

LEGISLATIVE MANAGEMENT COMMITTEE

The Legislative Council delegated to the Legislative Management Committee the Council's authority under North Dakota Century Code (NDCC) Section 54-35-11 to make arrangements for the 1999 legislative session. Legislative rules are also reviewed and updated under this authority. The Legislative Council designated the committee as the Legislative Ethics Committee under NDCC Section 54-35-02.8, with the responsibility to consider or prepare a legislative code of ethics. The Legislative Council delegated to the committee: (1) the duty of the Legislative Council under NDCC Section 54-03-26 to determine the computer usage fee for legislators; (2) the power and duty of the Legislative Council under NDCC 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 the use of the legislative chambers and permanent displays in Memorial Hall; (3) the authority under NDCC Section 54-06-26 to establish guidelines for use of state telephones for essential personal purposes; (4) the authority of the Legislative Council under NDCC Section 46-02-04 to determine the contents of contracts for printing of legislative bills, resolutions, and journals; and (5) the responsibility for administering 1989 Session Laws, Chapter 25 (appropriations for improvements to the legislative wing of the Capitol grounds). The Legislative Council assigned to the committee the study directed by Senate Concurrent Resolution No. 4017 (legislative employee compensation).

Committee members were Representatives John Dorso (Chairman), Merle Boucher, Tom D. Freier (until his resignation from the Legislative Assembly on April 6, 1998), Pam Guleson, William E. Kretschmar, and Mike Timm (who was appointed to replace Representative Freier) and Senators William G. Goetz (until his resignation from the Legislative Assembly on July 10, 1997), Tony Grindberg (who was appointed to replace Senator Goetz), Aaron Krauter, Tim Mathern, Gary J. Nelson, and David E. Nething.

The committee submitted this report to the Legislative Council at the biennial meeting of the Council in November 1998. The Council accepted the report for submission to the 56th Legislative Assembly.

LEGISLATIVE RULES

The committee continued its tradition of reviewing and updating legislative rules. The committee distributed a 1997 legislative process questionnaire to all legislators. The survey asked specific questions on legislative procedures and also requested comments on how to improve the legislative process. Portions of this report refer to the results of the survey.

Floor Procedures - Reading Titles of Bills

The committee discussed the practice of reading titles of bills in each house. The Constitution of North Dakota requires every bill to be read on two separate natural days, but allows the readings to be by title only unless a reading at length is demanded by one-fifth of the members present. Before 1984, when this provision was enacted, the constitution required every bill to be read--the first reading could be by title, but the second reading had to be at length. Over the years, the practice had been to read the titles of the bills, and have the journals reflect that the bills were read so as to avoid a challenge to the validity of a law because it was not "read" during passage. This practice was based on adoption of the journal entry rule by the North Dakota Supreme Court in 1919.

The practice of reading titles varies in each house. In the Senate, the Secretary of the Senate summarizes the title on second reading. In the House, the Chief Clerk of the House reads the complete title. In a number of instances, however, by motion the House waives the reading of the title and records this waiver in the journal.

The committee recommends that the House adopt the practice followed in the Senate--recording in the journal that the title was read but summarizing the title rather than reading the code numbers and all the verbiage in the title. This is to avoid the possibility of a successful argument that a bill is ineffective because its title was never "read" (in its entirety) because the reading of the title was waived as indicated by the journals.

Journal Contents - Engrossing and Enrolling Reports

Over the years the Legislative Management Committee has reviewed the contents of the journals in an effort to reduce the size of the journals and improve their readability. Substantial progress has been made in reducing the size of the journal through eliminating items of little historical value, consolidating reports and language, and reformatting items.

The committee reviewed the practice of including in the House journal "House Engrossing Reports" and "House Enrolling Reports" that list bills and resolutions that have been engrossed or enrolled. The Senate journal has not included these types of reports since the Senate and House Committees on Enrolled and Engrossed Bills were abolished in 1986. Although Section 13 of Article IV of the Constitution of North Dakota provides that each house is to keep a journal of its proceedings, that section only requires the journal to identify the fact that the presiding officer has signed a bill that has passed or a resolution that has been adopted by the Legislative Assembly. With respect to legislative rules, Senate and House Rules 335 provide that all Senate or

House bills, as appropriate, are deemed properly engrossed before final passage.

The committee recommends that engrossing reports no longer be included in the House journal because House Rule 335 provides that all House bills are deemed properly engrossed before final passage.

The committee recommends that enrolling reports no longer be included in the House journal because House Rule 352 provides that all House bills and resolutions that have passed both houses must be enrolled and presented to the presiding officer for signature and the journal identifies when the presiding officer signed bills and resolutions.

Journal Contents - Delivery of Bills to the Governor

The committee reviewed the practice followed in some instances of recording the hour and minute bills are delivered to the Governor. Section 9 of Article V of the Constitution of North Dakota requires the Governor to return a vetoed bill within three days, Sundays excepted, when the Legislative Assembly is in session. In 1989, Joint Rule 209 was adopted to clarify the computation of the three-day time period for the Governor to return vetoed bills. The rule provides that the Governor has three calendar days to return a vetoed bill. As a result of Joint Rule 209, only the day of presentation is relevant because the Governor has three "calendar" days rather than 72 hours.

The committee recommends that the journals no longer refer to the hour and minute when a bill is delivered to the Governor. This is intended to eliminate a possible argument that the Legislative Assembly recognizes a 72-hour rule rather than a calendar day rule in determining the length of time for a valid veto during the session.

Journal Contents - List of Lobbyists

The committee reviewed the requirement in Senate and House Rules 203(1) that a list of registered lobbyists be printed in the Senate and House journals on the 35th legislative day. In recent sessions, the Secretary of State has provided lists of registered lobbyists on a daily basis to each house. As a result of discussions with personnel from the office of the Secretary of State, the Secretary of State agreed to include an up-to-date list of registered lobbyists on that office's web page throughout the legislative session, and the Legislative Council would maintain on the legislative branch web page a link to the lobbyist information.

The committee recommends amendment of Senate and House Rules 203(1) to provide that a list of currently registered lobbyists be printed in the journals on the adjournment of the legislative session rather than on the 35th legislative day. The recommended language allows the list to be printed on the last legislative day or as an addendum to the journals after the Legislative Assembly has adjourned. This change recognizes that lists of registered lobbyists are available to legislators and others throughout the session, and for historical purposes, the journals would include a list of all lobbyists registered during that session, rather than just as of the 35th legislative day.

Orders of Business

The committee compared the practice of considering items on the consent calendar at the end of the day to the orders of business under Senate and House Rules 301. These rules require consideration of bills and resolutions on the consent calendar under the 10th order of business, before the second reading of bills and resolutions in the house of origin. In addition, Joint Rule 207(5) requires the consent calendar to be considered immediately before consideration of bills and resolutions on second reading.

The committee recommends amendment of Senate and House Rules 301 to move consideration of the consent calendar from the 10th to the 15th order of business and consideration of unfinished business from the 15th to the 10th order of business. This would move consideration of the consent calendar to an order of business after second reading of bills and resolutions from the other house, without changing the customary orders of business involving first and second reading of bills and resolutions. Unfinished business is used very little, and its movement to the 10th order would not disrupt traditional orders. In addition, the committee recommends repeal of Joint Rule 207(5) because the orders of business adequately cover the time for consideration of the consent calendar.

Number of Permanent Journals

The committee reviewed the number of permanent journals prepared after the session. Senate and House Rules 204 provide for 30 sets of journals to be bound in hard covers for distribution as provided in the rules. The committee surveyed the recipients of the bound journals and inquired as to the necessity of continuing to prepare these sets. In 1997 the approximate cost of setting aside and binding the permanent journals and the permanent journal indexes was \$8,600.

The committee recommends amendment of Senate and House Rules 204 to provide for 27 rather than 30 sets of the permanent

journals. The change would eliminate the set to the Lieutenant Governor and two sets to the Legislative Council, as suggested by those recipients.

Transmittal of Measure to Other House

The committee reviewed the provisions providing for immediate consideration or automatic transmittal of measures. Senate and House Rules 338 provide for immediate consideration of bills and resolutions on the calendar after the 55th legislative day. Senate and House Rules 346 provide for transmittal of a bill or resolution to the other house at the end of the session after the 49th legislative day.

The committee recommends amendment of Senate and House Rules 346 to provide that after the 58th legislative day, the Secretary of the Senate or the Chief Clerk of the House is to transmit the bill or resolution to the other house immediately after the second reading of that bill or resolution unless the majority or minority leader has given notice of intention to move the reconsideration of that bill or resolution. This is in addition to the current provision that after the 49th legislative day the bill or resolution is to be transmitted to the other house immediately upon adjournment of that day's session unless action on the measure is pending due to a motion to reconsider or unless the majority or minority leader has given notice of intention to move reconsideration of that measure. This additional provision for automatic transmittal is intended to eliminate the need for a motion for immediate transmittal after the 58th legislative day.

Motion to Reconsider a Question

The committee considered an argument raised during the 1997 session that the requirement for a two-thirds vote of the members-elect for reconsideration after the end of the "next" legislative day under Senate and House Rules 347 would not apply until a day after a motion to reconsider is not made (thus, allowing a motion to be made every day under a majority vote requirement). The committee determined that this interpretation is not the traditional interpretation and would negate the usual understanding that reference to "next" legislative day means the day after the vote on the measure rather than the day after the vote on a motion for reconsideration.

The committee recommends amendment of Senate and House Rules 347 to provide that the two-thirds vote requirement for reconsideration after the end of the next legislative day refers to the next day following the action on the measure.

Receipt of Vetoed Bills

The committee discussed the procedure to follow on receipt of vetoed bills. Section 9 of Article V of the Constitution of North Dakota provides that the Governor is to return "for reconsideration" any vetoed item or bill to the house in which it originated and that house is to immediately enter the Governor's objections upon its journal. Section 458 of *Mason's Manual of Legislative Procedure* provides that when an executive returns a bill to a legislative body with objections, the further consideration of the measure is not itself a reconsideration in the parliamentary sense. During the 1997 session two procedures were used--a motion to reconsider the vetoed measure and place it on the calendar under the 11th order of business, and placement on the 11th order after receipt of the communication from the Governor (without a motion to reconsider).

The committee recommends creation of Senate and House Rules 354.1 to provide that upon receipt of a vetoed bill and objections, the Secretary of the Senate or Chief Clerk of the House is to place the bill on the 11th order of business on the calendar. The purpose of the proposed rule is to clearly indicate that a motion for reconsideration is not necessary or appropriate, e.g., what if a motion to reconsider did not pass even though the constitution requires return "for reconsideration."

