



GOVERNMENT ADMINISTRATION COMMITTEE

Monday, October 25, 2021
Roughrider Room, State Capitol
Bismarck, North Dakota

Senator Randy A. Burckhard, Chairman, called the meeting to order at 10:00 a.m.

Members present: Senators Randy A. Burckhard, Jerry Klein, Scott Meyer, Erin Oban; Representatives Rick Becker, Glenn Bosch, Jared C. Hagert, Karla Rose Hanson*, Pat D. Heinert, Karen Karls, Lawrence R. Klemin, Ben Koppelman, Shannon Roers Jones

Members absent: Representatives Jim Kasper, Todd Porter, Dan Ruby

Others present: Senator Joan Heckaman, New Rockford, member of the Legislative Management
See [Appendix A](#) for additional persons present.

**Attended remotely*

It was moved by Representative Karls, seconded by Representative Klemin, and carried on a voice vote that the minutes of the September 14, 2021, meeting be approved as distributed.

STUDY OF ATTORNEYS AND LEGAL-RELATED POSITIONS IN STATE GOVERNMENT

Mr. Troy Seibel, Chief Deputy, Attorney General's office, commented regarding the preference of the Attorney General to have all executive branch attorney positions under the supervision of the Attorney General's office.

In response to a question from a committee member, Mr. Seibel indicated the Attorney General is not requesting certain agencies' attorneys be transferred to the Attorney General's office.

In response to a request from a committee member, Mr. Alex J. Cronquist, Senior Fiscal Analyst, Legislative Council, indicated the Legislative Council would provide a list of attorney positions by state agency.

Mr. Brian Klipfel, Director, Workforce Safety and Insurance, presented information ([Appendix B](#)) regarding the agency's need to employ attorneys. He noted the agency employs five special assistant attorneys general, including four full-time employees and one part-time employee.

Ms. Sandy McMerty, Deputy Tax Commissioner, Tax Department, presented information ([Appendix C](#)) regarding the agency's need to employ attorneys. She noted the agency currently employs three special assistant attorneys general, but has employed up to five in the past.

Ms. Karen Tyler, Commissioner, Securities Department, presented information ([Appendix D](#)) regarding the agency's need to employ an attorney. She noted the agency employs one special assistant attorney general.

Ms. Julie Fedorchak, Commissioner, Public Service Commission, presented information ([Appendix E](#)) regarding the agency's need to employ attorneys. She noted the agency employs two special assistant attorneys general.

Mr. John Arnold, Deputy Commissioner, Insurance Department, presented information ([Appendix F](#)) regarding the agency's need to employ attorneys. He noted the agency employs four special assistant attorneys general.

Mr. Christopher D. Jones, Executive Director, Department of Human Services, presented information ([Appendix G](#)) regarding the agency's need to employ attorneys. He noted the agency employs 25 special assistant attorneys general.

In response to a question from a committee member, Mr. Jones indicated the Department of Human Services (DHS) has a collaborative relationship with the Attorney General's office. He added that the Attorney General has the authority to remove any special assistant attorney general employed by DHS.

Members of the committee discussed the study and indicated they would not support a recommendation to change the present arrangement of attorneys employed by certain state agencies.

STUDIES OF SPACE NEEDS AND THE AMOUNT, TYPE, COST, AND OCCUPANCY OF PROPERTY LEASED BY THE STATE

Ms. Sara Stolt, Chief Operating Officer, Department of Human Services, presented information ([Appendix H](#)) regarding work location policies, current space, the owners of any leased space, current occupancy, and total space needs of the department. She indicated as part of the DHS merger with the State Department of Health, work location criteria are being developed and a space needs assessment is being conducted. She noted space is leased in multiple locations across the state for regional human service centers and the child support, developmental disabilities, and vocational rehabilitation divisions. She added DHS expended over \$11 million on leased space during the 2019-21 biennium.

Ms. Brenda Weisz, Chief Financial Officer, State Department of Health, presented information ([Appendix I](#)) regarding work location policies, current space, the owners of any leased space, current occupancy, and total space needs of the department. She indicated between 60 and 65 percent of the department authorized full-time equivalent (FTE) positions work remotely. She noted the department leases over 20,000 square feet of office space in Bismarck in addition to multiple leases of warehouse space.

Mr. Alvin A. Jaeger, Secretary of State, presented information ([Appendix J](#)) regarding work location policies, current space, and space needs of the department. He indicated no employees of the department are working remotely. He noted he is seeking an additional 2,000 square feet of space in the State Capitol to establish a voting system testing and demonstration lab.

