

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 2007 legislative session. Legislative rules are also reviewed and updated under this authority. The Legislative Council also delegated to the committee the Council's:

1. Duty under Section 54-03-26 to determine the computer usage fee for legislators;
2. Power and duty under Section 54-35-02 to determine access to legislative information services and impose fees for providing such services and copies of legislative documents and to control permanent displays in Memorial Hall and use of the legislative chambers;
3. Responsibility under Section 54-03-20 to establish guidelines on maximum reimbursement of legislators sharing lodging during a legislative session;
4. Responsibility under Section 54-60-03 to determine which standing committees will receive a report from the Commissioner of Commerce on goals and objectives of the department;
5. Responsibility under Section 4-24-10 to determine when agricultural commodity promotion groups must report to the standing Agriculture Committees;
6. Authority under Section 46-02-05 to determine the contents of contracts for the printing of legislative bills, resolutions, and journals; and
7. Authority under Section 54-06-26 to establish guidelines for use of state telephones by legislative branch personnel.

The Legislative Council also assigned to the committee the responsibility to administer the appropriation for replacing sound system mixers in the House chamber under 2005 Session Laws, Chapter 29, Section 3, and the responsibility under 2005 Session Laws, Chapter 57, Section 4, to determine when the Agriculture Commissioner, Bank of North Dakota, and North Dakota Stockmen's Association must report on the livestock loan guarantee program to the standing Agriculture Committees of the 60th Legislative Assembly. The Legislative Council also 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 Management Committee was charged with the responsibility to review and adopt the project plan and to approve deliverables of each completed project phase for replacement of legislative technology applications under 2005 Session Laws, Chapter 29, Section 5. The committee also was charged with the responsibility to visit and inspect the veterans' memorial on the Capitol grounds and to recommend repairs and updates to Facility Management Division under 2005 Session Laws, Chapter 497, Section 1.

The Legislative Management Committee also conducted three studies directed by 2005 Session Laws, Chapter 29. Section 6 directed a study of the feasibility and desirability of arranging for the printing of bills and resolutions for the 60th Legislative Assembly by using computers and high-speed printers rather than printing multiple copies of all bills and having copies available in the bill and journal room. Section 7 directed a study of the need for additional legislative committee meeting rooms and authorized expenditure of available funds for remodeling legislative meeting rooms if additional meeting rooms are needed. Section 8 directed a study of the appropriateness of increasing the daily compensation for chairmen of substantive standing committee divisions established by rule of the House or Senate.

Committee members were Senators Bob Stenehjem (Chairman), John M. Andrist, Randel Christmann, Michael A. Every, and David O'Connell, and Representatives Rick Berg, Merle Boucher, Scot Kelsh, Matthew M. Klein, and David Monson. Senator Tony Grindberg resigned from the committee after its June 2005 meeting and was replaced by Senator John M. Andrist.

The committee submitted this report to the Legislative Council at the biennial meeting of the Council in November 2006. The Council accepted the report for submission to the 60th Legislative Assembly.

LEGISLATIVE TECHNOLOGY APPLICATIONS REPLACEMENT PROJECT Background

During the 1967-68 interim, the Legislative Council staff developed a mainframe-based bill status report system. This system provided information on the status of bills as they progressed through the legislative process from introduction to final disposition. Initially developed as an in-house tracking system for the Legislative Council staff, starting in 1973 two interns in the Legislative Council office completed forms containing status information, delivered those forms nightly to Central Data Processing (the predecessor to the Information Technology Department), and personnel in Central Data Processing keyed the information from the forms into the system and prepared printed bill status reports for the "next" day which was distributed outside the Legislative Council office. In the 1970s, the Legislative Council developed a mainframe-based bill drafting system, which substantially automated the preparation of bill drafts by allowing reuse of routine boilerplate language and by providing access to the North Dakota Century Code data base--a mainframe-based data base created in the 1970s for computer-assisted keyword searches of the North Dakota Century Code.

The bill status system and the bill drafting system were the core applications around which custom-built applications were based. During the early 1980s,

applications were developed to automate various processes during the legislative session, e.g., the journal system provided for the journals to be prepared by legislative staff rather than a third-party printer, the calendar system provided for automated preparation of the daily calendars, the committee hearing system provided automated compilation of individual standing committee hearing schedules and display of those schedules on monitors throughout the legislative wing of the State Capitol, the conflicts system identified bills affecting the same Century Code sections, the chamber message system automated messages between the houses, the Legislator's Automated Work Station (LAWS) system retrieved information from the other applications and provided that information to legislators, and the Session Laws and Session Laws index systems were used to publish the Session Laws. These legislative session applications are tightly integrated and are highly dependent on each other for data and information sharing. As the applications were enhanced over the years, the bill drafting and journal applications became the primary applications. The budget status system, although developed primarily for use during legislative sessions, is based on more modern technology and its interconnection with other session applications is limited--budget amendment information must be reentered into the bill drafting system for final amendment preparation and for transfer to the journal.

In addition to applications primarily used during legislative sessions, the Legislative Council staff also developed applications to publish the North Dakota Administrative Code; maintain, store, and retrieve office documents; maintain mailing lists; prepare vouchers keyed to legislative committee activities; maintain Legislative Assembly and Legislative Council inventory; track work projects; and inventory library resources.

Infrastructure Analysis

The legislative branch applications were developed at different times using different technologies, tools, and techniques. The applications are hosted on different platforms and rely on a mix of operating systems and environments. No single person or team understands the entire system and the support infrastructure relies on many contractors, numerous product vendors, various groups from the Information Technology Department, and the Legislative Council staff.

Major concerns are the risk of having systems that are unsupportable in the near future due to technology obsolescence (key computer programs are over 30 years old) and the potential loss of key personnel (due to retirement or job change). Also, critical system technologies may become unsupported within the next four years. Failure of a system essential to the legislative process would substantially affect the ability of the Legislative Assembly to complete its work in a timely manner.

In 2003, \$200,000 was appropriated for an infrastructure analysis. Techwise Solutions, Fargo, was hired as contract manager for the infrastructure analysis. Techwise Solutions prepared a request for proposal (RFP) and sent the RFP to 30 consulting firms

nationwide. Enterprise Solutions, Bismarck, was recommended by Techwise Solutions and selected from the respondents to the RFP.

Enterprise Solutions prepared an infrastructure analysis that documented the current applications environment, captured business and technical requirements, researched solutions implemented in other states, and researched solutions provided by vendors. The infrastructure analysis also provided a recommended solution and budget estimates. The recommended solution was to purchase commercial off-the-shelf components (as applicable) that met standards of the Information Technology Department and integrated with other systems. This solution was viewed as a way to provide functionality and integration with other systems, but the risks were viewed as the difficulty to fit all functionality into a single biennium and the possible need to obtain expertise from multiple vendors. The projected budget for replacing the applications was estimated at \$3,550,000 for the 2005-07 biennium and \$1,350,000 for the 2007-09 biennium. The 10-year total cost for replacing the applications, running the current systems until replaced by the new systems, and ongoing maintenance and support was estimated at \$7,570,000. The 10-year total cost for remaining with the current legislative applications was estimated at \$10,720,000.

2005-06 Activity

Funds

The Legislative Council requested an appropriation of \$4,200,000 during the 2005-07 biennium to proceed with replacement of legislative applications. In lieu of appropriating the requested amount, however, the Legislative Assembly removed the entire appropriation for this project and instead authorized the Legislative Council to use unexpended funds from the appropriations to the Legislative Assembly and Legislative Council for the 2003-05 biennium to assist in the cost of the legislative applications replacement project, including preplanning costs. In August 2005 the amount determined as being available for the project was \$1,523,037.

Project Plan

Senate Bill No. 2001 (2005), the appropriation bill for the legislative branch, required the Legislative Council to develop a design, an analysis, and a plan for implementation of the legislative applications replacement system. The Legislative Council staff and the Information Technology Department staff were required to develop a project plan, and the Legislative Management Committee was required to review and adopt the project plan. The project plan was required to be developed in a phased approach and to include a process for soliciting suggestions from members of the Legislative Assembly regarding system functions.

Enterprise Solutions presented a project plan to the committee which included appointment of an executive steering group, development of an RFP, selection of a vendor, negotiation of a contract and statement of work that includes deliverables and schedule, and

performance of the work. This process included performing an analysis that captured detailed business and technical requirements and increased the stakeholder involvement; creating a design that defined business processes, selected products, and developed an architectural prototype; refining the budget, including the cost-benefit analysis and return on investment analysis; developing a project plan that included a phased approach with milestones and deliverables; and implementing a solution, the extent of which would be determined primarily by funds available.