Legislative Guests

The committee reviewed the rules allowing guests on the floor. Senate Rule 205 limits a member to one guest on the floor at a time, during the time guests are restricted on the floor. House Rules 205 and 359 limit a member to one guest per day on the floor during the time guests are restricted on the floor and requires guests to be seated with the member. Under Senate and House Rules 205, both houses restrict the guests on the floor from 30 minutes before the house convenes through the session for that day. During the 1997 session, the House amended House Rule 205 to provide that the sergeant-at-arms, in addition to clearing the floor 30 minutes before the House convenes, is to clear the floor from 12:00 noon to 1:00 p.m. on any legislative day.

The committee recommends amendment of Senate and House Rules 205(3) to require the sergeants-at-arms to clear the floor 60 minutes before the respective house convenes on any legislative day. This increase provides an additional time members can work at their desks without interruption.

Committee members expressed concern that House members are requesting guest passes from other House members so that entire school groups can be seated on the floor. One method the committee considered to limit the disruption caused by moving

guests on and off the floor was to restrict the area in which guests can be seated. After viewing the proposed rules amendment, the committee determined that guests should be seated with their legislative sponsors if guests are to be permitted on the floor. The idea for reserving space continued but under the rationale that visiting dignitaries could be seated in those areas. In addition, a seat close to the Speaker's podium was viewed as appropriate for allowing the Speaker to relinquish the chair and easily return to a seat on the floor to speak on a subject.

The committee recommends amendment of House Rule 361 to reserve the first row of seats in the middle two sections of the House floor and to reserve for the Speaker of the House the seat the Speaker reserved during the 1997 session.

Delayed Bill Sponsors

The committee reviewed Senate Rule 403, which refers to the name of the original sponsor of a measure approved for introduction by the Delayed Bills Committee. The House deleted reference to "original" sponsor in 1994, to avoid a question of whether sponsors could be changed after approval of the Delayed Bills Committee or otherwise. The Senate also approved deleting this word, but it was retained through a clerical error in 1995 and 1997.

The committee recommends amendment of Senate Rule 403 to delete reference to the "original" sponsor's name and thus reaffirm the change first approved in 1994.

Bill Introduction Deadlines

Traditionally, bill introduction deadlines fall on the 5th, 10th, and 15th legislative days--Mondays--when the Legislative Assembly convenes on Tuesday. The 55th Legislative Assembly convened on Monday, January 6, 1997, rather than the traditional Tuesday. For the 1997 session, the bill introduction deadlines were changed to the 6th, 11th, and 16th legislative days so the various bill introduction deadlines would continue to fall on Mondays.

The committee recommends amendment of Senate and House Rules 402 to change the bill introduction deadlines from the 6th, 11th, and 16th legislative days to the 5th, 10th, and 15th legislative days. The 56th Legislative Assembly will convene on Tuesday, January 5, 1999, and this recommendation is made to ensure that each bill introduction deadline will continue to fall on Monday.

Divided Committee Reports

The committee discussed the use of divided committee reports. Senate and House Rules 602 provide that in case all the members of any committee cannot agree upon any report, the majority and minority may each make a report and any member dissenting from both the majority and minority may also present a report. Committee members discussed the effect of allowing one member to make a report, regardless of the practicality of the success of that report on the floor of the chamber. The committee determined that more than one member should be required for a report so as to reduce the possibility of frivolous reports.

The committee recommends amendment of Senate and House Rules 602 and House Rule 601(1) to provide that in case all the members of any committee cannot agree upon any report, the majority and minority may each make a report, and the minority report must be signed by at least two members of the Senate committee or three members of the Senate Appropriations Committee, or three members of the House committee or four members of the House Appropriations Committee, who voted against the majority report.

Resolutions Crossover Day

Joint Rule 203 provides a bill that has passed one house may not be sent to the other house for concurrence after the 34th legislative day, and a resolution requesting a Legislative Council study may not be sent to the other house for concurrence after the 40th legislative day. The committee discussed whether there should be a deadline for sending any type of resolution to the other house for concurrence. No reason was advanced to continue to exclude certain resolutions from a crossover deadline. A reason for establishing a deadline is to reduce the volume of proposals scheduled on the calendar late in the session.

The committee recommends amendment of Joint Rule 203 to provide that a resolution that has passed one house may not be sent to the other house for concurrence after the 40th legislative day, except a resolution approved for introduction after the deadline for introduction of that type of resolution. This deadline would depend on the type of resolution, e.g., a general resolution may not be introduced after the 18th legislative day and a resolution requesting a Legislative Council study or proposing amendment of the United States Constitution may not be introduced after the 31st legislative day.

Executive Agency and Supreme Court Bills

The committee discussed the effect of agencies requesting legislators to be listed as sponsors of agency bills. The committee reviewed statistics on the number of bills introduced beginning with the 1993 session (before the rules change) through the 1997 session. There has been a reduction of 17 percent in the number of bills introduced from 1993 through 1997, and the reduction in the number of agency bills introduced has been 61 percent. Of 193 agency bills introduced in 1995, 33 were sponsored by legislators, and of the 121 agency bills introduced in 1997, 18 were sponsored by legislators. Only two percent of all bills introduced were agency bills with individual sponsorship.

Committee members expressed concern, however, over another practice the statistics revealed. The number of bills prefiled for early introduction has gone down by 22 percent for the House and 43 percent for the Senate. Thus, the decrease in the number of prefiled bills is disproportionately greater than the general reduction in the total number of bills introduced. Of concern, however, is the fact that although the number of prefiled bills has gone down, the number of House bills introduced by the first introduction deadline has increased by 23 percent and the number of Senate bills introduced by the first introduction deadline has decreased by only 11 percent. Agencies appear to present their proposals to individual legislators for individual sponsorship rather than prefile those proposals for introduction, e.g., an agency requests a legislator to sponsor a bill and provides that bill to the legislator, and that legislator introduces that bill usually during the time period in which legislators may sponsor an unlimited number of bills (before the 6th legislative day in the House and the 11th legislative day in the Senate).

This practice results in agencies determining the house of introduction by contacting legislators from the preferred house and could lead to an overbalance of bills in one house because agencies are not responsible for balancing the workload of both houses. Also, fewer bills are available for being scheduled for hearing during the first two weeks of the session which results in more bills having to be scheduled for hearing during the remaining time before crossover. Committee members also discussed the purposes of the agency introduction privilege--spacing legislative workload and reducing the need for legislators to miss committee hearings to testify before other committees with respect to agency proposals. Also discussed was the effect of the Governor's 1994 directive to executive agencies to obtain individual sponsors of their proposals.

In response to these statistics and the committee's concerns, a letter was sent to executive branch agencies and the Supreme Court urging the agencies to use the agency introduction privilege rather than asking individual legislators to introduce agency bills after the prefiling deadline. A letter was also sent to the Governor pointing out the statistics showing that agencies going to individual legislators to introduce bills has affected the ability of the Legislative Assembly to schedule bills early in the session and requesting the Governor to encourage agencies to use the agency introduction privilege rather than burdening legislators with the responsibility of appearing before committees solely to defer to agency representatives.

Printing of Measures

The committee reviewed Joint Rule 603, which provides for 500 copies of each bill and 400 copies of each resolution to be printed. The employees in the bill and journal room during the 1997 session suggested that the number of printed resolutions be increased to equal the number of printed bills because of the demand for each.

The committee recommends amendment of Joint Rule 603 to provide for 500, rather than 400, copies of resolutions to be printed. This should reduce the need for special orders to print resolutions on a regular basis.

Use of Committee Rooms

The committee was informed of requests by legislators to reserve legislative committee rooms for scheduled use by private groups. Joint Rule 803 provides that during a legislative session committee rooms may be used only for functions and activities of the legislative branch, but a state agency may be granted permission by the Secretary of the Senate or the Chief Clerk of the House 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, NDCC Section 48-08-04 applies and provides that committee rooms may not be used without authorization of the Legislative Council, or its designee.

The committee discussed the difficulty of bringing every request to the Legislative Council or applying unwritten policies. Under current practice, the Legislative Council retains jurisdiction over the Harvest Room and the Roughrider Room and responsibility for use of the other committee rooms is transferred to the Office of Management and Budget (Facility Management Division). A written policy would provide notice regarding permitted uses and would provide guidelines for the Legislative Council staff and the Facility Management Division in managing use of committee rooms.

The committee recommends a policy governing approval of use of committee rooms during the interim similar to that governing use of the chambers. The first priority is for the legislative branch. A state agency may use committee rooms for official purposes of the agency. Any other group or organization may use committee rooms as necessary for educational and informational meetings that have a reasonable relationship to the legislative process only if the group or organization arranges for security, janitorial, and other services with the Office of Management and Budget and either is sponsored by a state agency or signs a facilities use agreement as required under the guidelines for use of legislative chambers and displays in Memorial Hall.

Committee rooms may not be provided for use by a group or organization if the planned function would interfere with the business or activities of the legislative branch, if the purpose of the meeting is to advocate the introduction of legislation or to encourage or oppose the enactment of legislation or any decision on a matter before the Legislative Assembly or Legislative Council or any legislative committee, or if there are other suitable facilities on the Capitol grounds or in a privately operated facility that may or may not charge a fee for that use. The Legislative Council staff may arrange with the Office of Management and Budget to manage the scheduling of committee rooms. Any use contrary to the policy is subject to prior approval from the Legislative Management Committee.

Legislative Rules Book

The committee approved a proposal to reprint the Legislative Rules Book and incorporate rules changes approved at the organizational session, with appropriate grammatical, style, obsolete reference, and numbering changes to integrate new rules; reorder and renumber rules as appropriate; and reflect current procedures.

Other Rules Proposals Considered

The committee reviewed several other proposed rules amendments. These included (1) amendment of Senate and House Rules 347 to require the title of a bill or resolution to be summarized when a motion to reconsider is made with respect to a bill or resolution (to give notice to members and allow time to search voting records and to respond); (2) amendment of Senate and House Rules 329 to provide for automatic referral to the Appropriations Committee of a bill or resolution that should have been referred under the rules but was approved on second reading before that referral (which would have eliminated the current flexibility of messaging a passed measure to the other house without rereferral).

