

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Wednesday, December 18, 2019
Harvest Room, State Capitol
Bismarck, North Dakota

Senator Rich Wardner, Chairman, called the meeting to order at 8:00 a.m.

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

Members absent: None

Others present: Senator Ray Holmberg, Grand Forks, member of the Legislative Management
John Bjornson and Kyle W. Forster, Legislative Council, Bismarck
See [appendix](#) for additional persons present.

It was moved by Senator Klein, seconded by Representative Louser, and carried on a voice vote that the minutes of the September 26, 2019, meeting be approved as distributed.

STATE CAPITOL ENTRANCES

Chairman Wardner called on the Legislative Council staff to provide an update on the progress of the Capitol building renovations since the previous committee meeting when Mr. John Boyle, Director, Facility Management Division, Office of Management and Budget, informed the committee of the renovations. The Legislative Council staff said the updated information on the renovation project was provided by Mr. Boyle, who was unable to attend the meeting. She said on December 13, 2019, the Capitol Grounds Planning Commission approved a design for the south entrance to the Capitol proposed by the architect and consultants for the project. She said the project is scheduled to be bid in March, and construction is anticipated to occur from April through November. She said the ribbon cutting for the new sign on the south lawn is anticipated to occur in the spring.

LEGISLATIVE RULES

Chairman Wardner called on the Legislative Council staff to present draft amendments to legislative rules. The Legislative Council staff presented proposed amendments [[21.9159.01000](#)] to Senate Rule 362 and House Rule 362 regarding the use of electronic devices in the chambers and in committee rooms pursuant to the committee's request at the September 26, 2019, meeting to update those rules.

In response to questions from Representative Klemin, the Legislative Council staff said the chamber floor is the area in front of the rails in the chamber, and, under the draft amendment, the Speaker of the House could authorize others to give permission to the media to transmit video from the House floor.

Representative Pollert said the draft rule is a clarification of the rule to address new technology.

In response to questions from Representative Boschee, the Legislative Council staff said the draft rule is silent on texting by legislators.

Mr. John Bjornson, Director, Legislative Council, said the Associated Press (AP) correspondent at the Capitol has responsibility for designating members of the media.

Representative Boschee and Senator Grabinger said they have concerns about limiting video streaming from committee rooms when the Legislative Assembly is not providing video of committee meetings.

Senator Klein and Representative Pollert said legislators should give their attention to presenters and discussions during committee meetings, and using electronic devices and social media distracts legislators from committee work.

Senator Heckaman said the draft amendment would not prohibit legislators from texting during meetings.

Representative Hanson said the real issue behind the draft amendment does not seem to be the attentiveness of legislators because activities other than transmitting audio or video, such as reading the news, can distract legislators during committee meetings. She said unless video of committee meetings is provided, the public's access to information is limited. She said the draft amendment would not prevent legislators from using social media such as Twitter or Facebook during meetings.

It was moved by Representative Klemin, seconded by Senator Larsen, and carried on a roll call vote that the phrase "with press credentials" be inserted after the word "media" on lines 5 and 15 of the proposed amendments to House Rule 362 and Senate Rule 362. Senators Wardner, Grabinger, Heckaman, and Larsen and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." Senator Klein voted "nay."

Senator Heckaman said Representative Klemin's amendment did not change the meaning of the draft amendment because members of the media have press credentials. She said ending the draft amendment after "during a floor session" on lines 6 and 16 would remove the requirement for members of the media to obtain permission to be on the floor of either chamber.

It was moved by Representative Boschee and seconded by Senator Heckaman that the phrase "after receiving permission from the presiding officer or another individual authorized to give the permission" be deleted from lines 6-7 and lines 16-17 of the proposed amendments to House Rule 362 and Senate Rule 362. Chairman Wardner tabled the motion until the next meeting.

Representative Klemin said he does not support Representative Boschee's amendment. He said the amendment would allow the media to be right in front of the Speaker of the House of Representatives.

Representative Boschee said his amendment would be a return to longstanding practices governing media access to the chamber floors.

The Director said Joint Rule 803 allows the Legislative Council or the AP correspondent to provide identification badges to members of the media. He said the rule allows the media to access the floor of the chamber during sessions as permitted by the Senate or the House of Representatives. He said adding the phrase "with press credentials" to the draft amendment was not necessary because Joint Rule 803 provides for distributing credentials to members of the media. He said both houses have rules of decorum that are distributed to the public and govern access to the floor, including access by the media.