Steering Group

Senate Bill No. 2001 also authorized the Legislative Council chairman to appoint an executive steering group for the project. The Legislative Council chairman appointed an executive steering group consisting of three members of the Senate, three members of the House, three representatives of the Information Technology Department, and four members of the Legislative Council staff. The steering group's responsibilities involved monitoring project budget and implementation plan timelines, reviewing and monitoring a communication plan, reviewing milestone progress, and providing the escalation point for project issues. The steering group met throughout the interim. The initial timelines included creation of a vendor list in August 2005, approval of the RFP in September 2005, selection of the vendor in November 2005, analysis and design during January through June 2006, cost-benefit and return on investment analyses completion by June 2006, and possible implementation of the project July 2006 through June 2007.

Vendor Selection

The RFP for the legislative applications replacement project was distributed to over 100 firms and five responded--Arbortext, Ann Arbor, Michigan (Arbortext has since been acquired by Parametric Technology Corporation (PTC), Needham, Massachusetts); International Roll Call Corporation, Mechanicsville, Virginia; MSI Systems Integrators, Omaha, Nebraska; Object Partners, Inc., Minneapolis, Minnesota; and Propylon Ltd., Harrisburg, Pennsylvania. The steering group invited four of the five to make formal presentations to the steering group, and the steering group selected two--Arbortext and MSI Systems Integrators--to present their proposals to the Legislative Management Committee. The Arbortext/PTC proposal for Phase I was a fixed price of \$570,708 and \$202,640 for a proof of concept and \$75,000 travel expenses. The MSI Systems Integrators proposal for Phase I was a fixed price of \$355,000 and \$35,000 travel expenses.

After receiving the proposals, the committee selected Arbortext/PTC as the consulting firm for the legislative applications replacement project. Arbortext/PTC is a world leader in enterprise document publishing and XML data management. The proposal by Arbortext/PTC included partnering with Capstone Consulting, Omaha, Nebraska, due to Capstone's expertise in systems integration. Arbortext/PTC also has experience with 10 legislatures.

Phase I of the Project

As approved by the committee, the project plan involved two distinct phases. Under Phase I, PTC captured business requirements, i.e., what the Legislative Assembly and the Legislative Council do. Over 50 individuals, including legislators, Legislative Council staff, desk force personnel, and state agency representatives were interviewed. In addition, a survey was sent to all legislators and about half returned the surveys. The results were placed in a *Business Process Analysis* document. Based on the business process analysis, PTC prepared a *Functional Specifications* document, an *Architectural and System Schematics* document, a *Technical Specifications* document, and a *Proof of Concept* document. Once these were prepared, PTC completed the *Proposed Solution Budget for Phase II*, the *Cost Benefit Analysis Return on Investment (ROI)*, and the *Timeline (Phase II Implementation Plan)*.

The cost-benefit analysis of proceeding with the legislative applications replacement project identified benefits of enhanced service to key stakeholders, increased operational efficiency, reduced costs resulting from migration from the mainframe applications, and reduced risk. The operational efficiencies were projected as resulting primarily from use of XML technologies. The projected cumulative costs of maintaining and operating the current legislative applications through the 2013-15 biennium were estimated at \$7,684,625. The projected cumulative costs of replacing the current applications and maintaining and operating the replacement applications through the 2013-15 biennium were estimated at \$6,871,791, which provides a cumulative cost-savings by the end of the 2013-15 biennium of \$812,834.

The committee, under the charge to review and approve deliverables from each complete project phase before any consideration could be made for a subsequent phase, approved these deliverables and approved proceeding with Phase II.

Phase II of the Project

The PTC proposal for Phase II includes Stage 0 - Project Initiation (Phase II Catalyst Initiative), Stage I - Foundation, Stage II - Data Creation, Stage III - Integration, and Stage IV - Approval and Tracking. The Phase II timeline shows completion by October 2008.

Under Stage 0 - Project Initiation (Phase II Catalyst Initiative), the hardware and software identified under Phase I would be installed, a conference committee system would be in place in 2007, and PTC would meet with and interview stakeholders during the 2007 legislative session to validate business processes PTC identified under Phase I. Committee members considered the validation of business processes the important feature of the catalyst initiative because PTC would be contacting individuals and reviewing processes during the legislative session as well as gathering information to ensure the business processes documented under Phase I were accurate. The fixed price quoted by PTC for the Phase II Catalyst Initiative was \$737,397, which is included in the total fixed price

quoted by PTC of \$4,648,224 for Phase II. The committee approved initiating Stage 0 as soon as possible due to the extremely tight timeline to complete Phase II by October 2008.

LEGISLATIVE SPACE RENOVATION PROJECTS

Legislative Committee Meeting Room Space Study

Additional Meeting Rooms

The directive to study the need for additional legislative committee meeting rooms also authorized the expenditure of any funds available for the remodeling of legislative meeting rooms if the study concludes that additional meeting rooms are needed. Under Senate Bill No. 2001 (2005), \$200,000 was available for designing and remodeling space in the Capitol for an additional committee room or for refurnishing committee rooms. Two problems were experienced by the House during the 2005 legislative session--the Government Operations Division of the Appropriations Committee hearing room (the House Conference Room) is not very accessible and the Government Performance Division of the Appropriations Committee met in the Brynhild Haugland Room or other areas, but coordination was difficult.

The committee reviewed the square footage and seating capacity of current committee rooms. Square footage ranged from 528 square feet in the Roosevelt Park Room to 2,600 square feet in the Pioneer Room. The committee identified three potential areas that could be remodeled into committee rooms--the bill and journal room - 1,322 square feet; the bill and journal room without the former hallway - 904 square feet; the House locker room - 575 square feet; and the bill and journal room, former hallway portion - 418 square feet.

The committee consulted with Tvenge Associates Architects & Planners PC, the architectural firm that designed the 1977-82 legislative wing renovation project. Tvenge Associates prepared two remodeling concepts for the bill and journal room.

Concept 1 remodeled the bill and journal room into two committee rooms and a substantially smaller bill and journal room. A sound-deadening foldable divider divided the semicircle area into two meeting rooms of a quarter-circle shape. The entire area provided a meeting area of 834 square feet. Each 417 square-foot room allowed committee tables and 9 desk chairs and 24 side chairs. When the divider between both committee room areas is open, the resulting area allowed committee tables seating 16 and 47 side chairs. The former hallway between the former bill and journal room (pre-1981 remodeling) and the north wall of the main hallway was recreated as a bill and journal room totaling 360 square feet. That space was designed with compartments and shelving units and space for a copier, a computer desk, a file cabinet, and a worktable. The estimated cost of Concept 1 was \$168,000.

Concept 2 remodeled the bill and journal room into two committee rooms and moved the bill and journal room to the public coatroom and vending machine area across the hallway. A sound-deadening foldable divider

divided the semicircle area into two meeting rooms of a quarter-circle shape. The entire area provided a meeting area of 1,214 square feet, 607 square feet in each committee room. The table size would have been the same as Concept 1, but side chair capacity would have increased to 56, with 28 on each side. The bill and journal room area totaled 382 square feet. The estimated cost of Concept 2 was \$193,000.

Another concept remodeled the House locker room into one committee room. The meeting room area would cover 533 square feet and would provide for 9 table chairs and 24 side chairs. The estimated cost of this concept was \$66,900.

Committee members discussed the desire to find a handicap-accessible committee room on the ground floor to replace the House Conference Room. In addition, the fact that the Government Operations Division consisted of six members and the Government Performance Division consisted of four members was a determining factor in assessing the need for two smaller, rather than larger, committee rooms.

Committee members also discussed the need to provide a public coatroom area during legislative sessions. With respect to remodeling the House locker room into a meeting room, discussion focused on where House members without offices would leave their coats or other personal items. Coatracks placed in the ground floor study were not considered as secure as the lockers.

Substantial discussion focused on whether the bill and journal room could be substantially reduced in size by eliminating preprinted bills, resolutions, journals, and daily calendars and thus eliminating the need for shelf space. A substantially reduced bill and journal room would contain a personal computer networked with a printer and one person could print copies on demand. A few copies of each item could be maintained in three or four file cabinets to meet immediate demand for one or two copies. Also suggested was that in the future there may be little need for a bill and journal room because of the ever-increasing use of the Internet to view and make copies of bills, journals, calendars, and committee hearing schedules. Concern was expressed, however, over loss of efficiency if bills were stored in filing cabinets and the delay in fulfilling requests to print a number of bills or large bills. Discussion also included consideration of the future potential of using a substantial portion of whatever space is provided in the remodeled area for the bill and journal room as a committee room or as additional space for the newly remodeled meeting rooms.