LEGISLATIVE INFORMATION SERVICES

Personal Computer Usage Fee

During the 1995-96 interim, the Legislative Management Committee developed a policy on use of personal computers by legislators. The policy describes statutory restrictions on use of personal computers, governs use of privately owned personal computers to access legislative information systems, and governs use of state-owned personal computers. After the 1997 session, the Legislative Council delegated to the committee its authority under NDCC Section 54-03-26 to establish a computer usage fee, payment of which allows a member of the Legislative Assembly who is assigned a computer to use that computer and its associated equipment and software for any use that is not in violation of NDCC Section 16.1-10-02.

The committee reviewed the policy adopted during the 1995-96 interim to determine how that policy could be revised to include the personal use option allowed under Section 54-03-26. The committee determined that eight conditions should govern a legislator's use of a computer under the personal use option: (1) not using the computer for any political purpose prohibited by Section 16.1-10-02; (2) recognizing that sufficient capacity needs to remain on the computer for software necessary to access North Dakota's legislative information system; (3) recognizing that legislative software cannot be removed and capacity must remain for upgrades to that software; (4) recognizing that any personal use not require additional memory or disk space; (5) recognizing that the legislator is responsible for the cost of installing and maintaining nonlegislative software; (6) recognizing that the Legislative Council staff is not responsible for installing or supporting nonlegislative software; (7) recognizing that the legislator may be responsible for paying costs in reinstalling legislative software that does not function properly as the result of nonlegislative software; and (8) recognizing that the Legislative Council staff may remove any nonlegislative software in order to properly install or operate legislative software.

The committee included these eight conditions as a personal use option under the policy. The committee set a monthly fee of \$10 as the fee for the personal use option. During the interim, 61 legislators selected the personal use option.

Notebook Computers for Legislators

After the 1995 legislative session, 60 IBM ThinkPad 755CD notebook-style personal computers were purchased and during the 1995-96 interim 15 IBM ThinkPad 760ED notebook-style personal computers were leased for distribution to legislators. This number was viewed as the upper limit for which support and assistance could be given through the 1997 session. ThinkPads with built-in CD-ROM drives were chosen for legislators due to their features, past experience with the reliability of IBM hardware, and the ability to obtain local support and maintenance on short notice (due to the special needs of legislators during a session).

After the 1997 session, the committee reviewed the feasibility of distributing personal computers to all legislators. Because approximately 50 percent of the legislators had experience with personal computers, the committee determined support and assistance could now be directed to providing computers to legislators who did not have computers during the 1997 session. Early distribution of computers was viewed as a means to allow legislators to be trained on the use of the legislative software

sufficiently in advance of the 1999 session to be proficient in using the computers.

The committee reviewed information on IBM, Compaq, Dell, Gateway, Micron, and Toshiba notebook-style computers that were capable of operating current legislative systems and software as well as the software with contemplated changes for the next four years. The committee also viewed demonstrations of notebook-style computers. The committee selected the Gateway Solo 9100, which has a Pentium 166 processor, a 13.3-inch active matrix display, a resolution of 1024 by 768, a modular hard drive, and a modular combination floppy and CD-ROM drive inside the chassis. Sixty Gateway computers were purchased for distribution to legislators.

In June 1998, the committee reviewed a schedule for use and acquisition of notebook-style computers. The committee approved the replacement of three IBM ThinkPad 360C computers, replacement of 60 IBM ThinkPad 755CD computers, and reassignment of 15 IBM ThinkPad 760ED computers from legislators to the desk forces and legislative interns. The committee approved the acquisition of 87 notebook-style computers which would allow each legislator to receive a notebook-style computer. The decision to replace the IBM ThinkPads was made as part of the Legislative Assembly's information technology strategic plan to provide every legislator with a computer that would be able to take full advantage of the 1997-98 enhancements to the Legislator's Automated Work Station (LAWS) system, e.g., split-screen display of amendments and text of bills, and planned software upgrades for the next four years. In addition, newer computers would allow more efficiencies due to Pentium processor speed and greater disk capacity.

The committee reviewed information on notebook-style computers with at least the features of the Gateway Solo 9100. The committee viewed demonstrations of computers manufactured by Gateway, Compaq, Dell, Fujitsu, and IBM. The committee selected the Gateway Solo 2500, which has a Pentium II 233 processor, a 13.3-inch display, a resolution of 1024 by 768, and a separate but integrated combination floppy and CD-ROM drive inside the chassis. The Gateway Solo 2500 can be ordered with either a touchpad pointing device or a pointing stick pointing device and legislators were given the option to select the touchpad pointing device before the Legislative Council staff placed the order for the manufacture of the computers.

The committee considered a number of options for the disposition of the 63 IBM ThinkPad 360C and 755CD computers, which would have all software deleted other than the Windows 95 operating system because of licensing requirements of the software. Under NDCC Section 54-44-04.6, a state agency must transfer surplus property to the Office of Management and Budget for transfer at fair market value to state agencies, political subdivisions, and nonprofit organizations eligible to receive federal surplus property. Any property valued at more than \$3,000 not transferred to state agencies, political subdivisions, and nonprofit organizations must be sold under sealed bids or at public auction, or if the property is valued at less than \$3,000, through negotiation at fair value.

The first question was whether to use the computers as a trade-in or credit for acquiring the replacement computers. The value placed on the ThinkPad computers by prospective vendors ranged from \$100 to \$150 for the 360C computers and \$200 to \$250 for the 755CD computers. Under these proposals, the computers would have been "cleaned up" for resale under warranty protection. Because of the limited value of the trade-in or credit against the purchase price of the replacement computers, the committee decided not to use the IBM ThinkPad computers for any trade-in or credit value.

Committee members were interested in providing an opportunity for legislators to acquire the computers for continued use in improving their technical skills. The committee surveyed all legislators in an attempt to determine the level of interest in acquiring the IBM ThinkPad computers. The survey question explained that all software would be deleted from the computers other than the Windows 95 operating system, some computers required service, no warranty protection or service would be provided, and the approximate price would be \$350, which was higher than the value determined by the Office of Management and Budget. Survey results indicated 65 legislators were interested in acquiring the computers.

A number of state agencies requested priority consideration if the computers were transferred as surplus property. Under surplus property disposal procedures, a disposing agency may note any interest by another agency for the items being transferred and may establish a fee for the transferred property.

The committee determined that the computers should be transferred to the Office of Management and Budget for disposal in accordance with the surplus property law, due to concerns about the condition of the computers.

Computer Use During Interim

One reason notebook-style computers were selected for legislators is the ability to use those computers away from the Capitol. Legislators are provided Internet access and e-mail capability through use of a 1-800 number to the Legislative Council's client server.

Legislators with state-provided computers receive e-mail notice of committee meetings and a postal meeting reminder notice, and meeting notices, agendas, and minutes are available through the Legislative Council's server and legislators can replicate

them for viewing off-line or view them directly from the legislative branch web page.

The committee became concerned when legislators expressed difficulty in using the dial-in network service to connect to the Legislative Council server. The components necessary for completing a successful dial-up connection are the modem and communications software, the wiring at the location where the dial-up is originating, the circuit from the dial-up location to a central office, transfer of the call from the telephone company to the 1-800 service, delivery of that call to the Information Services Division's equipment in the Capitol, wiring in the Capitol and delivery to the server, and the application running the server. After extensive testing by the Information Services Division, AT&T, and U S West, it appeared points of failure were generally the circuit from the dial-up location to the central office (local lines), the inside wiring at the caller's location, or the computer's modem. Local lines are voice grade and U S West guarantees only a 9.6 modem speed over a voice grade line. All entities involved suggested that if a legislator has trouble maintaining a connection to the server, the legislator inform the Legislative Council staff for testing of the components involved.

As the result of requests from a number of legislators with state-provided computers, the committee surveyed legislators' use of e-mail. The survey results indicated that 5 of 27 senators and 15 of 63 representatives were not using the e-mail system effectively. To aid those legislators who require additional time to be comfortable with e-mail notice and transmittal of materials, the committee authorized the Legislative Council staff to offer each legislator the option this interim of also receiving postal delivery of notices, postal delivery of minutes, or both, in addition to the e-mail delivery.

A few legislators requested use of private e-mail addresses for legislative purposes so they could use their regular business or private computers rather than state-provided computers. The committee determined that private e-mail addresses should not be added as forwarding addresses; otherwise, a current list of service providers would need to be maintained, action would have to be taken whenever legislators changed their Internet service providers, and legislators would not gain experience with using the state-provided computers to work with legislative computer systems.

WinPopUp

WinPopUp was installed on legislators' computers during the 1997 session as a "quickie" messaging system between legislators. This system, however, has had an erratic effect on the LAWS system, i.e., it has locked up the system, and a number of legislators complained about messages popping up while they were working on other things. The committee determined that WinPopUp should be removed from computers when those computers are serviced or distributed or when software is upgraded.

Legislative Assembly Computers

In June 1998, the committee reviewed a schedule for use and acquisition of computers and printers for legislative session employees. The committee approved the reassignment of 20 desktop computers from leadership offices and the secretarial service area to committee clerks, retention of 13 mainframe terminals for use in the telephone room, replacement of 41 mainframe terminals used by the desk forces and committee clerks with personal computers, reassignment of 20 local printers in the leadership offices and secretarial service area to the Legislative Council and replacement with newer local printers, replacement of five mainframe printers used in committee clerk and Appropriations Committee areas with network/mainframe printers, and reassignment of six network/mainframe printers from the desk forces and page rooms to committee clerk and Appropriations Committee areas. To complete this schedule, the committee approved the acquisition of 6 network/mainframe printers for the desk forces and the page rooms, 20 local printers for the leadership offices and secretarial service area, and 20 desktop computers for the leadership offices and secretarial service area. The effects of the plan are to replace mainframe terminals with personal computers in the committee clerk area and provide the most current printer technology and desktop computer capability in the leadership offices and the secretarial service area.

LAWS System

During the 1987-88 interim, the Legislative Management Committee authorized four legislators in each house to use computer terminals in place of bill racks. The legislative applications available to those legislators were designated the LAWS system. The system contained four basic components--bill status, committee hearings, daily calendars, and personal services (which included telephone messages received by the telephone attendants).

The LAWS system has been enhanced and been made available to more legislators over the years. Enhancements include display of the current text of measures being considered on the calendar through use of the voting system; use of e-mail to send messages to other legislators with workstations; and storage of telephone messages in caller sequence. During the 1991 session, 8 members of the Senate and 16 members of the House had access to the system. During the 1993 session, 17 members of the Senate and 33 members of the House had access.