Chairman Wardner said additional discussion and action on the proposed amendments to legislative rules would be postponed until the next meeting.

PHOTOCOPY FEE POLICY

Chairman Wardner called on the Legislative Council staff to present the [Bill and Journal Room - Photocopy Fee Policy](#). The Legislative Council staff said the policy applies to photocopies made on printers rented during legislative sessions and placed in the bill and journal room. She said the photocopy fee of 25 cents per page included in the policy was not changed from the previous biennium. She said the policy exempts specified types of documents and any documents requested by legislators, House and Senate staff, and Legislative Council staff from the photocopy fee.

It was moved by Senator Grabinger, seconded by Senator Larsen, and carried on a roll call vote that the *Bill and Journal Room - Photocopy Fee Policy* be approved as distributed. Senators Wardner, Grabinger, Heckaman, Klein, and Larsen and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." No negative votes were cast.

LEGISLATIVE DOCUMENT SUBSCRIPTION PROGRAM

Chairman Wardner called on the Legislative Council staff to present a memorandum entitled [Legislative Document Subscription Program](#). The Legislative Council staff said subscription prices for bills and resolutions, journals, journal indexes, and bill status reports have not kept pace with increases in printing costs. She said based on actual costs from the 2019 session, the memorandum proposes increasing subscription prices to \$460 for bills and resolutions, \$380 for journals, \$90 for journal indexes, and \$560 for bill status reports. She said although all documents for which subscriptions are available may be obtained online for free, executive branch agencies have received free subscriptions in the past. She said some of the documents also may be obtained on the Legislative Council's mobile application. She said many of the documents printed during the legislative session are not used. She said the committee may wish to reduce the number of copies of bills and resolutions, journals, journal indexes,

bill status reports, daily calendars, and weekly schedules printed. She said the daily calendars and weekly schedules are printed by Central Duplicating Services, which is part of the Office of Management and Budget, and the number of copies may be adjusted as needed during the session. She said the other documents are printed by a contractor, and the number of copies must be set in advance.

It was moved by Senator Klein, seconded by Senator Grabinger, and carried on a roll call vote that the legislative document subscription program be approved; the number of bill status reports printed be reduced to 5; the number of each bill and resolution printed be reduced to 35; the number of daily journals printed be reduced to 45; the number of journal indexes printed be reduced to 5; and that the committee approve the proposed subscription fees for legislative documents. Senators Wardner, Grabinger, Heckaman, Klein, and Larsen and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." No negative votes were cast.

POLICY ON USE OF COMPUTERS BY LEGISLATORS

Chairman Wardner called on the Legislative Council staff to present the [Policy on Use of Computers by Legislators](#). The Legislative Council staff said the Legislative Council information technology and legal staff reviewed the policy and recommended no changes from the previous biennium.

In response to a question from Representative Pollert, the Legislative Council staff said the policy is reviewed by the committee each biennium.

In response to a question from Senator Klein, the Legislative Council staff said the policy requires legislators to take cybersecurity training.

In response to questions from Representative Klemin, Mr. Kyle W. Forster, Information Technology Manager, Legislative Council, said the policy does not prohibit legislators from bringing personal computers into the legislative chambers. He said the policy prohibits legislators from using personal computers to access legislative information systems, such as LAWS, in the legislative chambers because personal computers may not be reliable for necessary work during floor sessions.

Representative Klemin said he does not know what the term "legislative information system" means so the policy should include a clearer definition of the term.

In response to a question from Senator Heckaman, Mr. Forster said the Legislative Council has not established a fee under the policy provision for private arrangements for information systems support. He said he would recommend keeping the current language of the provision in case of abusive or frequent demands on information technology staff which detract from other duties.

It was moved by Representative Boschee and seconded by Senator Larsen that the *Policy on Use of Computers by Legislators* be approved as distributed. Chairman Wardner tabled the motion until the next meeting.

DISPLAY FOR INFORMATIONAL PAMPHLETS REGARDING TRIBAL FLAGS

The Legislative Council staff said Mr. Scott J. Davis, Executive Director, Indian Affairs Commission, was unable to attend the meeting for the presentation regarding a proposed permanent display for pamphlets with information about the tribal flags on display in Memorial Hall.