The committee reviewed bill and journal room requirements. A bill and journal room needs readily accessible storage space for 50 to 100 copies of 1,080 bills and resolutions; readily accessible storage space for 50 to 100 copies of 166 journals; readily accessible storage space for materials sorted and held for subscribers to legislative documents; table space for sorting materials for distributing to the House, Senate, committee clerks, subscribers, and the Capitol mailroom; a copier; and a personal computer and a computer desk for bill status inquiries.

The committee approved a revised version of Concept 1. The plan approved by the committee remodeled the bill and journal room into two committee rooms and a smaller bill and journal room. The wall between the two committee rooms was revised to be a permanent wall, rather than a sound-deadening foldable divider, which reduced the cost of the project by approximately \$16,500. Each meeting room occupies 417 square feet. The space allows committee tables and 9 desk chairs and 24 side chairs. The bill and journal room occupies 360 square feet and is sufficient for substantially reduced numbers of preprinted materials, as described under **PRINTING BILLS WITH COMPUTERS AND PRINTERS STUDY**. Bids for remodeling the area were solicited and a contract was awarded to the lowest bidder at a price of \$134,510.

During the 2005 legislative session, the House Appropriations Committee clerk was located in the committee clerk room located within the Roughrider Room, and the assistant clerk for the Education and Environment Division was located in the Roughrider Room, the assistant clerks for the Human Resources Division and the Government Performance Division were located in the Sakakawea Room, and the assistant clerk for the Government Operations Division was located in the House Conference Room. After the Legislative Management Committee approved a revised version of Concept 1, the chairman of the House Appropriations Committee was contacted and approved relocating the assistant clerks for the Education and Environment Division, the Government Performance Division, and the Government Operations Division to space that was available in the secretarial and telephone message services area due to the reduction in the number of contract employees to be located in that area during the 2007 legislative session, as explained under **SESSION ARRANGEMENTS, Secretarial, Telephone Message, and Bill and Journal Room Services**.

Meeting Room Names - Conclusion

The addition of two committee meeting rooms led to the committee considering names for the rooms. Committee rooms were given names during the legislative wing renovation project from 1977 through 1982. Basically, names were selected which represented a good cross-section of North Dakota, which recognized physical or historical points of interest, and which allowed rooms to be relatively easy to decorate using color, pictures, or displays from the Heritage Center. Generally, the rooms were named from east to west in the state with the hallway dividing north and south, e.g., Red River Room in the east, the Missouri River Room in the middle, and the Roosevelt Park Room in the west. Current room names in the semicircle of rooms surrounding the two new committee rooms being made from the former bill and journal room are geographically accurate, from west to north to east--Roosevelt Park, Fort Union, Peace Garden, and Fort Totten.

After considering a variety of names, the committee makes no recommendation on names. The committee deferred final action on names until the organizational

session. When finalized, the names will be added to the brass wall plates over the doors to the hallway to the committee rooms and will be used to identify these rooms for the fire suppression and climate control system.

Committee Room Member Chairs

Under Senate Bill No. 2001 (2005), \$200,000 was available for designing and remodeling space in the Capitol for an additional committee room or for refurbishing committee rooms. The committee reviewed 17 different makes and models of chairs for use as committee member chairs. The committee determined the chairs should have loop arms, pneumatic chairlift, and a tilt mechanism. In addition, the committee expressed preference for fabric rather than leather due to durability; mid-back chairs rather than high-back chairs to allow better visibility of committee members and meeting attendees; urethane arms rather than fabric or leather due to durability; and polished aluminum rather than black urethane or composite bases due to the ease of urethane or composite being scuffed.

The committee authorized the acquisition of 190 HON Park Avenue 5022 chairs as the new committee member chairs in legislative committee rooms. The lowest bid received for 190 chairs was \$260.49 per chair, depending on the grade of fabric.

House Chamber Sound System Mixers

Because of the problems experienced by the House with its sound system during the 2005 legislative session, the Legislative Assembly appropriated \$26,085 to replace the sound system mixers in the House chamber with digital mixers. The committee authorized completion of the project as proposed during the 2005 legislative session--installation of 8 digital mixers and 15 front panel controls. By November 2005, the new mixers and front panel controls were installed and all microphones had been adjusted and tested. The new mixers have separate control knobs for each microphone to allow individual level adjustments.

Roughrider Room Technology Update

The Information Technology Committee requested the Legislative Management Committee to investigate the costs necessary to enhance the technological aspects of the Roughrider Room, especially addressing the concern that audience members are unable to view PowerPoint presentations.

At the time of the request, the Roughrider Room was arranged so that committee members faced north, east, and west, while audience members face south and could not see the projection screen because the screen faced southwest and was located between audience members and committee members. After the request was received, the Appropriations Committee division clerk workstation previously located in the northeast corner of the room was removed because that clerk, along with two division clerks located in the Sakakawea and House Conference Rooms, will be relocated to the secretarial and telephone message service area as a result of the reduction in the number of contract employees as

explained under **LEGISLATIVE SPACE RENOVATION PROJECTS, Legislative Committee Meeting Room Space Study**, and under **SESSION ARRANGEMENTS, Secretarial, Telephone Message, and Bill and Journal Room Services**. The audience chairs then were rearranged to form a "V" with one leg of the "V" facing southwest and the other facing southeast. The projection screen was relocated along the north wall between the narrow part of the "V." This arrangement allows most audience members to view presentations.

Although the Roughrider Room audience chairs were rearranged and the projection screen was relocated, the committee received information from AVI Audio-visual, Inc., Bismarck, concerning a solution embracing use of technology. A preliminary quote of \$6,072 was given for providing one screen to be lowered from the ceiling near the north wall, one screen to be lowered on the south wall in the southeast corner, a projector for each screen either on the ceiling or on the walls, remotes for lowering the screens and operating the projectors, and installation of this hardware. The committee makes no recommendation with respect to adding screens and projectors in the Roughrider Room.

LEGISLATIVE SPACE USE

Legislative 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 for mock legislative sessions if the group or organization has not employed a registered lobbyist or contracted for independent lobbying services by a registered lobbyist within two years before the request for use. Any use cannot interfere with legislative branch activities, the sponsor of the function must make suitable arrangements with 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 or the director's designee.

During its review of the guidelines, the committee approved requests for use of both chambers by the North Dakota High School Activities Association State Student Congress on November 2-3, 2006, and on November 1-2, 2007; use of the House chamber by the Supreme Court on August 22, 2005, for the investiture of Justice Daniel J. Crothers; by the Secretary of State on March 22-23, 2006, to conduct a statewide biennial elections conference; by the North Dakota Leadership Seminar on June 3, 2006, for a leadership seminar; by

the Silver-Haired Education Association on July 26-28, 2006, for a Silver-Haired Assembly; and by the Land Department for oil and gas lease auctions on August 2 and November 1, 2005, on February 7 and August 1, 2006, and on May 1 and August 7, 2007. In addition, approval under the guidelines was given for use of the Senate chamber by the Council on the Arts on April 7, 2006, for a state competition and awards ceremony for the Poetry Out Loud: National Recitation Contest, and for use of the House chamber by the Supreme Court on October 3, 2005, and on September 25, 2006, for the admission to the bar ceremony.

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

Legislative Committee Rooms

Joint Rule 803 provides that during a legislative session committee rooms may be used only for functions and activities of the legislative branch, but the Secretary of the Senate or the Chief Clerk of the House may grant a state agency permission to use a room at times and under conditions not interfering with the use of the room by the legislative branch. With respect to use during the interim, 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 Legislative Council adopted the policy governing approval of use of committee rooms in 1998 and revised the policy in 2000. The policy is similar to that governing use of the chambers. The policy also applies to proper use of the press studio on the ground floor of the legislative wing whether during the session or during the interim--the press studio may not be used during a legislative session by anyone other than a legislator and may not be used during other periods by anyone other than a legislator or an elected state official, except as authorized by the director of the Legislative Council or the director's designee. The committee makes no recommendation with respect to revisions to the policy.

LEGISLATIVE RULES

The committee continued its tradition of reviewing and updating legislative rules. After the 2005 legislative session, a legislative process questionnaire was distributed to every legislator. The questionnaire asked specific questions on legislative procedures and also requested comments on how to improve the legislative process. The committee also reviewed a side-by-side comparison of Senate and House rules.

Bill Introduction Deadlines

The Legislative Council, at its meeting on June 22, 2005, selected Wednesday, January 3, 2007, as the date of convening the 60th Legislative Assembly. The committee discussed the effect of the Legislative Assembly convening on Wednesday. When the Legislative Assembly convenes on Tuesday, the 5th, 10th, and 15th legislative days fall on a Monday. In recognition of the fact that Friday evening, Saturday, and Sunday are necessary for the preparation of bill drafts

requested during the days immediately preceding a deadline, the Legislative Assembly has customarily continued Monday deadlines when the Legislative Assembly convenes on days other than Tuesday. The committee recommends amendment of Senate and House Rules 402 to change the bill introduction deadlines from the 5th, 10th, and 15th legislative days to the 4th, 9th, and 14th legislative days. This will continue the Monday deadlines during the 2007 legislative session.