During the 1993-94 interim, the committee approved a LAWS personal computer pilot project under which one member from each caucus received a notebook-style personal computer for use during the 1995 session and the 1995-96 interim. Fifty other

legislators used terminals to access the LAWS system, with 17 terminals on the Senate floor and 33 terminals on the House floor.

After the 1995 session, 75 notebook-style personal computers were acquired for use by legislators, thus expanding the LAWS system to 75 legislators during the 1997 session--25 in the Senate and 50 in the House. During the 1995-96 interim, the committee approved enhancement of the LAWS system by installing a graphical user interface, which allows use of the mainframe system through features available on personal computers, e.g., icons, pull-down menus, and radio buttons, and software that allows display of full text of statements of purpose of amendments and use of proportional spacing in bills, journals, and other legislative documents.

The committee reviewed this controlled growth in the system and in the access to the system by legislators. Of interest was the request by a number of legislators that the system allow the display of amendments along with the text of each bill being amended. This could be done with a split-screen feature, but would be practical only with screens having a diagonal size of at least 13 inches and a display resolution of 1024 by 768, which would require replacing some of the notebook-style computers used by legislators in order for those legislators to take advantage of the enhancement. The committee approved enhancing the LAWS system to provide split-screen capability to allow viewing of the text of amendments next to bills.

Legislative Branch World Wide Web Site

The Internet is a worldwide network of computer networks that exchange information. Many state legislatures provide information on their members, committees, and legislative proposals through the World Wide Web, which is a graphical interface to the Internet. Some states provide information through gopher connections, which provide only text, not graphics. During the 1995-96 interim, the Legislative Management Committee authorized development of a North Dakota Legislative Branch World Wide Web site. The address of the home page is <http://www.legis.nd.gov/>.

As initially developed, the North Dakota Legislative Branch home page contained biographies and photographs of legislators, standing and interim committee membership, notices of interim committee meetings, and information on Legislative Council studies, legislative deadlines, how to contact a legislator, how a bill becomes a law, and how to testify before a legislative committee. During the 1997 session, bill status information was available through this site upon payment of a \$400 subscription fee.

After the 1997 session, the Legislative Branch home page was expanded to include the 1997 Session Laws and 1997 bill status information that could be readily made available through the web page. During the interim, the information has been further enhanced to include interim committee meeting agendas, minutes, memorandums, and bill drafts; the text of the North Dakota Century Code and the Constitution of North Dakota; information on subscription services; and Internet links to other legislative entities. During the 1999 session, 1999 bill status information will be available without charge, including actions, text of all versions of bills and resolutions, text of the daily journals, and committee hearing schedules. The committee determined that any additional information to users outside the legislative branch would be provided under contract with the North Dakota University System, which is described under **On-Line Bill Status System Access**.

Legislative Information CD-ROM

The committee reviewed the feasibility of providing access to the 1997 bill status information after the system was taken down after June 30, 1997. Access to the on-line system has always been for a fee; the subscription fee of \$400 during the 1997 session was for access for six months only. If access were continued after June 20, there would be a question of whether a subscriber would have to pay the monthly access charge and a per second CPU charge otherwise imposed on entities accessing the mainframe system.

As a method of continuing access to bill status information, the committee reviewed a proposal for providing bill status information, full text of all versions of House and Senate bills and resolutions, full text of daily journals, and the Session Laws on CD-ROM.

The committee authorized the manufacture for 400 North Dakota legislative information system CD-ROMs for distribution free to legislators, Legislative Council staff use, and subscribers to the on-line bill status information system, and for sale to others at a price of \$10 each. As finally pressed, the CD-ROM also contains information from the Legislative Branch web page, e.g., information on legislators, legislative committees, Legislative Council studies, and the legislative process.

On-Line Bill Status System Access

The bill status system began in 1969 as a Legislative Council computerized in-house report that provided day-old information concerning the progress of bills and resolutions through the legislative process. The system has grown to an on-line system providing up-to-the-minute information on the status of bills and resolutions for use by legislative personnel and outside users. Although most outside users are state agencies, a number of other entities have gained access through arrangements with the

Legislative Council and the Information Services Division. In 1997, 62 entities paid a \$400 subscription fee and obtained access to this system through the Legislative Branch web page.

The committee reviewed the policy of making access to the on-line bill status system through the Internet on a subscription basis. A review of the web sites of 49 state legislatures revealed that 45 states provide some type of information with respect to bill text or status. The information ranged from a listing of prefiled bills, to the text of bills, to a summary of each bill and its current status. Four states offered information on a subscription basis in addition to the information available without charge, e.g., a legislative tracking service or a "real-time" subscription service.

The committee reviewed the feasibility of a two-part bill status service--a no-charge service available on the Legislative Branch web page which is updated daily, and a subscription service providing a real-time information service and a tracking service. The real-time information would be taken from the same system used to provide real-time information to legislators. The tracking service would be the service North Dakota State University provides to subscribers who identify specific measures (and information is provided for those measures rather than for all measures). That system was developed by University System personnel in cooperation with the Information Services Division and the Legislative Council staff.

The committee determined that contracting with a third party to provide bill status information to users outside the legislative branch would allow the Legislative Council staff to focus on developing legislative information systems and providing service to legislators rather than handling subscription services and dealing with outside users. Also, providing information on the Legislative Branch web page without charge would promote public access to legislative information.

The committee accepted a proposal of the North Dakota University System to provide bill status information and a legislative tracking service to users outside the legislative branch. The University System will provide bill status information and the legislative tracking service, including help desk support, to the University System and entities other than state agencies, and the Information Services Division will provide help desk support to state agencies obtaining access to bill status information through the Legislative Branch web page, the bill status system, and the legislative tracking service. The Legislative Council staff will provide services to users within the legislative branch and maintain the information in its bill status system. With respect to the bill status system, the University System set a subscription fee of \$300 for a one-user account. With respect to the legislative bill tracking system, the University System set a subscription fee of \$300 for a one-user account with two tracking lists (a tracking list is a set of bills tracked as a group) and a \$30 fee for each additional tracking list. These fees are for access from the first day of the session through June 30, 1999, and apply to users outside state government.

Subscription Fees for Printed Documents

Beginning with the 1989-90 interim, the Legislative Procedure and Arrangements Committee and subsequently the Legislative Management Committee has reviewed the cost of providing various printed documents to persons outside the legislative branch. Subscription fees have been established that, generally, approximate the cost of printing a set of the relevant documents during the previous legislative session, e.g., the cost of printing the documents is divided by the number of sets of documents printed. State agencies and institutions are not charged the fees, nor are representatives of the media as determined under Joint Rule 802.

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. In 1991 the number of printed reports distributed without charge was substantially reduced (state agencies no longer received a printed bill status report from the bill and journal room) and a subscription fee was first established. Twenty-four entities paid a \$220 subscription fee in 1997 (two paid an additional \$110 to receive the reports by mail). The committee determined that printed bill status reports should continue to be made available through the bill and journal room only to those who subscribe to the 1999 bill status report and pay a \$310 subscription fee, \$420 if mailed (a state agency can print its own report through arrangements with the Information Services Division).

Legislative Document Distribution Program

Starting with the 1983 session, the Legislative Assembly has provided bills, resolutions, journals, and bill status reports to academic, special, and public libraries throughout the state. The program consists of sending on a weekly basis, through United Parcel Service, copies of introduced bills and resolutions, daily journals, and bill status reports. The documents were sent to 18 libraries in 1997.

Since the 1989-90 interim, the Legislative Management Committee has determined that participating libraries should pay the approximate cost of printing their bill status reports and the Legislative Assembly should continue to absorb the cost of the other documents plus the cost of shipping the materials. The subscription fee was \$220 in 1997, with a \$25 late fee.

The committee approved continuation of the program for the 1999 session, with a subscription fee of \$310, and a \$25 late fee if the subscription is after the deadline for subscribing.

Photocopied Bills and Resolutions Subscription

Under Senate and House Rules 404, any statewide organization or association paying a subscription fee established by the committee may receive a copy of each introduced bill or resolution. No one subscribed to this service during the 1997 session. The committee established a fee of \$700 for this service during the 1999 session.

Bills, Resolutions, and Journal Subscriptions

During the 1985-86 interim, the Legislative Procedure and Arrangements Committee adopted the policy that the bill and journal room should mail a small number of bills and resolutions at no charge to a requester. If the request is for a large number or for all of the bills and resolutions introduced, the requester should pay the postage. During the 1991-92 interim, the Legislative Management Committee determined that anyone who requests a set of bills, resolutions, or journals should pay a fee to cover the cost of printing a set of bills, resolutions, and journals and the cost of mailing these documents. During the 1997 session, 89 entities subscribed to pick up a set of bills and resolutions from the bill and journal room and 5 paid to receive the set by mail; 55 entities subscribed to pick up a set of journals and 4 paid to receive a set by mail; and 23 entities subscribed to receive the journal index.

The committee established the following fees with respect to receiving a copy of every bill and resolution introduced and printed or reprinted and a copy of the daily journal of each house during the 1999 session: \$125 for a set of bills and resolutions, \$235 if mailed; and \$65 for a set of daily journals of the Senate and House, \$175 if mailed. The fee for the journals includes final covers after the session adjourns. The committee established a subscription fee of \$25 to receive the index to the Senate and House journals for the 1999 session.

The committee continued the policy that anyone can still receive no more than five copies of a limited number of bills and resolutions without charge.

Committee Hearing Schedule and Daily Calendar Subscription

The committee decided to continue the practice of making committee hearing schedules and daily calendars available at no charge. The committee also determined that if a request is received for the mailing of daily calendars or committee hearing schedules, the policy followed during the 1997 session should continue and a fee should be imposed to cover the cost of mailing. During the 1997 session, eight entities paid to receive the hearing schedules by mail and two entities paid to receive the calendars by mail. The committee established a subscription fee of \$55 for mailing a set of daily calendars of the Senate and House and a subscription fee of \$30 for mailing a set of the weekly hearing schedules for Senate and House committees.

USE OF CHAMBERS AND MEMORIAL HALL

Since 1981, the Legislative Council has delegated to the committee the responsibility under NDCC Section 54-35-02(8) to control the legislative chambers and any permanent displays in Memorial Hall. In exercising this responsibility, the committee has adopted guidelines for use of the legislative chambers and displays in Memorial Hall.