Representative Pollert said the table with pamphlets, which had been placed next to the tribal flags, extended out into the hallway. He said the display should look more appropriate.

Chairman Wardner said the flags could be moved to the south wall of the hallway, and the pamphlets should be displayed on a stand selected by the Legislative Council staff.

It was moved by Senator Klein, seconded by Representative Boschee, and carried on a voice vote that the Legislative Council staff and Chairman Wardner select a display stand for the pamphlets.

VIDEO OF COMMITTEE MEETINGS AND PROJECTOR UPGRADE

Chairman Wardner called on Mr. Forster for a presentation regarding video streaming legislative committee meetings and cybersecurity training. Mr. Forster said 51 legislators had not completed cybersecurity training, and he will provide the legislators' names to the Majority and Minority Leaders for reminders. He said the projectors in committee rooms are analog and 7 years old. He said some laptops are unable to connect to the old projectors. He said to update the 23 projectors to new, digital projectors would cost approximately \$150,000.

In response to a question from Chairman Wardner, the Director said the legislative branch has funds available for the upgrade to digital projectors.

In response to a question from Representative Boschee, Mr. Forster said some committee rooms have monitors instead of projectors because the rooms are too small for projectors to work well.

It was moved by Representative Pollert, seconded by Representative Hanson, and carried on a roll call vote that the Legislative Council staff upgrade the analog projectors to digital projectors. Senators Wardner, Grabinger, Heckaman, Klein, and Larsen and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." No negative votes were cast.

Mr. Forster said the pilot project for live video of committee rooms should provide high-definition digital video. He said high-definition cameras would provide greater coverage of the committee rooms. He said a staff member could operate the cameras in each room to focus on the individual speaking. Alternatively, he said, the video feed could present a "quad view" of each room. He said with a quad view the viewer would see one rectangle divided into four videos. He said one video would show the presenter, two videos would show the two halves of the table or other seating arrangement of committee members, and the fourth video would show the presenter's slides or other documents. He said if the presenter had no slides or other documents, the fourth video would be a standard image identifying the room being viewed. He said the video footage would be archived and indexed. He said indexing would allow the Legislative Council to link relevant video segments to legislators' names or bill numbers. He said the videos could become part of the official record and may change the amount of detail in meeting minutes. He said hardware could be installed to allow the media to capture the video output, but the hardware would not be part of the pilot project. He said closed captioning of the video could be provided through a contractor with a delay of 5 to 8 seconds and industry standard accuracy. He said the use of closed captioning would allow people to search videos for specific topics.

In response to a question from Representative Louser, Mr. Forster said audio-controlled cameras are not recommended.

In response to questions from Chairman Wardner, Mr. Forster said the same equipment could be used for either the quad view or the staff-controlled view. He said closed captioning costs are based on a per-hour fee, and providing closed captioning in the Harvest and Roughrider Rooms during the pilot project would cost approximately \$38,000.

The Director said funds for the pilot project, including closed captioning, are available in the Legislative Assembly and Legislative Council budgets. He said the Legislative Assembly could consider a deficiency appropriation early in the legislative session, if necessary.

In response to a question from Representative Hanson, Mr. Forster said approximately one-half of the states provide closed captioning of committee meeting videos.

Senator Holmberg said the pilot project, if continued during the legislative session, would provide video of all the Senate Appropriations Committee's work but only about one-third of the House Appropriations Committee's work.

Representative Louser said only eight states do not provide live video of legislative committee meetings.

In response to questions from Senator Larsen, Mr. Forster said he is uncertain whether closed captioning of Native American languages is available. He said software installed for the pilot project would provide statistics on how many people watch videos live and how many people access videos as playback.

Senator Larsen said providing video of committee meetings may not be worth the cost if few people watch the video.

In response to a question from Representative Klemin, Mr. Forster said the pilot project could be operational by April 1, 2020.

It was moved by Representative Klemin, seconded by Representative Boschee, and carried on a roll call vote that the Legislative Council proceed with the pilot project to provide high-definition video with closed captioning, indexing, archiving, and search functions of committee meetings in the Harvest and Roughrider Rooms during the interim. Senators Wardner, Grabinger, Heckaman, and Klein and Representatives Boschee, Hanson, Klemin, Louser, and Pollert voted "aye." Senator Larsen voted "nay."

No further business appearing, Chairman Wardner adjourned the meeting at 10:00 a.m.

Claire Ness
Counsel

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