Crossover Deadline

Because the Legislative Assembly will convene on Wednesday, January 3, 2007, the day for all bills to crossover to the other house would fall on Monday, February 19, rather than Friday, February 16. This would also result in the traditional Monday and Tuesday recess after crossover to fall a week after crossover--Monday and Tuesday, February 26-27. A crossover deadline of Friday maintains the emphasis to complete work on bills in the original house with a view of an extended recess over the weekend. The committee recommends amendment of Joint Rule 203 to change the crossover deadline from the 34th legislative day to the 33rd legislative day. This will continue the Friday crossover deadline during the 2007 legislative session.

LEGISLATIVE INFORMATION SERVICES

Since 1990 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 which, 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. Representatives of the media as determined under Joint Rule 802 and state agencies and institutions are not charged the fees for copies of bills and resolutions as introduced and printed, daily journals, daily calendars, and committee hearing schedules.

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. Five entities paid a \$350 subscription fee to receive these reports during the 2005 legislative session and one paid \$460 to receive the bill status 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 2007 bill status reports and pay a \$350 subscription fee, \$460 if mailed. The committee determined, however, that two copies of the bill status reports should be provided to the press room in the State Capitol without payment of subscription fees.

Bills, Resolutions, and Journals Subscription

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, if mailed, the cost of mailing these documents. During the 2005 legislative session, 11 entities paid to pick up a set of bills and resolutions from the bill and journal room; 37 paid to pick up a set of bills and resolutions as introduced and as engrossed and two paid to receive a set by mail; 18 paid to pick up a set of journals and one paid to receive a set by mail; and 12 paid to receive the journal index.

The committee established the following fees with respect to these documents during the 2007 legislative session--\$160 for a set of bills and resolutions as introduced and printed or reprinted, \$270 if mailed; \$290 for a set of bills and resolutions as introduced and printed or reprinted, including a set of all engrossed and reengrossed bills and resolutions, \$465 if mailed; and \$90 for a set of daily journals of the Senate and House, \$200 if mailed. The fee for the journals includes final covers after the legislative session adjourns. The committee established a subscription fee of \$30 to receive the index to the Senate and House journals.

The committee continued the policy provided under Joint Rule 603 that anyone can receive no more than five copies of a limited number of bills and resolutions without charge.

Committee Hearing Schedules and Daily Calendars Subscription

The committee continued 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 mailing the committee hearing schedules or daily calendars, the policy followed during the 2005 legislative session should continue and a fee should be imposed to cover the cost of mailing. During the 2005 legislative session, one entity paid to receive the hearing schedules by mail and one entity paid to receive the calendars by mail. The committee established a subscription fee of \$30 for mailing a set of the weekly hearing schedules for Senate and House committees and a subscription fee of \$55 for mailing a set of daily calendars of the Senate and House.

PRINTING BILLS WITH COMPUTERS AND PRINTERS STUDY

The committee studied the feasibility and desirability of arranging for the printing of bills and resolutions for the 60th Legislative Assembly by using computers and high-speed printers rather than printing multiple copies of all bills and having copies available in the bill and journal room. The committee received information on use of a high-speed printer (offset press), a printer networked with a personal computer, and a photocopier networked with a personal computer.

An offset press would be noisy, and the noise would permeate throughout the ground floor hallway. In

addition, an offset press would require alcohol, other chemicals, and a distilled water storage area. The press would require manual involvement through making a plate, placing a plate in the press, and running the press. For any bill over one page in length, the press would require a separate collation process by which the operator would manually move copies from the press to a collator.

A small, fast printer, e.g., an IBM Infoprint 1572 laser printer and necessary accessories, networked with a personal computer, could print 50 pages per minute, could print on both sides, and could staple multiple pages. The current cost of one printer with the accessories and a three-year maintenance agreement is \$3,070.

A photocopier, e.g., a Xerox Document Centre 490ST copier, networked with a personal computer, could produce 90 copies per minute. During the 2005 legislative session, this model of copier was leased at a cost of \$1,224 per month, plus a \$300 setup fee, plus \$.0092 per copy over 50,000 copies per month, plus the cost of toner cartridges at \$168 each, plus the cost of staples at \$88 a carton, plus the cost of paper at \$2.34 per ream.

During the 2005 legislative session, 163 copies of bills as introduced were needed for immediate distribution upon introduction and 134 copies of engrossed bills were needed for immediate distribution upon engrossment. One set of bills and resolutions contained 3,697 pages (a page is one side of a sheet) on 2,041 sheets. Using 2005 figures, a copier would run 602,611 copies on 332,683 sheets of paper to provide 163 copies of bills as introduced; and would run 301,305 copies on 166,342 sheets of paper to provide copies of engrossed bills. In total, 99 reams (or 100 cases) of paper would be needed to provide copies required for immediate distribution. Based on the 2005 figures, leasing a copier and purchasing the supplies necessary to photocopy the minimal number of copies of bills required for immediate distribution would cost approximately \$21,416. During the 2005 legislative session, 325 copies of bills as introduced were printed at a cost of \$53,590 and 200 copies of engrossed bills were printed at a cost of \$26,078.

Use of an offset press, a networked printer, or a networked copier would require a substantial storage area for supplies. No copies could be made while the printer or photocopier is jammed or being serviced, nor could copies be made while the computer network is down or otherwise not available.

Based on the concerns with the special needs of an offset press, the potential for delays for waiting to receive multiple copies, the expressed desire by some individuals to maintain a public coatroom, and the ability to design the existing bill and journal room to include one or two committee rooms as well as bill and journal room space, as described under **LEGISLATIVE SPACE RENOVATION PROJECTS, Legislative Committee Meeting Room Space Study**, the committee recommends retaining a bill and journal room to provide limited storage of bills and journals printed by a contract printer but reducing the copies of items initially printed so

as to reduce space needs. The intent in reducing the number of preprinted materials is to provide for photocopying additional material as needed. To assist in implementing this intent, a larger capacity photocopier will be placed in the bill and journal room. This will also be a means of testing the feasibility of using a photocopier to meet immediate demands for copies of materials.

CONTRACTS FOR PRINTING LEGISLATIVE DOCUMENTS

Background

Under NDCC Section 46-02-05, the Legislative Council is authorized to determine the contents of contracts for printing legislative bills, resolutions, and journals. The Central Services Division of the Office of Management and Budget prepares the requests for bids for the printing of these items in accordance with the requirements set by the committee.

Contract Contents

With respect to the contract for printing bills, resolutions, and journals for the 60th Legislative Assembly, the committee reduced the number of introduced bills and resolutions printed from 325 to 250 (based on the surplus of bills remaining after the 2005 legislative session), increased the number of engrossed bills printed from 200 to 250 (based on the demand for these bills during the 2005 legislative session), and reduced the number of journals printed from 750 to 250 (based on the surplus of journals remaining after the 2005 legislative session). The substantial reduction in the number of bills and resolutions printed also reflects committee discussion concerning whether to use a high-speed copier to print bills on demand rather than have preprinted materials. The intent is to reduce the number of preprinted bills to the level estimated for immediate distribution. If there is a need for additional copies, plans are to use a photocopier to make the additional copies, as described under **PRINTING BILLS WITH COMPUTERS AND PRINTERS STUDY**.

SESSION ARRANGEMENTS

Committee Recorders

The Legislative Assembly has 39 microcassette recorders, 27 of which are used by committee clerks. The committee discovered that 15 of the recorders do not work and replacements have been difficult to find. The cost of purchasing new microcassettes for a legislative session ranges from \$5,000 to \$7,000.

The committee received information on the type of digital recording system that would be of a professional grade quality, would provide for storage and retrieval of audio, and would be compatible with technology applications that would be used by committee clerks after replacement of the legislative information systems.

The committee approved acquisition of Olympus DS4000 digital portable recorders, along with audio management software. The management software will allow significant automation in handling committee

testimony, e.g., a committee clerk will use the recorder to record the hearing; the clerk will "dock" the recorder and transfer the testimony to the clerk's personal computer; the software will file the testimony under the committee name, date, and time; and the recorder will be ready for use again. The software also will allow testimony to be indexed by bill number. A main feature of the digital recording system is the considerable automation to assist the clerks in managing audio records.

Committee Preference Compilation

The committee reviewed the information provided as the result of compiling legislators' committee preference questionnaires. A computer program developed in the 1980s provided four different reports--by standing committee, listing members in alphabetical order showing their preference; by party, listing members in alphabetical order showing their preference; by a proposed committee membership, using member's preference, previous experience on the committee, seniority, and party representation on the committee; and a report by members who did not receive their first or second choices.