In response to a question from a committee member, Mr. Jaeger indicated the Secretary of State's office can only identify officers of the corporations and companies that register with the state. He added his office does not confirm if the officers listed include all of the owners.

Honorable Jon J. Jensen, Chief Justice, Supreme Court, presented information ([Appendix K](#)) regarding the feasibility of converting the Liberty Memorial Building into a new judicial branch building. He noted a study of the Liberty Memorial Building was completed in 2014, which indicated a 21,000 square foot addition would be needed for the judicial branch to move to the Liberty Memorial Building. He added that the Supreme Court remains supportive of funding for the project.

Mr. Joe Morrisette, Director, Office of Management and Budget, presented information ([Appendix L](#)) regarding the location of state employees working remotely in other states and the tax effects of employees working remotely in another state. He noted the University of North Dakota is the largest state employer of nonresident employees and Minnesota is the largest source of nonresident state employees.

In response to a question from a committee member, Mr. Morrisette indicated he would provide the committee with additional information regarding the job titles of employees working remotely in other states.

Mr. John Boyle, Director, Facility Management Division, Office of Management and Budget, presented information ([Appendix M](#)) regarding the current utilization of the facilities on the State Capitol grounds, the current Capitol complex master plan, and other state-owned space in the Bismarck area. He indicated state agencies have reduced their lease space throughout Bismarck through the use of remote work, resulting in lease savings of over \$1 million annually for the state.

Mr. Boyle presented information ([Appendix N](#)) regarding accessibility of the State Capitol grounds, committee rooms, and offices. He noted the Capitol Grounds Planning Commission and the Legislative Procedure and Arrangements Committee have met and approved projects to improve accessibility of the State Capitol. He noted approved projects include restroom renovations, added signage, and meeting room door replacements.

In response to a question from a committee member, Mr. Boyle indicated the Office of Management and Budget does not remove space from an agency unless the agency willingly gives up the space. He noted agencies may be hesitant to relinquish space because needs may change.

In response to a question from a committee member, Mr. Boyle indicated the Office of Management and Budget considers space needs and whether new FTE positions have been appropriated to an agency when prioritizing agencies for available space.

Mr. Cronquist presented a bill draft [\[21.1129.01000\]](#) regarding the transfer of certain space in the judicial wing of the Capitol to the legislative branch. He noted the bill draft would provide for the permanent transfer of DHS and Department of Health space the legislative branch used for committee meetings during the 2021 legislative session.

It was moved by Representative Koppelman, seconded by Representative Klemin, and carried on a roll call vote that the committee recommend the bill draft [\[21.1129.01000\]](#) relating to the transfer of certain space in the judicial wing of the Capitol to the legislative branch to the Legislative Management. Senators Burckhard, Klein, Meyer, and Oban and Representatives Becker, Bosch, Hagert, Hanson, Heinert, Karls, Klemin, Koppelman, and Roers Jones voted "aye." No negative votes were cast.

It was moved by Representative Heinert, seconded by Representative Karls, and carried on a roll call vote that the Chairman and the Legislative Council staff be requested to prepare a partial report and the bill draft recommended by the committee and to present the report and recommended bill draft to the Legislative Management. Senators Burckhard, Klein, Meyer, and Oban and Representatives Becker, Bosch, Hagert, Hanson, Heinert, Karls, Klemin, Koppelman, and Roers Jones voted "aye." No negative votes were cast.

The committee discussed the study of property leased by the state and the study requirement for the committee to identify the owners of any leased space. Committee members expressed concerns regarding the availability of information.

The committee requested the Legislative Council conduct a survey of state agencies and provide additional information at a future meeting regarding state agency space and the individual owners of any leased space.

The committee requested the Legislative Council prepare a bill draft for the next meeting to:

- Prohibit elected or appointed officials from owning property leased by state agencies over which they have authority;
- Prohibit a legislator from voting on appropriation bills for state agencies that lease property owned by the legislator.
- Require all state elected officials to disclose property owned, including property owned by a company in which the official has an ownership interest, to the Secretary of State; and
- Require all state leases to include a list of all owners of the leased property.

Chairman Burckhard indicated the next meeting of the committee will be held in March or April 2022.

No further business appearing, Chairman Burckhard adjourned the meeting at 3:20 p.m.

Alex J. Cronquist
Senior Fiscal Analyst

ATTACH:14