 1<sup>st</sup> day of the organizational session to allow the rules committees to meet before the convening of the organizational session, and the House of Representatives and the Senate to vote on their rules during the 1:00 p.m. session that day. Committee discussion indicated the rules committees may need more time than usual to address the several rules amendments recommended by the committee to allow for remote participation and other changes due to the COVID-19 pandemic.

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

During the 2019 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 branches, 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 2021 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 67<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 Thursday, January 14, 2021, 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--Thursday, January 14, 2021.

### **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 13, 2021.

## **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.