Under the guidelines, last approved by the committee in January 1996, the first priority for use of the chambers is for the legislative branch. When the Legislative Assembly is not in session, the chambers may be used by other groups or organizations if certain requirements are met. A state agency may use the chambers for official purposes of that agency. Any other group or organization may use the chambers only for mock legislative sessions. Any use cannot interfere with legislative branch activities; the sponsor of the function must arrange for services or equipment through the Office of Management and Budget; the sponsor must assume full responsibility for the care of the chambers; and prior approval must be obtained from the Legislative Management Committee or from the director of the Legislative Council.

During its review of the guidelines, the committee approved requests for use of one or both chambers and some committee rooms by the North Dakota Intercollegiate State Legislature, North Dakota High School Activities Association, the Silver-Haired Education Association, and the North Dakota Family Alliance.

Under the guidelines, any display in Memorial Hall is to be reviewed annually. Since removal of two statues in 1984, Memorial Hall does not contain any permanent display.

TELEPHONE USAGE GUIDELINES

Under NDCC 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 that 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.

CONTRACTS FOR PRINTING LEGISLATIVE DOCUMENTS

Background

Under NDCC Section 46-02-04, the Legislative Council is authorized to determine the contents of contracts for printing legislative bills, resolutions, and journals. The State Purchasing Division prepares the requests for bids for the printing of these items in accordance with the requirements set by the committee.

Contract Contents

The committee determined that the consolidated contract for printing bills and resolutions and for printing daily journals, and for providing bill and journal room services, should be continued for the 56th Legislative Assembly. This type of contract was first entered for the 55th Legislative Assembly.

When the committee reviewed the proposed contract for printing bills and resolutions, the contract printer for the 55th Legislative Assembly suggested that an escrow account in the amount of \$10,000 to \$15,000 be allowed as an alternative to the performance bond in the amount of 50 percent of the previous contract amount for these printing and bill and journal room services. It was pointed out that the major printing cost would be early in the session when the bills and resolutions are being printed. Any failure should not incur much additional cost to obtain another printer due to the competition for the contract. Any failure later in the session should not cause a substantial loss because most printing had been completed. This option also would lower the cost to the printer and thus should be reflected in the contract bid.

With respect to the contract for the 56th Legislative Assembly, the committee increased the number of copies of each resolution to be printed to 500 rather than 400, which also requires amendment of Joint Rule 603. The committee also included a provision for wrapping the permanent journals and journal indexes. The Secretary of State had made this suggestion to aid in the distribution of these items. The contract also allows the vendor to provide an escrow account in the amount of \$15,000 instead of providing a performance bond in the amount of \$75,000.

The committee accepted the bid by Quality Printing Service, Bismarck, for printing bills, resolutions, and journals on recycled paper and operating the bill and journal room during the 1999 session.

APPROPRIATION FOR IMPROVEMENTS TO THE LEGISLATIVE WING

Background

The major legislative wing renovation project dates back to the 1977 Legislative Assembly, which authorized construction of the judicial wing/state office building. In recent years, various projects have been undertaken to continue the renovation of the legislative wing.

1993-94 Interim

During the 1993-94 interim, the Legislative Management Committee reviewed five proposals to improve the acoustics of the Brynhild Haugland Room. That committee approved the installation of a sound-absorbent surface on the ceiling over the table area and the installation of a curtain in front of the folding doors on the stage. These improvements were completed after the 1995 session.

1995-96 Interim

During the 1995-96 interim, the Legislative Management Committee authorized the purchase of bookcases for the Fort Union, Fort Totten, Peace Garden, and Prairie Rooms for storage of legislators' three-ring binders when not used by the legislators; authorized the installation of electrical and data wiring in the Harvest Room, Roughrider Room, Sakakawea Room, and House

Conference Room for use of personal computers by committee members, legislative fiscal analysts, and executive budget analysts. That committee also determined that the local area network for legislators would be a wired network, and authorized the installation of a recessed, popup grommet at each legislator's desk in the chambers.

1997-98 Interim

During the 1997 session, the committee's consulting architect interviewed desk force employees and the presiding officers for suggestions on improving the work area in each chamber.

Front Desk and Well Renovation

Funds were appropriated in 1989 for remodeling the front desk area in the House chamber, but the project was postponed until full computerization of the front desk was completed. As a result of the interviews during the 1997 session, the committee's consulting architect prepared plans to renovate the front desk area in each chamber.

For the Senate, the proposal was to move the Secretary of the Senate's desk area out two feet while maintaining the end position of that desk, lower the front podium for better visibility, add a workspace area behind the desk force and in front of the President's desk, build files on both sides of the front desk area against the wall to eliminate the printer stands and file cabinets, and lower the employees' area by two steps and the President's area by two steps. As a means to provide access under the Americans with Disabilities Act, the proposal also provided for a removable ramp to provide wheelchair access from the rear floor area to the front well work area. The committee toured the Senate chamber and determined that in the Senate, the renovation of the front desk area would include lowering the front podium, providing an adjustable lectern for the Secretary of the Senate, building files on both sides of the front desk area against the wall, replacing the former page seating (converted to file drawers) at the front desk with workspace for the desk force, and providing the temporary access ramp. The committee awarded the remodeling contract for the Senate chamber at a price of \$34,371.

For the House, the proposal was to recess the Speaker's desk back approximately five feet to give a better view of all members of the chamber, lower the front podium for better visibility, extend both ends of the middle desk to approximately five feet from the wall, add a workspace area behind the desk force and in front of the Speaker's desk, build files on each side of the front desk area along the wall to eliminate the printer stands and file cabinets, lower the front desk area by two steps for the employees and by two steps for the Speaker, eliminate the front row work desk, and recarpet the front well area. As a means to provide access under the Americans with Disabilities Act, the proposal also provided for a removable ramp to provide wheelchair access from the rear floor area to the front well work area. The committee toured the House chamber and determined that the House well area should be renovated as proposed, but also providing an adjustable lectern for the Chief Clerk and wiring jacks for television cameras on tripods on the Speaker's level and in the front well area. The committee awarded the remodeling contract for the House chamber at a price of \$51,061.

The committee also approved an additional \$5,645 to provide for replacement of electrical wiring and installation of additional conduits and ductwork under the House rostrum, smooth floor areas missing the original tile as the result of reworking the House well area, and reupholster ornamental chairs and benches.

Chamber Carpeting and Chairs

As a result of the planned renovation of the front desk area in each chamber, the committee discussed the need to replace the carpeting in the chambers. The carpeting in each chamber was installed during the 1979-82 renovation project. The carpet was showing signs of wear and tear, and with respect to the House front desk area, matching carpet to cover the front desk work area was not available.

The chairs used by legislators in the chambers were acquired in 1968 and recovered in 1980. In recent sessions, a number of chairs have needed to be repaired, the fabric of a number of chairs was torn and worn, and the foam rubber padding was disintegrating.

The committee approved the replacement of carpet in the chambers. The committee determined that the color scheme of carpeting in the chambers should be similar to the current color of the carpet--blue in the House and burgundy in the Senate--but with a subdued pattern to include the color of the chairs in the chamber. The committee awarded the contract for carpet in the Senate and House chambers at a price of \$56,157.

The committee reviewed seven styles of chairs provided by local office supply companies. The committee determined that a replacement chair should have a seat width of at least 21 inches, a dark five-leg pedestal, a fabric back, fabric arms, loop or closed arms, a pneumatic lift, swivel tilt back, and tilt tension adjustment.

The committee approved the replacement of the chairs in each chamber, in accordance with the requirements selected by the

committee and in the colors to match the color of the carpet in the chamber so as to draw out the brass in each chamber. In addition to the chairs, the committee approved recovering the benches and ceremonial chairs to match the new chairs. The committee awarded the contract for chairs and benches in the Senate and House chambers at a price of \$106,739.

As was done in 1969, members of the 55th Legislative Assembly were given the option to purchase one of the old chairs, and the remaining chairs were transferred to the Surplus Property Division for disposition.

Gateway Ropes

The committee authorized new velvet ropes, at a cost of \$2,018, to replace the current velvet ropes used to prevent entrance beyond the brass rails and the string cord used to prevent access to the entire chambers during the interim. The replacement ropes match the new color schemes in the House and Senate.

Committee Room Displays

The committee accepted an offer of the North Dakota Dry Bean Council to provide a framed Northharvest Print for display in the Harvest Room. Because the State Historical Society was involved with developing the displays in committee rooms, the committee requested the print be sent to the State Historical Society for its recommendation as to the appropriateness of the print being displayed among the period themes currently displayed in the Harvest Room.

1999-2000 Interim

The committee received an estimate of \$19,527 to renovate the 249 balcony seats and six backs in the House and the 191 balcony seats and six backs in the Senate and to replace the fabric with fabric matching the chairs in the chambers.

Committee members discussed the need to refinish the legislators' desks in the chambers. Many desks need to be refinished to smooth out the veneer and replace rough edges and worn spots. Also, wood molding has been damaged or is missing in a number of areas in both chambers. This project was viewed as complementary to any project to replace the audio system in each chamber. The committee received an estimate of \$60,800 for refinishing the legislators' desks in both chambers.

The committee discussed recent failures of the audio system. Of primary concern was the age of the current system and the fact that if one microphone fails, it usually causes the entire section in which the microphone is located to fail. The committee reviewed a proposal for replacing the audio system. The proposal included placing a sound system module and microphone at each legislator's desk. The estimated cost was \$90,000 for the Senate chamber and \$160,000 for the House chamber.

The committee requested the Legislative Council staff to review options for replacing the audio system and to present this information to legislative leaders during the 1999 session for appropriate action.

SESSION ARRANGEMENTS

Reimbursement for Attending Council Meeting

In 1996 the Legislative Management Committee recommended that new members be reimbursed expenses for attending the final Legislative Council meeting in November. This was viewed as a method of encouraging new members to meet with legislators and allowing caucuses to meet and to elect their leaders on the eve of the Legislative Council meeting in November. With the early election of leaders, leaders could hire their employees and make the early decisions necessary for arranging for the organizational and legislative sessions.

Although the caucuses have established different policies regarding whether to continue with the early election procedure, the committee determined that it is important for new members to become acquainted with issues to be considered by the Legislative Assembly and attending the Legislative Council meeting would be invaluable for acquiring this knowledge.

The committee recommends that new members be reimbursed expenses for attending the final Legislative Council meeting in November. Caucuses may make use of this opportunity for early election of leaders, and notice of whether caucuses are to be held is to be provided to all legislators and new members.