The committee approved replacing use of this computer program with use of an Excel-generated spreadsheet listing the names of legislators in alphabetical order and providing columns across the page for the five-day committee, the three-day committees, and the two-day committees.

Legislator Wellness

Legislative Assembly Wellness Program

North Dakota Century Code Section 54-52.1-14 requires the Public Employees Retirement System Board to develop an employer-based wellness program encouraging employers to adopt a board-approved wellness program. The incentive for adoption of a program is a 1 percent of health insurance premium charge to agencies that do not participate in the wellness program. The first year for a wellness program under Section 54-52.1-14 is July 1, 2006, to June 30, 2007.

A wellness program must include the "mandatory activity" of communicating wellness materials provided by the Public Employees Retirement System and Blue Cross Blue Shield of North Dakota to individual employees on a monthly basis and promoting the Public Employees Retirement System smoking cessation program to employees. In addition to this mandatory activity, different "optional" activities must be developed each year.

The committee approved as a wellness activity for 2006 an e-mail to all legislators requesting that they sign up for the monthly *Healthy Choices* newsletter from Blue Cross Blue Shield of North Dakota, which is distributed via e-mail. Although three legislators did not have state computers at the time the committee considered this activity, the goal is to have 100 percent participation by those who have computers.

The committee also approved as a wellness activity for 2006 a stress management program for all legislators. Under this activity, the Legislative Assembly

employee assistance program (EAP) provider (St. Alexius) will distribute written materials, schedule a speaker, and provide evaluation materials. The e-mails and written materials will be distributed to all legislators after the November election and a presentation by the EAP will be made to all legislators during the organizational session. This will give 100 percent participation by the Legislative Assembly. The thought was that offering a stress management program before a legislative session would be the most beneficial time for the program.

Legislator Wellness Day

After the committee approved the wellness program for the Legislative Assembly, Altru Health System, Grand Forks, offered to conduct a wellness program in partnership with the North Dakota Medical Association. The program would include a short health assessment, blood pressure, height, weight, and fingerstick blood test for blood sugar and cholesterol level, individual sessions for legislators, and group sessions. The committee authorized use of the ground floor legislative study for the wellness day proposed by Altru Health System.

Legislators' Supplies

Stationery

The committee approved continuation of the policy that every legislator be given the option of receiving 250 sheets of regular (8.5 inches x 11 inches) or Monarch (7.5 inches x 10.5 inches) stationery and envelopes, 250 sheets of each type of stationery and envelopes, or 500 sheets of either type of stationery and envelopes. A legislator can also request no stationery or envelopes. An additional option was added to allow legislators to request window envelopes. Under the policy, a legislator also can request an additional 500 sheets of stationery and 500 envelopes, up to 1,000 sheets and envelopes total. The Speaker, each leader, and each assistant leader continue to receive as much regular and Monarch stationery as needed.

Brief Bags

The committee approved continuation of the policy, first established in 1984, of providing a brief bag (also referred to as a letter file or carrying case) to each legislator on request. With respect to newly elected legislators, the request form will be included in the information packets distributed to newly elected legislators during the organizational session. The committee continued use of a canvas-type carrying case first provided in 2002.

Capitol Access Cards or Key Tags

Since October 1999, the Capitol has operated under a security key system. Access to the Capitol on weekdays before 7:00 a.m. or after 5:30 p.m. or on weekends requires use of a security key to present near a reader that unlocks the door and records use of the card. Each security key is coded and a computerized record is kept of use. During the 2001 session, every legislator received a security card for access to the Capitol and during the 2003 and 2005 sessions, a

security card or key tag was provided to a legislator on request.

The committee approved continuation of the policy initiated during the 2005 legislative session that a security card or key tag be provided to a legislator who requests one and signs a form acknowledging receipt of the card or tag.

During the 2005 legislative session, a legislator received a photo identification card from the Legislative Council to assist in properly identifying legislators who desire access to the Capitol after hours. Every legislator will continue to receive a photo identification card.

Legislator Photo ID Cards

The committee approved providing a credit card size photo identification card to each legislator as was done in 2005. The card will contain the 2007 legislative photo, the 2005 signature for returning legislators, the 2007 signature for new legislators, and the 1-888 legislative session WATS line number, the Legislative Council telephone number, and the Legislative Council WATS line.

Legislative Parking Stickers

During a legislative session, the parking lot west of the legislative wing of the Capitol is reserved for legislators and certain Legislative Assembly employees, and three spaces are reserved for representatives of the press and one space for the doctor of the day.

Legislators receive a Mylar sticker for parking in the legislative parking lot. The sticker adheres permanently to the window of a vehicle. Some legislators request multiple stickers for use on various vehicles. In addition, legislators have requested stickers from previous Legislative Assemblies of which those legislators were members to apply those stickers to replacement vehicles.

The committee considered a proposal to provide a cling-type sticker that would cling to the inside of the window and could be transferred easily from vehicle to vehicle.

The committee recommends that a cling-type parking sticker of a design similar to previous stickers be used as the parking sticker for legislators.

Standing Committee Division

Chairmen Compensation Study - Conclusion

During the 2005 legislative session, an issue arose as to whether chairmen of divisions of the House Appropriations Committee should be entitled to receive additional compensation as chairmen. The committee was directed to study the appropriateness of increasing the daily compensation for chairmen of substantive standing committee divisions established by rule of the House or Senate. The standing committee divisions established by rule are the Education and Environment Division, the Government Operations Division, the Government Performance Division, and the Human Resources Division of the House Appropriations Committee.

North Dakota Century Code Section 54-03-10 provides additional daily compensation to legislators who

hold certain offices or positions in the Legislative Assembly. The Speaker of the House, the House majority leader, the Senate majority leader, the House minority leader, and the Senate minority leader receive an additional \$10 per calendar day during a legislative session. Chairmen of substantive standing committees, the House assistant majority leader, the Senate assistant majority leader, the House assistant minority leader, and the Senate assistant minority leader receive an additional \$5 per calendar day during a legislative session.

Committee members discussed whether division chairmen had the same workload as full committee chairmen, whether a category in addition to the \$10 and \$5 per day should be created, whether the additional compensation should be raised and thus allow a greater "spread" between the categories, and the impact of providing additional compensation to chairmen of divisions but not to chairmen of informally created subcommittees.

The committee makes no recommendation as a result of this study.

Legislators' Expense Reimbursement Policies

Article XI, Section 26, of the Constitution of North Dakota provides that payment for necessary expenses of legislators may not exceed that allowed for other state employees. Legislators receive up to \$900 per month as reimbursement for lodging. The policy followed for the 59th Legislative Assembly was to allow these items as reimbursable lodging expenses during a legislative session--electricity and heat, water (including garbage collection and sewer charges), basic telephone service, telephone installation charges, rental of furniture and appliances, and transit charges for moving rental furniture and appliances. The committee recommends the legislative expense reimbursement policy for the 60th Legislative Assembly be the same as that followed for the 59th Legislative Assembly.

North Dakota Century Code Section 54-03-20 provides that lodging expenses of two or more legislators sharing lodging in a single dwelling could be subject to guidelines approved by the Legislative Council. The committee recommends that lodging expense reimbursement of two or more legislators sharing housing in a single dwelling be subject to approval by the Legislative Council chairman.

Legislators' Computer Training

The committee approved the agenda for providing computer training to legislators before the convening of the 60th Legislative Assembly and authorized the Legislative Council staff to conduct training sessions for legislators. The training focuses on two areas--general computer training and LAWS system training.

New legislators with computer experience are scheduled for training immediately after the organizational session adjourns and into Wednesday afternoon. This training includes the signout of computers, review of the policies governing use of computers, and general introduction to the software

packages on the computers. The training for new legislators with limited computer experience is scheduled for Thursday, December 7.

During the organizational session, returning legislators can take 90-minute, concurrent miniclasses on e-mail, the Internet, and Microsoft Word similar to the miniclasses provided during the 2004 organizational session. The miniclasses are scheduled for Monday morning and afternoon and Tuesday morning and afternoon.

Legislators can receive LAWS system training in any of three 2.5-hour blocks of instruction on Tuesday, January 2, the day before the regular session convenes. During the legislative session, legislators can request individualized training at their desks in the chambers and can receive individual online learning through Internet classes.

Personal Computer Use Policy

To ensure proper use of personal computers by legislators, the committee reviewed and approved the *Policy on Use of Personal Computers by Legislators* as last approved by the Legislative Management Committee in November 2004. 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. The committee makes no recommendation regarding changing the personal use fee of \$10 per month, first established during the 1997-98 interim, which allows legislators a personal use option under NDCC Section 54-03-26.

