

## 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 2001 legislative session. Legislative rules are also reviewed and updated under this authority. The Legislative Council designated the committee as the Legislative Ethics Committee under Section 54-35-02.8, with the responsibility to consider or prepare a legislative code of ethics. The Legislative Council delegated to the committee: (1) the duty of the Legislative Council under Section 54-03-26 to determine the computer usage fee for legislators; (2) the power and duty of the Legislative Council 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) the authority under Section 54-06-26 to establish guidelines for use of state telephones by legislative branch personnel; and (4) the authority of the Legislative Council under Section 46-02-04 to determine the contents of contracts for the printing of legislative bills, resolutions, and journals. The Legislative Council assigned to the committee the study directed by Senate Concurrent Resolution No. 4005 (the state of the law and technology with respect to legislative redistricting).

Committee members were Senators Rod St. Aubyn (Chairman, until his resignation from the Legislative Assembly on August 30, 2000), Layton Freborg (who was appointed to replace Senator St. Aubyn), Joel C. Heitkamp, Aaron Krauter, Gary J. Nelson, and David E. Nething and Representatives Mike Timm (who was appointed Chairman after the resignation of Senator St. Aubyn), Rick Berg, Merle Boucher, John Dorso, Pam Guleson, and David Monson.

The committee submitted this report to the Legislative Council at the biennial meeting of the Council in November 2000. The Council accepted the report for submission to the 57th Legislative Assembly.

## LEGISLATIVE RULES

The committee continued its tradition of reviewing and updating legislative rules. After the 1999 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. Throughout this report, references are made to the questionnaire and responses.

### Legislative Guests

The committee reviewed the rules allowing guests on the floor. Senate Rules 205 and 360, as amended during the 1999 legislative session, limit a member to one guest on the floor during the morning session and one guest on the floor during an afternoon session, during the time guests are restricted on the floor. House Rules 205 and 360 limit a member to one guest per day on the floor during the time guests are restricted on the floor. Senate and House Rules 360 both require a guest to be seated with the member, although Senate Rule 360 requires the guest to be seated at the time the legislative session convenes.

Committee members discussed the impact guests have on floor procedures, especially the distractions caused when guests move on and off the floor. Committee members also discussed the pressure placed on members when asked by another member to let that member's guests be seated with others on the floor.

The committee recommends amendment of Senate and House Rules 360 to provide that a member cannot have more than one guest on the floor during a morning session and one guest on the floor during an afternoon session, to require the guest to be seated with the member at the time the legislative session convenes, to prohibit any guest from leaving the floor during debate, and to prohibit any guest from being seated with a member after that member's original guest for that session leaves the floor. The committee also recommends amendment of Senate and House Rules 205 to remove the floor guest number restriction because that language duplicates the restriction language in Senate and House Rules 360. As reworded, Senate and House Rules 205 relate solely to duties of the sergeants-at-arms, and Senate and House Rules 360 contain the limitations on guests.

### Attire of Legislative Guests

During the committee's review of responses to the legislative process questionnaire, discussion centered on comments concerning decorum and questionable dress by guests, i.e., students, on the floor. The committee reviewed the dress codes applied to legislative members, employees, and "pages for a day" and determined that legislative guests should be subject to a dress code in order to obtain the privilege of access to the floor. Committee members expressed concern, however, over the severe impact on high-school students (compared to employees) if a dress code identified required attire, e.g., suit and tie or dresses or skirts, or prohibited certain attire, e.g., blue jeans and T-shirts.

Although not a rules recommendation, the committee recommends the Legislative Council include in the legislative tour guide materials sent to all principals of North Dakota high schools a statement pointing out a student needs to be suitably attired to be

seated with a member on the floor. The statement describes suitable attire as not including articles of clothing that depict, promote, or advertise violence or use of alcohol, tobacco, or other drugs, or that display pictures, writing, or representations that are obscene, profane, lewd, vulgar, or sexually suggestive, or that have rips, tears, or holes.