Legislators' Supplies

The committee approved continuation of the policy that each legislator receive 500 sheets (one ream) of regular stationery and 500 envelopes; that the Speaker, each leader, and each assistant leader also receive 500 sheets of Monarch stationery (with 500 envelopes); and that the leaders receive as much regular stationery (and envelopes) as needed and other legislators can request

an additional ream of stationery and 500 envelopes. The committee approved use of 24-pound laser print paper, similar to that used during the 1997 session, for stationery due to its design for laser printers, copiers, and plain paper fax machines.

The committee approved continuation of the policy of providing a letter file to each legislator on request.

The committee approved an option that a legislator may receive a photo identification card from the Office of Management and Budget. Current identification cards do not contain a photo of the legislator and some problems have been experienced in properly identifying legislators who desire access to the Capitol after hours.

Legislators' Expense Reimbursement Policy

Section 26 of Article XI of the Constitution of North Dakota provides that payment for necessary expenses of legislators may not exceed that allowed for other state employees. The 1985 Legislative Assembly authorized legislators to receive up to \$600 per month as reimbursement for lodging. During the 1985 session, reimbursement was made pursuant to policies established by the Office of Management and Budget with respect to state employees who rent apartments while away from their usual work locations for extended periods of time. During the 1985-86 interim, the Legislative Procedure and Arrangements Committee adopted a policy that allowed these items as reimbursable lodging expenses during a legislative session: electricity and heat, water (including garbage collection and sewer charges), basic telephone service, and telephone installation charges; rental of furniture and appliances and transit charges for moving rental furniture and appliances; and repairs to structure, plumbing or electrical repairs, and repairs to furniture and appliances damaged during a legislator's tenancy. During the 1991-92 interim, the Legislative Management Committee decided that repairs for damage occurring during the legislator's tenancy should not be reimbursed, and this revised policy was followed during the 1993-97 sessions. The committee recommends the legislative expense reimbursement policy for the 56th Legislative Assembly be the same as that followed for the 55th Legislative Assembly, but recognizing that since 1997 legislators may receive up to \$650 per month as reimbursement for lodging.

Legislators' Photographs

The committee approved the invitation to bid for Legislative Assembly photography services. With respect to the House, the proposal provided for two color pictures of two poses of 103 individuals; color touchup of the final pose; one composite color picture 44 by 56 inches, proofed, framed, and ready to hang; and 103 copies of the composite picture 11 by 14 inches in size. With respect to the Senate, the proposal provided for two color pictures of two poses of 55 individuals; color touchup of the final pose; one composite color picture 31 by 39 inches, proofed, framed, and ready to hang; and 55 copies of the composite picture 11 by 14 inches in size. The committee continued the option for oak frames for the small composite, available for purchase by individual legislators. The photographs of legislators are to be taken during the organizational session in 1998 and the photographs of the legislative officers are to be taken during the first week of the regular session.

Four firms submitted bids, ranging from \$3,000 to \$5,591.72. The committee awarded the contract to the lowest bidder--Anderson Photography, Crosby--who was also the photographer for the 54th and 55th Legislative Assemblies.

Journal Distribution Policy

The committee recommends continuation of the policy initiated in 1995 that the desk force inform legislators that a legislator may have daily journals sent to as many as three persons, but any additional sets require approval of that legislator's leader. Because journals are available on the Legislative Branch web page, legislators providing journals will be requested to ask the person to whom journals are to be sent whether that person has Internet access. The intent is to encourage those persons with Internet access to use that access, which reduces labor and postage costs.

Television Coverage

During the 1989 session, Bismarck-Mandan Cable TV engineered and delivered a live and tape-delayed evening presentation of the North Dakota Senate. A camera was positioned on alternating sides of the gallery, and viewers were given the opportunity to observe the legislative process. During the 1991 and 1993 sessions, Bismarck-Mandan Cable TV, through Community Access Television (a nonprofit corporation responsible for programming the public access channel of Bismarck-Mandan Cable TV), provided television coverage of the Senate and House of Representatives on alternating weeks. During the 1995 session, Meredith Cable (formerly Bismarck-Mandan Cable TV) and Community Access Television provided similar coverage and also distributed nine copies of tapes of the floor sessions to the nine largest cities in the state for rebroadcast by local cable companies on the next day. During the 1997 session, Dakota Cable Communications (formerly Meredith Cable) and Community Access Television provided coverage of the Senate and House on alternating weeks. Because of funding limitations, no tapes were made for rebroadcast by local cable companies around the state.

The committee authorized Dakota Cable Communications and Community Access Television to continue to provide coverage of the 56th Legislative Assembly under an arrangement similar to that provided during the 1997 session. During the committee's

consideration of this coverage, Community Access Television indicated cable companies in the state's major cities would be contacted to determine whether they would supply tapes or funds to receive tapes of floor sessions for delayed broadcast on their systems.

Legislative Sound System Access

The committee received correspondence concerning requests from the Secretary of State, Attorney General, Superintendent of Public Instruction, and the University System office for connections to the audio system in the House and Senate chambers. There are four audio systems in the legislative chambers--a public address system, a wireless system for hearing-impaired members, a system providing audio feeds to the press, and a system providing external hookups. The external hookup system includes a 100-watt amplifier, to which 52 speakers are connected. Of those 52 speakers, two are in the Governor's office area and eight are in the Office of Management and Budget. Information indicated this system is near capacity. The committee requested the executive branch to prepare a proposal for providing executive branch agencies and other entities access to the legislative audio system. The intent of the request was for the parties seeking access to present a proposal for obtaining that access without cost to the legislative branch or further involvement by legislative entities in approving access for specific users.

The Facility Management Division provided a number of options for increasing access to the legislative audio system. Options included providing RealAudio software and a feed to the Internet through a web server, installing a low-power radio broadcasting system, expanding the current system by adding another amplifier, providing telephone access through the Capitol PBX, providing telephone access through a separate system, and providing a closed-circuit television broadcast. The division's two primary proposals were for installation of a new amplifier in the tower to which speakers would be wired or use of a server to provide RealAudio access through the state intranet. The estimated cost of a new amplifier was \$3,040 and RealAudio access could be provided through available equipment and software without charge. With access through personal computers with RealAudio software, the speakers in the Governor's office and the Office of Management and Budget will be disconnected.

The committee accepted the proposal by the Facility Management Division and the Information Services Division to make available audio of the floor sessions through RealAudio on the state intranet and the Internet, when possible.

Incoming WATS Lines

During the 1985 and 1987 sessions, four incoming WATS lines were provided for residents in the state to contact legislators or obtain information concerning legislative proposals. In 1989 the number of incoming WATS lines was increased to six. The number of calls received during recent sessions has declined--60,896 in 1991, 62,320 in 1993, 41,668 in 1995, and 31,541 in 1997. One rationale for the decrease in the number of calls may be the increased use of personal computers, with e-mail capabilities, by constituents to contact their legislators. One concern over use of e-mail, however, is that constituent views are entered in the LAWS system by telephone attendants and e-mail messages are not.

Even with the reduction in the number of calls, more time may be spent by telephone attendants in ensuring all information is entered in the LAWS system for legislators receiving the telephone messages. As reported by the telephone attendants, most callers do not know their legislative district or who their legislators are, and many callers do not know the number of the bill on which they want to comment (many also request messages be given to several legislators even though the policy is that messages may be given only to three legislators, preferably those from the caller's district). Also, the LAWS system has been enhanced to provide legislators with the e-mail address of the caller and whether the caller's preference for the legislator's vote relates to the bill, an amendment, or the Governor's veto override. These enhancements will require telephone attendants to take more time with each caller in order to obtain the information.

Callers do not receive a "busy" signal if all lines are in use. In place of a busy signal, callers hear a message thanking them for calling the Legislative Assembly, describing hours of the session (8:00 a.m.-5:00 p.m. Monday through Friday), and stating all lines are busy, but their calls are important so please try again. Similar messages are in place for calls after hours and during the interim.

The committee reviewed a number of options to reduce "busy" signals callers may receive, even though the number of callers has substantially declined during recent sessions. One option is to provide a message suggesting either calling back later or staying on the line to contact the next available attendant (calls would be answered in the order received). Another option is to provide a message stating all lines are busy, but a message may be left by spelling your last name, giving your telephone number and mailing address, and whether you are for or against a bill and the bill number. A third option is to provide a message giving two options--one for staying on the line to contact the next available attendant and one for leaving a message for legislators from the caller's district.

The committee recommends no change in the number of incoming WATS lines. The WATS number will continue to be 1-888-ND-LEGIS (1-888-635-3447).

The committee recommends that if all lines are busy, a caller will be given two options--one for staying on the line and one for leaving a message for legislators from the caller's district. With this new feature, callers should have a better experience with personal attention, either by holding for the next available attendant or by leaving a message. This message feature will be available 24 hours a day, 7 days a week. In addition, the ability to leave messages should result in a dispersal of the workload of the telephone attendants, because the messages can be retrieved during periods when all telephone attendants are not answering calls.

It is unknown the extent messages will not be able to be given to legislators or entered in the LAWS system because of incomplete information. The committee recommends reviewing the extent of this potential problem after the first month of the session to determine whether the option to leave a message should be deleted so telephone attendants will answer all calls and directly obtain information from callers.

Pay Telephones

The committee reviewed the location of pay telephones in the legislative wing. U S West installs the pay telephones at no cost to the state and attempts to recover its cost from usage of the services. There are three pay telephones on each side of the hall at the west end of the Capitol on the ground floor, three pay telephones across from the legislative supply room behind the Senate chamber, three pay telephones located across the hall from the Harvest Room, and two pay telephones located adjacent to the Sakakawea Room. Of these 12 telephones, only the two across from the Harvest Room recover their costs. Because U S West planned on discontinuing service on those telephones that do not recover costs, the committee reviewed options to remove the telephones or continue to retain the telephones and cover the losses incurred by U S West.

The committee recommended to the Information Services Division that the pay telephones and TDD telephone across from the Harvest Room be retained, that one pay telephone in the west area on the ground floor be retained, and the remaining pay telephones be removed.

Session Employment Coordinators

The committee approved the hiring of personnel representing the two major political parties to receive and coordinate the handling of applications for session employment.

Session Employee Orientation and Training

The committee reviewed a proposed agenda for orientation and training of session employees immediately before the convening of the 56th Legislative Assembly. The training has been expanded from that provided before other sessions. Committee members expressed support for continuing to expand the training, especially for the employees using personal computers, to further enhance the ability of the Legislative Assembly to start the legislative process as early as possible.

The committee approved the agenda and authorized the Legislative Council staff to conduct training sessions for various session employees.