Legislators' Photographs

The committee approved the invitation to bid for photography services to the 60th Legislative Assembly. Generally, the invitation to bid contained the same specifications as the contract for the 59th Legislative Assembly. With respect to the House, the specifications provide for two poses and two wallet-size color pictures of each pose of 97 individuals; color touchup of the final pose; one composite color picture approximately 50 inches x 60 inches, proofed, framed, and ready to hang; and 97 copies of the composite picture 11 inches x 14 inches in size. With respect to the Senate, the specifications provide for two poses and two wallet-size color pictures of each pose of 51 individuals; color touchup of the final pose; one composite color picture approximately 30 inches x 40 inches, proofed, framed, and ready to hang; and 51 copies of the composite picture 11 inches x 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 2006, and the photographs of the six elected legislative officers are to be taken during the first week of the regular session.

For the large composite pictures, the Legislative Council provides the frames from previous Legislative Assembly pictures. The large composites of the previous Legislative Assembly are transferred to the State Historical Society and are placed in the state

archives. The photographer is to provide the digital image of the pose selected by the photographer to the Legislative Council by Wednesday, December 20, 2006, for use in updating the legislative branch web site, and the photographer is to provide the digital image of the final pose to the Legislative Council by Friday, February 16, 2007.

The invitation to bid was sent to 31 photography firms in western North Dakota. Three firms submitted bids--Anderson Photography, Crosby, \$3,500; Renner Photography, Mandan, \$4,295; and Diamond Photography, Bismarck, \$4,500. The committee awarded the contract to the lowest bidder--Anderson Photography--the firm that was also the photographer for the 54th through 59th Legislative Assemblies.

Journal Distribution Policy

The committee approved continuation of the policy that a legislator may have daily journals sent, without charge, to any person upon 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.

Video Coverage

Community Access Television is the local public, education, and government access facility cable casting to over 33,000 households in the Bismarck-Mandan area. Community Access Television has provided some coverage of the Legislative Assembly since 1989. Coverage has been limited, however, to live floor sessions of the Senate and House of Representatives, alternating each week, and occasional meetings in the Brynhild Haugland Room.

During the 2001 and 2003 legislative sessions, Community Access Television broadcast the coverage on the local Bismarck-Mandan community access channel and provided the video signal to the North Dakota Interactive Video Network and the Information Technology Department. These entities combined the video signal from Community Access Television with the House and Senate audio feed and provided live video/audio streaming of the floor sessions on the Interactive Video Network and the Internet.

During the 2003-04 interim, Community Access Television expressed concern over the cost incurred by Community Access Television and lack of available airtime throughout the day when floor sessions may be scheduled. Without involvement of Community Access Television, loss of the video signal would eliminate the live video/audio streaming of the floor sessions on the Interactive Video Network and the Internet. As a result, an arrangement was reached whereby Community Access Television would provide a digital camcorder, tripod, necessary cables, and camera operator for a minimum of two hours each day for a minimum of 80 days to supply a video signal for web streaming over the Internet. The arrangement was for \$30 per hour

labor and \$50 per day for equipment. The total cost of Community Access Television providing coverage during the 2005 legislative session was \$9,702. Community Access Television broadcast floor sessions on local Cable 12 approximately 75 percent of the time, i.e., when broadcast time was available, but all video signal from Community Access Television was streamed over the Internet.

The committee received a proposal from Community Access Television for televising proceedings of the 2007 legislative session. Under the proposal, Community Access Television would provide one camera and camera operator onsite for a minimum of two hours each day for a minimum of 80 days and would provide a digital camcorder, tripod, and necessary cables to connect to a video input. The Legislative Assembly would provide and locate the video input within 10 feet of the camcorder position, would provide a secure area for overnight and weekend equipment storage, would provide daily onsite guidance and direction for the camera operator as to daily start time, which activity to cover in the Senate, House, or Brynhild Haugland Room, and whether to continue transmission beyond the two-hour daily minimum. The proposal was for \$30 per hour for labor and administration, \$30 per hour for additional hours beyond the two-hour daily minimum, and \$50 per day for equipment. This was essentially the same arrangement as that for coverage during the 2005 legislative session.

The committee contacted the three primary cable systems in the state (Midcontinent Communications, Cable One, and Polar Cablevision) and six major community access television entities (Bismarck, Dickinson, Fargo, Grand Forks, Minot, and Williston) and inquired whether the cable systems and community access channels would be interested in rebroadcasting locally the signal off the web stream or otherwise would be interested in a pool arrangement to share costs of providing and using a video feed of legislative floor sessions. Four community access entities responded, each with a slightly different response. Of the responses, one encouraged expanded coverage to include committee meetings, two expressed interest in replaying recorded material provided to them, and one expressed an interest in broadcasting floor sessions if the video/audio feed was received through the state's IP network rather than through the Internet. Three specifically indicated no resources were available to cover costs. Midcontinent Communications responded and expressed interest in obtaining the video and audio feed and distributing that signal through its fiber stream to its cable systems around the state. The issue, however, was the cost. The Information Technology Department reviewed the responses received and provided information on equipment necessary to allow simultaneous video coverage of Senate and House floor sessions.

The committee considered the proposal by Community Access Television to provide coverage on the same basis as during the 2005 legislative session--basically, coverage of floor sessions of the Senate and House on an alternating weekly basis and

selected meetings in the Brynhild Haugland Room. The committee also considered a proposal for acquiring two digital camcorders, two tripods, necessary wiring, and the equipment to provide simultaneous coverage of the Senate and House floor sessions. The committee also considered whether to employ two operators on a part-time basis to provide the video coverage or to contract with Community Access Television or a temporary personnel services contractor to provide two operators.

The committee authorized the purchase and installation of two digital camcorders, two tripods, necessary wiring, and the equipment to provide simultaneous coverage of the Senate and House floor sessions. The camera operators either will be Legislative Assembly employees or employees contracted through Kelly Services--the contractor who will provide secretarial, telephone message, and bill and journal room services during the 2007 legislative session.

Incoming WATS Line Service

Beginning with the 1985 legislative session, incoming WATS lines have been provided for residents in the state to contact legislators or obtain information concerning legislative proposals. Even if all telephone lines are in use, callers do not receive a "busy" signal. If all lines are in use or the call is made after regular business hours, a caller is given two options--one for staying on the line (if the call is during regular business hours) and one for leaving a message for legislators from the caller's district. This message feature is available 24 hours a day 7 days a week during regular legislative sessions.

The committee discussed whether the policy restricting the messages to messages only for legislators from the caller's district or for legislators specifically named by the caller should be changed to allow callers to leave messages for any or all legislators.

The committee recommends continuation of the incoming WATS line telephone message service for the 60th Legislative Assembly. The WATS number will continue to be 1-888-ND-LEGIS (1-888-635-3447).

The committee recommends that the policy for telephone messages for legislators be that a caller may leave a message for the caller's local legislators and for specifically named legislators identified by the caller. Local legislators include legislators from the caller's district and legislators of the city of the caller.

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 legislative session employment.

Session Employee Orientation and Training

The committee approved the agenda for orientation and training of legislative session employees between November 16, 2006, and January 4, 2007, and authorized the Legislative Council staff to conduct training sessions for various session employees.

The training will be similar to that provided before the 2005 legislative session, except the payroll clerk will receive training in mid-November, the journal reporters will receive training before the organizational session convenes, committee clerks will not receive training on preparing amendments before the legislative session, and committee clerks will receive training on using the legislative branch web site.

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 each employee's duties and the training required of the employee.

Session Employee Positions

The committee reviewed the number of employee positions during the 2001, 2003, and 2005 legislative sessions, the impact computerization has had on both houses, the potential impact of increased use of technology in providing legislative information, and the impact resulting from contracting for secretarial, telephone message, and bill and journal room services rather than hiring employees for those areas.

During the 2003-04 interim, the Legislative Management Committee recommended that the Employment Committees provide for 35 Senate employee positions and 40 House employee positions during the 2005 legislative session. The Employment Committees provided for 34 Senate employee positions and 41 House employee positions.

The committee reviewed a legislative session employee position plan that provided for 77.5 employment positions in the Senate and House during the 2007 legislative session. The plan continued the rotation of two positions between the Senate and House--the payroll clerk is to be a Senate employee in 2007 and the information kiosk attendant is to be a House employee in 2007. Rather than rotate the parking lot attendant from the House to the Senate in 2007, the plan recognized that the Senate employed a parking lot attendant in 2005 in addition to the attendant employed by the House under the regular rotation. Thus, the plan provided for a parking lot attendant for each house. The plan also recognized that the Senate has employed three rather than two page and bill book clerks since the 2003 legislative session. The plan also recognized that the House has employed an additional one-half time assistant sergeant-at-arms since the 2003 legislative session. Thus, the plan provided for a parking lot attendant for each house, three page and bill book clerks in the Senate, and 2.5 assistant sergeants-at-arms in the House. Although the House employed a one-half time information kiosk attendant in 2005 in addition to the attendant employed by the Senate, the plan did not provide for 1.5 employees at the information kiosk in 2007. The plan continued the position of the supply room coordinator as a Senate employee. This is intended to make that employee available for providing assistant sergeant-at-arms services during the Senate floor sessions as needed. As presented to the committee, the plan provided for 35 Senate employee positions and 42.5 House employee positions.