### **Nondebatable Motions During Debate**

The committee discussed the use of a motion to close, limit, or extend debate. During recent legislative sessions, a motion to close, limit, or extend debate has been received during debate, and in most cases has been used to close debate and put the question to an immediate vote, and as such, is not subject to debate. This type of motion is not identified in Senate and House Rules 312, which identify the motions that are receivable during debate, nor is it listed in Senate and House Rules 317 among the motions that are nondebatable. Section 358 of *Mason's Manual of Legislative Procedure* provides that motions to close, limit, or extend debate are not debatable. Under Senate and House Rules 801, however, *Mason's* only applies when it is not inconsistent with the Senate and House and Joint Rules. Because Senate and House Rules 317 list nine motions that are nondebatable, it would appear that motions not listed would be considered debatable.

The committee recommends amendment of Senate and House Rules 312 and 317 to allow motions to close, limit, or extend debate to be received during debate and to provide that those motions are not subject to debate. This recommendation recognizes the treatment of motions to close or limit debate which has occurred during recent legislative sessions and eliminates any ambiguity as to whether such motions are nondebatable.

### **Votes Required for Certain Questions**

The committee discussed whether motions to limit debate or to move the previous question should be decided by majority, rather than two-thirds, vote. Senate and House Rules 318(1)(j) provide a majority vote of the members present is the vote required for any question "for which another vote is not required by *another* rule." Subsection 3 of the *same* rule provides for a two-thirds vote of the members present for the previous question. Senate and House Rules 314, which describe the previous question, do not refer to a vote requirement, as do other rules.

The rules are silent on the vote required to approve a motion to close, limit, or extend debate, and thus Senate and House Rules 318(1)(j) apply, and the vote requirement is a majority of the members present.

The committee recommends amendment of Senate and House Rules 314 and 317 to provide that motions to limit debate or to move the previous question are decided by majority, rather than two-thirds, vote of the members present. This recommendation correlates the vote requirements with *Mason's*--Section 350 provides the previous question requires a majority vote, and Section 358 provides a motion to close, limit, or extend debate requires a majority vote.

### **Roll Call Vote**

The committee discussed the number required to require a roll call vote. Of concern was whether the language in Senate and House Rules 320, referring to ordering an "ayes and nays" vote when requested by one-sixth of the members present, limits the application to final passage. The language relates back to "ayes and nays" language in former Section 29 of Article IV of the Constitution of North Dakota. In that provision, however, the vote requirement referred to a vote "on any question" and was not limited to final passage. Similarly, the current provision, Section 13 of Article IV, requires a recorded vote "on any question" at the request of one-sixth of those members present.

The committee recommends amendment of Senate and House Rules 320 to provide that one-sixth of the members present may request a roll call vote (rather than ayes and nays), to provide that the results of a recorded roll call vote must be printed in the journal, and to eliminate the prohibition of any person from remaining by the Secretary's or Chief Clerk's desk when a vote is being called. A corresponding amendment is made to House Rule 323 to replace reference to "ayes and nays" with "roll call vote." Replacement of the "ayes and nays" with "roll call vote" updates language and removes any ambiguity as to what "ayes and nays" means, reference to a recorded roll call vote recognizes the distinction between requests for roll call and recorded roll call votes, and the prohibition on remaining near the front desk appears to be outdated due to electronic voting by members at their desks rather than front desk personnel taking a tally at the front desk.

### **Suspension of Rules**

The committee discussed the apparent conflict between a two-thirds vote requirement to suspend rules and a majority vote requirement to amend rules. Section 285 of *Mason's* provides for suspension by majority vote. Although suspension differs from amendment because suspension is limited in scope and in time, recent practice has been to amend, suspend, or extend various deadlines for a limited time or for a limited purpose, and the different vote requirements may have been the reason for this practice.