The committee recommends that session employees be hired to begin work at various times before the convening of the Legislative Assembly, depending on the nature of an employee's duties and the training required of the employee. The recommended starting dates range from November 19 to January 4, depending on the position.

Bill and Journal Room Services

The committee reviewed the impact of providing bill and journal room services as part of a combined contract to print bills, resolutions, and journals. This combination contract was first entered for the 55th Legislative Assembly. Bill and journal room services were provided by the contractor at a total cost of \$39,160.

As described under **CONTRACTS FOR PRINTING LEGISLATIVE DOCUMENTS**, the committee determined that the combined contract should be continued for the 56th Legislative Assembly. Under the combined contract, the contractor is required to provide a basic level of service similar to that provided during the 1997 session.

The basic level of service is for at least one person to organize and operate the bill and journal room Monday through Friday from December 14 through January 4, 1999, excluding Christmas Day and New Year's Day; for the bill and journal room to be open between 7:30 a.m. and 5:30 p.m. on days either house is in session; for at least one person to be in the bill and journal room any time either house is in session after 5:30 p.m.; and for distribution of documents as soon as possible, according to a schedule in the contract. The contract also requires the contractor to provide photocopy and facsimile (fax) services to third parties, upon payment of a fee set by the contractor and retained by the contractor.

As reported under **CONTRACTS FOR PRINTING LEGISLATIVE DOCUMENTS**, the committee accepted the bid by Quality Printing Service, Bismarck, for operating the bill and journal room and printing bills, resolutions, and journals during the 1999 session. The bid for operating the bill and journal room was \$440 per day for 82 days--14 days before the Legislative Assembly convenes (beginning December 14, 1998), an estimated 66 legislative days, and two business days during the February recess.

Secretarial Services

The committee reviewed the cost of the contract with A.S.A.P. Secretarial Service concerning the secretarial services provided during the 1997 legislative session. The Legislative Assembly privatized secretarial services in 1995 rather than continuing to operate a joint secretarial pool. During the 1993 session, the Senate and House employed the equivalent of 10.5 stenographers and typists at a cost of \$56,629.20, not including the cost of the two chief stenographers and payroll clerks (\$14,326.59). During the 1995 session, the Legislative Assembly contracted with Jan's Secretarial Service, which provided nine secretaries and a supervisor for a total cost of \$46,053.50. During the 1997 session, A.S.A.P. Secretarial Service provided seven employees and one supervisor for a total cost of \$41,462.50.

A.S.A.P. Secretarial Service requested additional compensation for expending over 230 hours transcribing 40 tapes of the House Industry, Business and Labor Committee and the contract did not specify that transcribing committee tapes was part of the work. The committee requested information on whether the secretarial service's employees were paid additional pay for that work. No further action was taken on the request.

The committee recommends continuation of secretarial services to the Legislative Assembly on a private contract basis. The committee authorized the Legislative Council staff to prepare specifications, including the suggested base level of service of seven employees and one supervisor and solicit bids for secretarial services on a per day basis for 66 legislative days for the 56th Legislative Assembly. The committee received three bids for providing secretarial services. The bids ranged from \$614.80 to \$784.56 per day. After reviewing the bids, the committee recommends accepting the lowest bid (the bid by Interim Personnel, Bismarck) for providing secretarial services during the 1999 session.

The committee reviewed the *Policy Regarding Secretarial Services to Legislators* approved by the Legislative Council in November 1996. The policy points out that secretarial service employees are not legislative employees, describes secretarial services as being available between 7:30 a.m. and 5:30 p.m., provides for 24-hour turnaround of most projects, and provides the procedure for any comment or complaint regarding the service. The policy is included in the legislators' information packets distributed during the organizational session. No changes were suggested and the committee recommends continuation of the 1996 policy as the policy applicable to secretarial services during the 1999 session.

Legislative Internship Program

Since 1969 the Legislative Assembly has sponsored a legislative internship program in cooperation with the School of Law and graduate school at the University of North Dakota and the graduate school at North Dakota State University. The program has provided the Legislative Assembly with the assistance of law school students and graduate school students for a variety of tasks and has provided the students with a valuable educational experience.

The committee met with representatives of the universities and reviewed the status of the program. Representatives of the universities affirmed continued interest in the program. The committee approved continuation of the program for the 1999 Legislative Assembly at the same number as authorized in 1997 (12--8 from the School of Law, 2 from the graduate program at the University of North Dakota, and 2 from the graduate program at North Dakota State University), with 10 interns assigned to committees and 2 assigned to the Legislative Council office.

The committee increased the stipend received by an intern from \$4,725 to \$5,075 (\$1,350 per month) for the 3.5-month program.

Legislative Tour Guide Program

For the past 11 legislative sessions a tour guide program has coordinated tours of the Legislative Assembly by high school groups. The tour guide program is extensively used by high school groups during the session, and other groups have been placed on the tour schedule at their request. Since 1987 two tour guides have been hired each session due to the heavy workload in scheduling tour groups. The committee approved the continuation of the legislative tour guide program for the 1999 session.

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 1999 session. The formal blood pressure and cholesterol screenings offered to legislators once during the 1997 session will be

expanded to include two screenings, once in early January and again toward the end of the session to allow legislators to compare early-session and late-session readings.

Chaplaincy Program

In cooperation with the Bismarck and Mandan Ministerial Associations, the House and Senate have chaplains open daily sessions with a prayer. Each chaplain receives a daily stipend of \$25. The committee reviewed the procedure in effect since 1985 which gives legislators until the end of December to schedule out-of-town clergy to deliver prayers during the session. The associations alternate as coordinator of the program. The Mandan Ministerial Association coordinated the program during the 1997 session, and the committee invited the Bismarck Ministerial Association to coordinate the program during the 1999 session. The committee also requested the Legislative Council staff to notify all legislators before the convening of the session that they have until December 31, 1998, to schedule out-of-town clergy to deliver daily prayers during the 1999 session.

Organizational Session Agenda

The committee approved a tentative agenda for the 1998 organizational session. Although based on the agenda for the 1996 organizational session, a major addition is the time set aside Tuesday afternoon and Wednesday morning for legislators who have been assigned personal computers to receive training on the e-mail, Internet, and word processing software, and the time set aside Wednesday and Thursday afternoon for legislators who have been assigned personal computers to receive training on use of the LAWS system. This training will be repeated Monday, January 4, 1999, the day before the 56th Legislative Assembly convenes in regular session.

State of the State Address

During the 1997 session, the House and Senate convened in joint session at 1:15 p.m. on the first legislative day. Five escort committees were appointed to escort various officials, former officials, and spouses into the chamber--one for the Lieutenant Governor and her spouse, one for the Chief Justice, one for former governors and their spouses, one for former chief justices and their spouses, and one for the Governor and his spouse. The joint session was called to order at 1:30 p.m. and the Governor presented his 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 first legislative day of the 1999 session (January 5, 1999).

State of the Judiciary Address

The committee authorized the Legislative Council staff to make plans with the Chief Justice of the North Dakota Supreme Court for the state of the judiciary address to a joint session on the second legislative day of the 1999 session (January 6, 1999).

Tribal-State Relationship Message

During the 1983-84, 1985-86, and 1987-88 interims, representatives of the Indian tribes in North Dakota requested permission to appear before the Legislative Assembly to describe their perspective of the status of the relationship between the tribes and the state of North Dakota. As a result of invitations extended by the Legislative Procedure and Arrangements and the Legislative Management Committees, a spokesman from the tribes addressed each house of the Legislative Assembly during the first week of the 1985-97 legislative sessions.

The committee authorized the Legislative Council staff to extend an invitation to representatives of the Indian tribes to make a presentation to each house of the 1999 Legislative Assembly on the third legislative day.

Legislative Compensation Commission Report

The committee requested that the report of the Legislative Compensation Commission be a written report submitted to the presiding officer of each house. The practice of submitting a written report rather than an oral report was started in 1993.

Agricultural Commodity Promotion Groups Report

The committee reviewed NDCC Section 4-24-10 and its requirement that 12 agricultural commodity promotion groups file a uniform report at a public hearing before the standing Agriculture Committee of each house. The report must be filed between the 1st and 10th legislative day of the regular session. The committee designated Friday, January 8 (the fourth legislative day), as the day for a joint hearing by the Senate and House Agriculture Committees to receive this report.

SESSION EMPLOYEE COMPENSATION STUDY

Senate Concurrent Resolution No. 4017 directed a study of legislative employee compensation. As part of this study, the committee also considered session employee positions.

Session Employee Positions

The committee reviewed the number of employee positions during the 1995 and 1997 sessions, the impact computerization has had on both houses, and the impact resulting from creating a generic "legislative assistant" position in 1997 to allow easy transfer of an employee from one job function to another as necessary.

The committee reviewed a legislative session employee position plan that provided for four fewer positions in the Senate and four fewer positions in the House during the 1999 session. For the Senate, the plan provided for one assistant sergeant-at-arms (rather than two), two page and bill book clerks (rather than three), three telephone attendants (rather than four), and no parking lot attendant (rather than one). For the House, the plan provided for three page and bill book clerks (rather than six) and two assistant sergeants-at-arms (rather than three). The House would employ the "third" assistant sergeant-at-arms as supply room coordinator, rather than employ another person as coordinator. The supply room coordinator alternates between the houses, and in 1997 the Senate employed its "third" assistant sergeant-at-arms as supply room coordinator as the first step in the process of assigning one assistant sergeant-at-arms this responsibility rather than employ an additional person as supply room coordinator. The estimated savings in compensation resulting from the proposed reductions was \$32,422 (not including savings resulting from reduced workers' compensation and Social Security contributions). In total, the plan provided for 39 Senate employee positions and 46 House employee positions.

The rationale for reduction of assistant sergeant-at-arms and page and bill book clerk positions was based on the increased number of legislators who will be using computers in the chambers and the fact that all legislators have private phones on the floor and more mail and correspondence is being transmitted through their computers and through fax machines operated by the telephone pages. This increased use of computers has reduced the sets of bill books in the chambers, reduced the sets of journals in the chambers, increased use of e-mail to send messages, and increased use of the LAWS system to receive telephone messages. Even with the reductions, there would be 9 employees in the Senate and 11 employees in the House available during floor sessions for handling sergeant-at-arms or page responsibilities.

The rationale for proposing the reduction of one telephone attendant position was the substantial reduction in calls received in recent legislative sessions. In addition, callers will have the option of leaving messages and this should result in a leveling of workload throughout the day. The committee determined that the number of telephone attendants should be maintained to ensure proper service is provided in responding to telephone messages left under the telephone message feature described under **Incoming WATS Lines**.