The committee recommends that the Employment Committees provide for 35 Senate employee positions and 42.5 House employee positions.

Session Employee Compensation

The committee reviewed legislative session employee compensation levels during the 2005 legislative session. In 1999 a general increase of 7 percent was provided as well as a skills recognition adjustment ranging from an additional \$1 to \$11 per day for certain legislative session employees in recognition of supervisory, technical, and communication skills. In 2001 a general increase of 5 percent, rounded to the nearest dollar, was provided as well as a skills recognition adjustment ranging from an additional \$2 to \$11 per day for certain legislative session employees in recognition of increased technical ability requirements of their positions as well as increased responsibility for accuracy of legislative session information. In 2003 a general increase of 5 percent, rounded to the nearest dollar, was provided. This was primarily in recognition of the average pay increases of 3 percent and 2 percent approved by the 57th Legislative Assembly for state employees. In 2005 a general increase of 5 percent, rounded to the nearest dollar, was provided. This was primarily in recognition of the difficulty in attracting qualified applicants for session employment.

The committee recommends a general increase of 8.16 percent. This was primarily in recognition of the increases of 4 percent and 4 percent (or a total of 8.16 percent) approved by the 59th Legislative Assembly for state employees. The committee also recommends increases in per day compensation for the Senate and House assistant committee clerks and the administrative assistant to the Speaker of the House. As a result of this recommendation, compensation will range from \$77 to \$130 per day (\$9.63 to \$16.25 per hour based on an eight-hour day). The committee recommends continuation of the authorization for employees to receive an additional \$1 per day for each previous regular session employed, up to an additional \$10 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 continue the practice of not including specific names or identifying specific individuals. This type of resolution was first adopted in 1997 as a means to provide flexibility in the hiring of employees after adoption of the resolution. By designating positions and compensation levels, and not naming employees, an Employment Committee report that names an employee and designates the position is sufficient to identify that employee, the position, and the compensation level. The committee also recommends that the concurrent resolution continue to refer to the generic position of "legislative assistant" in place of employees formerly classified as assistant sergeant-at-arms, supply room coordinator, desk page, page and bill book clerk, information kiosk attendant, and parking lot attendant; continue to include provisions authorizing

conversion of full-time positions to part-time positions; and continue to authorize the leaders to consolidate staff assistant positions.

Secretarial, Telephone Message, and Bill and Journal Room Services

Secretarial Services

In 1993 the joint secretarial pool consisted of the equivalent of 10.5 stenographers and typists and cost \$56,629.20 and each house employed a chief stenographer and payroll clerk at a cost of \$14,326.59. Beginning with the 1995 legislative session, the Senate and House have shared a part-time payroll clerk and the Legislative Assembly has contracted with a third party to provide secretarial services rather than employ stenographers and typists as a joint secretarial pool. During the 2005 legislative session, the contractor--Spherion--provided four secretarial service employees for a total cost of \$29,630.59.

In 2005 the contractor's employees completed 154 speeches (and made 598 copies), 106 press releases (358 copies), 29 charts (217 copies), 295 letters (643 copies), 49 faxes (162 copies), 65 mail merges (6,150 copies), and 6,300 miscellaneous documents (6,891 copies). For comparison purposes, 157 speeches, 86 press releases, 8 charts, 424 letters, 251 faxes, 50 mail merges, and 119 miscellaneous documents were prepared in 2003.

To ensure proper use of secretarial services, the committee reviewed and approved the *Policy Regarding Secretarial Services to Legislators* last approved by the Legislative Council in November 2004. The policy points out that secretarial service employees are not legislative employees; describes secretarial services as being available between 7:30 a.m. and 5:00 p.m.; provides for 24-hour turnaround of most projects; limits requests for transcripts of committee hearing tapes to the majority leader, as requested by the committee chairman when the committee clerk is unable to prepare minutes due to illness, disability, or absence; limits merge requests to 25 individual addresses unless otherwise approved by a majority leader or minority leader, as appropriate; and provides the procedure for any comment or complaint regarding the service. A copy of the policy is included in the legislators' information packets distributed during the organizational session.

Bill and Journal Room Services

In 1995 the Legislative Assembly employed 12 bill and journal room clerks at a cost of \$57,170.61. Beginning with the 1997 legislative session, the Legislative Assembly has contracted with a third party to provide bill and journal room services rather than employ bill and journal room attendants. During the 2005 legislative session, the contractor--Spherion--provided three employees for bill and journal room services for a total cost of \$21,988.86.

Telephone Message Service

In 1999 the Legislative Assembly employed a chief telephone attendant, eight telephone attendants, and two telephone pages at a total cost of \$57,169.69.

Beginning with the 2001 legislative session, the Legislative Assembly contracted with a third party to provide telephone message services rather than employ telephone attendants. During the 2005 legislative session, the contractor--Spherion--provided five telephone message service employees at a cost of \$25,229.34.

The number of telephone calls using the incoming WATS lines to the message center has gone down every legislative session since 1993, when 62,320 calls were received. During the 2005 legislative session, 6,282 calls were received.

Consolidated Services

During the 1999-2000 interim, the Legislative Management Committee recommended that the separate contracts for secretarial services and telephone message services be awarded to the same contractor to determine if efficiencies could be obtained by moving employees from one area to the other as necessary. After the 2001 legislative session, the contractor--Spherion--described efficiencies resulting from workload management between the two areas and suggested that there could be additional savings if employees could be assigned among three areas--secretarial, telephone message, and bill and journal room. These services were open to bid under alternate proposals--bill and journal room services; secretarial and telephone message services; and secretarial, telephone message, and bill and journal room services. The committee recommended accepting the bid by Spherion to provide 18 employees for combined secretarial, telephone message, and bill and journal room services during the 2003 legislative session.

During the 2003-04 interim, Spherion recommended additional cross-training for secretarial service employees to allow additional assignment to other areas and fewer total employees because of decreased workload and ability to transfer employees among the three areas as necessary. As a result, the invitation to bid to provide consolidated services during the 2005 legislative session provided for 12 employees rather than 18--9 in the secretarial and telephone message service area and 3 in the bill and journal room area. Three of the secretarial and telephone message service area employees were trained in secretarial services as well as telephone message services, and during the first three weeks of the session an employee from the secretarial and telephone message service area was assigned to the bill and journal room area to handle the workload during the bill introduction period. With reduction in the total number of employees under the contract, the telephone message employees were collocated with the secretarial service employees in the secretarial service area behind the Senate balcony and the room formerly used as the telephone message area was converted to a Senate conference room.

During the 2005-06 interim, the committee received a report from Spherion which recommended fewer employees in the telephone message service area. The committee also reviewed the space needs of the bill and

journal room, as described under **LEGISLATIVE SPACE RENOVATION PROJECTS, Legislative Committee Meeting Room Space Study**, and determined that fewer employees could staff the bill and journal room. As a result, the committee approved an invitation to bid for services during the 2007 legislative session to provide eight employees for secretarial, telephone message, and bill and journal room services. Five employees and the onsite supervisor are to be located in the secretarial and telephone message services area. All six are to be trained to provide telephone message services and three employees and the onsite supervisor are to be trained to provide secretarial services. During the first three weeks of the legislative session, one or more of the employees primarily responsible for telephone message services are to be assigned to assist the two employees in the bill and journal room area as workload requires.

With respect to bill and journal room services, the contractor reported very little use of copying services and no use of fax services during the 2005 legislative session. The committee approved revising the invitation to bid for services during the 2007 legislative session to eliminate the requirement that the contractor provide photocopy and fax services to third parties.

The invitation to bid to provide secretarial, telephone message, and bill and journal room services was sent to 11 temporary personnel services in the Bismarck-Mandan area. The committee received two bids. The daily bids were \$714.25 by Kelly Services and \$751.60 by Spherion. The hourly pay range in the Kelly Services bid is telephone message services - \$7.75 to \$8.25; bill and journal room services - \$7.75 to \$8.25; and secretarial and telephone message services - \$8.00 to \$9.00.

The committee recommends accepting the bid by Kelly Services, Bismarck, to provide eight employees for secretarial, telephone message, and bill and journal room services during the 2007 legislative session.