The committee recommends amendment of Senate and House Rules 324 to provide that the rules may be reconsidered or suspended by a vote of a majority of the members present, rather than by a vote of two-thirds of the members-elect. Corresponding amendments are made to Senate and House Rules 318(1) and (4). This change does not affect the two-thirds vote requirement to reconsider or suspend a joint rule, as provided by Joint Rule 105.

### **Floor Amendments**

The committee discussed whether a measure on the calendar for final passage as the result of a motion to concur or not concur in amendments by the other house should be subject to amendment on the floor.

The committee recommends amendment of Senate and House Rules 333 to provide that an amendment may not be received on second reading of a measure on the calendar as the result of a motion to concur or not concur in amendments by the other house. The effect of this recommendation is to treat these measures the same as measures reported from conference committees.

### **Transmittal to Other House**

The committee reviewed the procedure for transmitting measures to the other house. Senate and House Rules 346 provide that the Secretary of the Senate and Chief Clerk of the House retain a measure until the end of the next legislative day after second reading, except on certain days. This is to allow a motion for reconsideration to be made within the normal one-day period before the two-thirds vote requirement arises. The rules require immediate messaging on the 33rd legislative day, and the question became why not on the 34th legislative day (crossover), so as to avoid motions for immediate transmittal. Research revealed that in 1987, crossover was changed from the 33rd legislative day to the 34th legislative day in Joint Rule 203, without discussion of the reference in Senate and House Rules 346.

The committee recommends amendment of Senate and House Rules 346 to provide that on the 34th, rather than 33rd, legislative day, measures are to be transmitted immediately upon adjournment of that day's session unless further action is pending.

### **Resolution Introduction Deadlines**

The committee discussed the deadlines for introducing resolutions proposing constitutional amendments. Senate and House Rules 402 provide that amendments to the Constitution of North Dakota may not be introduced after the 18th legislative day, and amendments to the Constitution of the United States may not be introduced after the 31st legislative day. Before 1983 the deadline for introducing both types of amendments was the 33rd legislative day. The earlier deadline for amendments to the state constitution was established in an attempt to alleviate problems faced by the Joint Constitutional Revision Committee in scheduling meetings and coordinating constitutional revision resolutions that would appear on the ballot. That committee was abolished by rules amendments approved in 1996.

The committee recommends amendment of Senate and House Rules 402 to provide that resolutions proposing amendments to the Constitution of the United States may not be introduced after the 18th legislative day and amendments to the Constitution of North Dakota may not be introduced after the 31st legislative day.

### **Bill Introduction Deadlines**

The committee discussed the wording of Senate and House Rules 402, especially with respect to whether the Majority and Minority Leaders are subject to the general bill introduction deadlines.

The committee recommends amendment of Senate and House Rules 402 to clarify that the Majority and Minority Leaders are subject to the general bill introduction deadlines.

### **Copies of Bills and Resolutions**

The committee discussed the suggestion of House employees to review the procedure for bill numbering and sponsor identification with a view toward reducing the time necessary to disassemble and reassemble bills and resolutions at the time of introduction and to reenter information during the entire legislative process. Under current procedure, two covered copies and 13 regular copies of a measure are filed with the bill clerk for introduction. The bill clerk accesses the bill status system, enters the names of the sponsors as identified on the measure's introduction sheet, and assigns the bill or resolution number. The first two pages are then printed and copies are made to replace the original pages on the 15 copies. The copies are then distributed in accordance with Senate and House Rules 404.

The rules also refer to the "original" copy of a bill or resolution. Reference to "original" relates back to when NDCC Section 54-03-17 required each page of a bill to be impressed with a seal. To save time, only the "original" copy was impressed with the seal. This statute was repealed effective January 1, 1997.