The rationale for proposing the reduction of one parking lot attendant position was that most legislators arrive and leave during the same time periods; signs at both ends of the parking lot clearly indicate that the lot is reserved for legislators; during floor sessions and committee hearings little activity occurs in the parking lot; and Facility Management Division personnel maintain the lot. The committee determined that both parking lot attendant positions should be maintained because of the need to provide assistance to some legislators and to provide continuous parking lot supervision. The committee recommends the parking lot attendants should coordinate their schedules to ensure continuous parking lot supervision during appropriate times of the day.

The plan also recognized that during the 1999 session the Senate rather than the House would employ the payroll clerk and the chief telephone attendant, and the House rather than the Senate would employ the supply room coordinator and the parking lot attendant (as described above).

The committee recommends that the Employment Committees provide for 41 Senate employee positions and 46 House employee positions. The recommended positions include one (rather than two) assistant sergeant-at-arms and two (rather than three) page and bill book clerks in the Senate and two (rather than three) assistant sergeants-at-arms and three (rather than six) page and bill book clerks in the House.

Session Employee Compensation

The committee reviewed session employee compensation levels during the 1995 and 1997 sessions, with a view toward addressing the fact that no general increases have been made since 1991 and a number of positions require technical training and supervisory skills.

The committee recommends a seven percent across-the-board pay increase, rounded to the nearest dollar, for all positions. A general increase was last provided in 1991. As a result of this recommendation, compensation would range from \$7.75 to \$12.75 per hour (based on a 40-hour week).

The committee also recommends that the compensation of certain legislative session employees be increased to recognize supervisory, technical, and communication skills. Of particular concern was the ever-increasing technical skills required of committee clerks as the result of continual computerization of their duties, e.g., committee clerks require training in use of the bill status system, committee hearing system, committee report system, amendment system, and of word processing software to prepare minutes. The skills recognition adjustments would range from an additional \$1 to \$11 per day. As a result of this additional adjustment, compensation would range from \$62 to \$102 per day.

North Dakota Century Code Section 54-03-10 requires the compensation of Legislative Assembly employees to be set by concurrent resolution. The committee recommends that the concurrent resolution establishing employee positions not include specific names or identify specific individuals. This type of resolution was first adopted in 1997 as a means to avoid special action to hire an employee after adoption of the resolution. By designating positions, rather than naming employees, a report by an Employment Committee that names an employee is sufficient to identify that employee, the position, and the compensation level. The committee also recommends that the concurrent resolution establishing employee positions authorize the Employment Committees to convert full-time positions to part-time positions, as appropriate. In addition, the committee recommends that the concurrent resolution provide for a generic position for employees not requiring technical skills and authorize transfer of those employees to work assignments as needed. The positions that will become "legislative assistants" were positions formerly classified as assistant sergeant-at-arms, supply room coordinator, desk page, page and bill book clerk, telephone page, and parking lot attendant.

LEGISLATIVE ETHICS COMMITTEE

North Dakota Century Code Section 54-35-02.8 requires the Legislative Council to appoint an ethics committee to consider or prepare a legislative code of ethics. Since 1995, the Legislative Council has appointed the Legislative Management Committee as the Legislative Ethics Committee.

During the 1995-96 interim, the Legislative Management Committee reviewed North Dakota laws affecting legislative ethics. That committee also 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 Council is to conduct the classes during the organizational session and at other times as deemed appropriate. The 55th Legislative Assembly adopted those rules as Joint Rules 1001 through 1004.

The committee makes no recommendation regarding changes to the legislative code of ethics.

MISCELLANEOUS MATTERS

Meeting With Legislative Compensation Commission

The committee met with members of the Legislative Compensation Commission to discuss recommendations relating to legislative compensation. The commission is recommending proposed legislation to increase legislators' interim per diem by \$12.50, from \$62.50 to \$75, which is a level similar to that of surrounding states.

Legislative Redistricting Activities

Under Public Law 94-171, the Bureau of the Census invited states to participate in Phase 1 of the Census 2000 Redistricting Data Program. Phase 1 provided for identifying geographic areas for specific tabulations of population during the 2000 census. North Dakota participated in a similar program for the 1990 census in order to receive population information for census blocks in certain areas of the state. During the 1995-96 interim, the Legislative Management Committee approved participation in Phase 1.

The committee discussed whether the state should participate in Phase 2 of the Census 2000 Redistricting Data Program. Participation would require placement of precinct boundaries and legislative district boundaries on maps of the entire state. The Census Bureau then would provide demographic information for those precincts and legislative districts as part of the 2000 census.

The committee initially declined to participate in Phase 2 of the program and informed the Redistricting Data Office of the Census Bureau. The committee determined that information on precincts would not be relevant to North Dakota because legislative districts are based on census blocks, census tracts, and political subdivisions, and that information would be available from the 2000 census without participating in the program. After this decision, the Governor's liaison to the Census Bureau urged the committee to participate in Phase 2 because of the value of receiving new demographic information on existing legislative districts. The committee reconsidered its action and approved participation in Phase 2 of the program. As a result, the Census

Bureau will receive legislative district maps and will provide 2000 census demographic information on adults in those districts. This information can be used as a starting point in determining the extent of redistricting needed after the 2000 census.

The committee reviewed legislative activities leading up to the legislative redistricting process after the 1990 census. The 1989 Legislative Assembly passed Senate Concurrent Resolution No. 4025, directing a Legislative Council study of the state of the law with respect to legislative redistricting in order to prepare for redistricting activities after the 1991 session.

The committee recommends [Senate Concurrent Resolution No. 4005](#) directing a Legislative Council study of the state of the law and technology with respect to legislative redistricting. This resolution is similar to the 1989 resolution and would initiate the process for legislative preparation for redistricting activities after the 2000 census.

Legislative Records Retention Policies

The committee reviewed NDCC Section 44-04-17.1, which defines records as including preliminary drafts and working papers, and NDCC Section 54-46-07, which declares all records made or received by state officials in the course of their public duties to be property of the state and, as such, prohibits their destruction or disposal except as provided by law. Basically, records may not be destroyed unless in accordance with a records management program. Although there was concern that having a written policy may result in inadvertent violations, the need for a policy was viewed as important to avoid questions as to whether any scrap of paper could be considered a preliminary draft or working paper and thus could not be thrown away.

The committee recommends a records retention policy for the Legislative Assembly and a records retention policy for the Legislative Council. Each policy contains a records retention schedule recommended by the State Records Management Division of the Office of Management and Budget.

Legislative Assembly records are classified as either records relating to introduction and consideration of legislative proposals, correspondence received by legislators and legislative employees, miscellaneous information provided to legislators and legislative employees by the Legislative Council staff, and records relating to personnel administration. Records relating to legislative proposals are to be transferred to the Legislative Council upon completion of the records or upon adjournment of the Legislative Assembly. Legislators or employees who receive correspondence or other information provided to the Legislative Assembly, to legislators, or to employees are to retain the records as long as the records have any administrative value or usefulness. Records having historical value are to be transferred to the Legislative Council upon adjournment of the Legislative Assembly or retained in the Legislative Assembly area of the State Capitol. Personnel records are to be transferred to the Legislative Council upon completion of those records or upon adjournment of the Legislative Assembly or retained in the Legislative Assembly area of the State Capitol. Records retained by legislative officers or employees must be retained according to the records retention schedule.

Legislative Council records are classified as having administrative, fiscal, legal, or historical value. Records having administrative value are to be retained as long as the record is useful for the purpose of the Legislative Council. Records having fiscal value are to be retained as long as they have administrative value or can be used for audit purposes. Records having legal value are to be retained as long as the right or obligation is enforceable. Records having historical value are to be maintained by the Legislative Council or transferred to the state archives or other appropriate officer for archiving. Personnel records are to be retained in accordance with the records retention schedule. The director of the Legislative Council is authorized to make the final determination of the value of a record in the possession of the Legislative Council and the proper retention period of the record.

Sponsorship of Legislative Council Measures - Recommendation

The committee discussed whether to continue the recommendation, first made during the 1993-94 interim, to place legislators' names on bills and resolutions recommended by interim committees. Individual names were on Legislative Council bills and resolutions through the 1975 legislative session, when it was determined bills were becoming identified with individual legislators rather than with the Legislative Council. Thus, the policy was discontinued until the 54th Legislative Assembly. Among the reasons for placing individual names on Legislative Council bills and resolutions during the 1995 and 1997 sessions was the argument that names of individual legislators would increase the level of support by those legislators for interim committee bills and resolutions.

The committee reviewed statistics concerning the approval rate of Legislative Council measures. During the 1997 session, 78 percent of the 36 Legislative Council measures that did not contain the names of individual legislators and the 36 measures that had bipartisan sponsorship were approved; 70 percent of the 10 measures that listed only sponsors from the majority party were approved; and 50 percent of the 2 measures that listed only sponsors from the minority party were approved. Concern was expressed over the fact that some measures were identified with individuals representing only one political party, and thus those measures became identified with individual legislators named (and the party represented) rather than with the interim committees.

The committee recommends that the policy providing for individual legislators to be listed as sponsors of Legislative Council bills and resolutions be discontinued. This is intended to return the focus on the merits of the recommendation, rather than the individuals named as sponsors.

Supplementary Rules of Operation and Procedure of the Legislative Council

The committee reviewed the *Supplementary Rules of Operation and Procedure of the North Dakota Legislative Council*. The Legislative Council last revised these rules in 1987. The committee reviewed current practices that have become traditional, e.g., the Legislative Council by motion authorizes the Legislative Council chairman to make appointments to interim committees, to make additional assignments to interim committees, and to create additional interim committees as needed. Certain responsibilities also have been traditional, e.g., the Legislative Council chairman approves out-of-state travel by legislators, the Legislative Council chairman has authority to approve personnel matters, and the director and legislative budget analyst and auditor hire appropriate personnel.

The committee recommends revisions of the *Supplementary Rules of Operation and Procedure of the North Dakota Legislative Council* to include responsibilities of the Legislative Council chairman and Council staff that traditionally have been granted to the chairman and recognized for the staff. In addition, the committee recommends revision of the supplementary rules to provide that attendance by a member of an interim committee may be by interactive video or teleconference call if the chairman of the committee has announced in advance that the meeting will be by interactive video or teleconference call and all members of the committee have an opportunity to participate through the alternative medium. This provision is intended to ensure attendance in person and reduce the possibility of "attending" meetings through alternative mediums and using the "savings" as a political issue.