Legislative Internship Program

Since 1969, the Legislative Assembly has sponsored a legislative internship program in cooperation with the School of Law and the 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, especially the preparation of amendments, and has provided the students with a valuable educational experience. Since the beginning of the program, each intern has received a stipend as a means of covering the expense of participating in the program.

The committee approved continuation of the program for the 60th Legislative Assembly at the same number as authorized in 2005--12, with an original allocation of 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, and with 10 interns assigned to committees and 2 assigned to the Legislative Council office. The committee also

authorized an increase in the stipend to \$1,730 per month for the 3.5-month program.

Legislative Tour Guide Program

For the past 15 legislative sessions, the Legislative Council has operated a tour guide program that coordinates tours of the Legislative Assembly by high school groups. The tour guide program is extensively used by high school groups during legislative sessions, 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 tour guide program for the 2007 legislative 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 2007 legislative session under the same arrangements as in the past. The association is planning to arrange health screening days to assist members of the Legislative Assembly in its wellness program.

Chaplaincy Program

The Bismarck and Mandan Ministerial Associations have coordinated the scheduling of a chaplain in each house to open the daily session with a prayer. Each chaplain receives a daily stipend of \$25. The committee authorized the Legislative Council staff to invite the Bismarck and Mandan Ministerial Associations to continue to schedule chaplains for opening prayers for both houses each day of the 2007 legislative session.

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 legislative session. The committee authorized the Legislative Council staff to notify all legislators that they have until December 31, 2006, to schedule out-of-town clergy to give the opening prayer any day of the legislative session for their respective houses during the 2007 legislative session.

Organizational Session Agenda

The committee approved a tentative agenda for the 2006 organizational session. Two major changes first made in 2002 were continued--convening the session on Monday rather than Tuesday and convening at 1:00 p.m. rather than 9:00 a.m. As the result of amendment of NDCC Section 54-03.1-02 in 2005, the "default" day for convening the organizational session is the first Monday in December. The convening of the organizational session on Monday allows additional time to update computers for new legislators, assign computers to new legislators, and provide computer training to new legislators. Convening the session at 1:00 p.m. allows veteran legislators the opportunity to travel to the Capitol on Monday rather than during the evening of the previous day, while continuing to provide orientation to new legislators and computer training to veteran legislators beginning at 9:00 a.m.

New in 2006 will be a presentation on stress management as part of the legislative wellness program, which is required under NDCC Section 54-52.1-14. The presentation is scheduled to be given before the ethics presentations in the House and after the ethics presentations in the Senate.

The training sessions on e-mail, Internet, and Microsoft Word for legislators who have been assigned personal computers continue to be scheduled on tracks parallel to the orientation sessions received by freshman legislators. On the third day, just as in 2004, each house is scheduled to convene at 8:30 a.m. so the Governor's budget message can be presented at 10:00 a.m. and the Legislative Assembly can adjourn at 10:45 a.m. This will allow the Budget Section to convene at 11:00 a.m. and complete its work by 5:00 p.m. on Wednesday.

State of the State Address

During the 2005 legislative session, the House and Senate convened in joint session at 1:15 p.m. on the first legislative day. Four escort committees were appointed to escort various officials, former officials, and spouses into the chamber--one for the Lieutenant Governor and his spouse, one for the Chief Justice, one for former Governors 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 2007 legislative session.

State of the Judiciary Address

The committee authorized the Legislative Council staff to make plans with the Chief Justice of the Supreme Court for the State of the Judiciary address to a joint session on the second legislative day of the 2007 legislative session.

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 Committee and the Legislative Management Committee, a spokesman from the tribes has addressed each house of the Legislative Assembly during the first week of the 1985 through 2001 legislative sessions and has made an address to a joint session since 2003.

The committee authorized the Legislative Council staff to extend an invitation to representatives of the Indian tribes to make a presentation to the 60th 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, which requires 13 agricultural commodity promotion groups to 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 days of the regular legislative session. The committee designated the second legislative day the Agriculture Committees meet--Friday, January 5, 2007--as the day for a joint hearing by the Senate and House Agriculture Committees to receive this report.

Commissioner of Commerce Report

The committee reviewed NDCC Section 54-60-03, which requires the Commissioner of Commerce to report between the 1st and 10th legislative days of the regular legislative session to a standing committee of each house as determined by the Legislative Council. The report is to be with respect to the department's goals, objectives, and activities. The committee determined the reports should be made to the Industry, Business and Labor Committees on the second legislative day those committees meet--Tuesday, January 9, 2007.

Agriculture Commissioner, Bank of North Dakota, and North Dakota Stockmen's Association Report

The committee reviewed 2005 Session Laws, Chapter 57, Section 4, which requires the Agriculture Commissioner, the Bank of North Dakota, and the North Dakota Stockmen's Association to provide a joint report regarding the livestock loan guarantee program to the standing Agriculture Committee of each house. The report must be provided between the 1st and 10th legislative days of the regular session. To avoid conflict with the agricultural commodity promotion groups report to these committees on Friday, January 5, the committee designated the fourth legislative day the Agriculture Committees meet--Friday, January 12, 2007--as the day for the committees to receive the report regarding the livestock loan guarantee program.

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 recommended legislative rules declaring a legislative ethics policy, urging members to maintain ethical standards and recognize the importance of standards

contained in the rules, urging members to apprise themselves of constitutional provisions and statutes that prohibit conduct for which criminal penalties may apply, and requiring the Legislative Council to conduct classes on legislative ethics and laws governing the activities and conduct of public officials. The Legislative Assembly adopted those rules as Joint Rules 1001 through 1004.

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

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.

CAPITOL GROUNDS VETERANS' MEMORIAL REPAIRS

Committee members visited and inspected the veterans' memorial on the Capitol grounds. The veterans' memorial consists of panels listing military personnel from North Dakota killed on active duty during wartime. The panels contain over 4,200 names. About 80 names are misspelled, and there is inadequate panel space to add names of military personnel killed in recent and ongoing conflicts. To correct even one letter in a misspelled name, an entire panel needs to be replaced. To replace all the panels to correct misspelled names would cost approximately \$100,000.

After viewing the memorial, committee members suggested that the space available in the northeast corner of the memorial could be used to add a third panel, which would allow expansion and space for additional names. Committee members also suggested that rather than replace a panel to correct a known error (which would not correct unknown errors discovered in the future), the best time to correct errors would be when a panel needs to be replaced due to excessive wear and tear. Committee members noted that the memorial was funded by individual and private organizations. While the state provided the space and the Facility Management Division of the Office of Management and Budget incurs the costs of providing normal maintenance, Facility Management does not have the funds to cover "big ticket" repairs.

The committee was provided with an estimate of \$11,571.48 to manufacture and deliver an additional panel for the northeast corner of the memorial and an estimate of \$11,000 for installation. Facility

Management Division staff informed the committee that letters would be sent to veterans' organizations inquiring as to whether they would provide funding for this project.

MISCELLANEOUS MATTERS 2010 Census Data Project

The United States Census Bureau is making preparations for the 2010 census. Phase 1 of the census data project will allow state legislatures to identify current legislative district boundaries for the Census Bureau, which in turn will provide 2010 census information for those legislative districts. This would be useful in North Dakota because the Legislative Assembly created its own lines in certain legislative districts rather than use census block boundaries.

The committee approved state participation in Phase 1 of the 2010 census data project. This will entitle the state to identify current legislative district boundaries and to receive current population information for those districts from the Census Bureau.

ConnectND Paperless Payroll

The committee received information about the ConnectND/PeopleSoft self-service process. Until May 1, 2006, state employees who had their paychecks deposited directly with a financial institution received a letter-size document that appeared to be a photocopy of a paycheck and which contained payroll deduction information. As of May 1, 2006, state employees with direct deposit received the payroll deduction information only through online access.

With respect to legislators, the decision was made to continue to send paper information to legislators who use direct deposit but to allow a legislator to opt-in to the online access as the way of obtaining that information rather than the paper document.

State Capitol Fire Suppression Project

In May 2006 the Capitol fire suppression project started. Under this project, fire sprinklers are being installed in the Capitol. The project is scheduled for completion by August 2007. The contractor's staging area is north of the mailroom door which resulted in a loss of 36 parking spaces, including handicapped parking spaces. The Facility Management Division of the Office of Management and Budget proposed relocating 10 handicapped parking spaces to the east end of the west parking lot, which is used by legislators during a legislative session. The west parking lot contains 177 spaces--141 assigned to legislators, 31 assigned to Legislative Assembly employees, 4 assigned to the press, and 1 assigned to the doctor of the day. The proposal was for the easternmost four nonhandicap parking spaces in each row to be designated as handicap parking spaces. The 12 parking spaces would provide for 8 regular handicap-spaces and 2 van-accessible spaces. Committee members suggested that the Facility Management Division staff review alternative parking spaces on the Capitol grounds.