The committee recommends amendment of Senate and House Rules 404 and 405 to reduce the number of copies to be filed with the front desk force to one covered copy and one regular copy and to replace references to the "original" copy with references to the "covered" copy. This change is part of a procedural revision that should further improve the efficiency of introduction. (In 1999 approximately 67 percent of the bills introduced were under three pages in length, and thus entire copies were replaced when the first two pages were replaced.) The desk force and the Legislative Council office can continue to operate under an informal procedure whereby a legislator will receive the covered copy and two copies of bills of not more than two pages, and additional copies when bills exceed two pages in length to reduce time required by desk force personnel to photocopy complete copies of lengthy bills. Reference to a "covered" copy is intended to provide one easily recognizable copy on which status information can be entered.

With respect to bill covers, 12 different colors are used to identify bills, concurrent resolutions, and resolutions, as introduced and as engrossed. Colors are also different between the Senate and the House. Status information is recorded on the cover as the measure proceeds through the legislative process. This information is manually added each time an action occurs, and is recopied each time a cover changes, e.g., when amendments are approved and the measure is engrossed.

Although not a rules amendment, the committee recommends the colors of bill covers be reduced to four. Yellow covers would continue to identify Senate bills and blue covers would continue to identify House bills (with no change in color if engrossed). Ivory covers would identify Senate resolutions and gray would identify House resolutions (with no distinction between concurrent resolutions and resolutions, nor between original and amended versions). This reduction in colors is intended to reduce the need to manually transfer bill status information as the measures proceed through the Legislative Assembly. Documentation of this change is provided through a revision of the committee clerk's job description, which is further explained under **SESSION ARRANGEMENTS, Committee Clerks**.

### **Special Copies of Bills and Resolutions**

Under Senate and House Rules 404, any statewide organization or association paying a subscription fee established by the committee may receive a copy of each introduced bill or resolution. Orders and payments for this service must be placed with the Legislative Council by December 15. No one subscribed to this service during the 1997 or 1999 legislative session (for \$650 and \$700, respectively).

The committee recommends amendment of Senate and House Rules 404 to delete the provisions for this subscription service.

### **Appropriations Committee Meetings**

During the review of responses to the legislative process questionnaire, the committee discussed suggestions to change the standing committee structure or procedures. The committee focused on a suggestion that the Appropriations Committees meet between the organizational session and the regular session. Suggestions for the subject matter of these meetings included handling routine administrative matters, receiving budget information from the Legislative Council staff, conducting hearings on bills appropriating funds to small agencies, and conducting hearings on bills appropriating funds for major budget items such as higher education, public instruction, or human services. Regardless of how the time is used, these meetings were suggested as a way to make available more time for the Appropriations Committees to perform their responsibilities.

The committee recommends creation of Senate and House Rules 504.1 to authorize the Appropriations Committees to meet for not more than five calendar days during the period after the organizational session has adjourned and the regular session is convened. The majority leaders are given the responsibility to determine when the committees will meet and the chairmen would cause notice of the meetings to be posted. The majority leader is given the authority to call the meetings because the majority leader manages workload and coordinates committee meetings with the chairmen. Although no subject matter restrictions are included in the rules, committee members expressed the intent that votes would not be taken during these meetings, and legislators who are not Appropriations Committee members would have the ability to testify on bills when the legislative session convened.

The committee also discussed the compensation of members of committees that meet during this time period, and the committee's recommendation is described under **Recommended Bill - Committee Meeting Compensation**.

### **Committee Reports**

The committee discussed whether there should be a procedure for acting on amendments immediately after committee reports are received late in the legislative session similar to that provided for immediate second reading and final passage after action on

amendments. If allowed, this would eliminate motions, which have become routine, to suspend the rules to allow this procedure.

The committee recommends amendment of Senate and House Rules 601 to provide that after the 55th legislative day, proposed amendments must be placed on the calendar on the sixth order of business immediately after the report of the committee is received. Without this procedure, proposed amendments would continue to be placed on the calendar for the next legislative day on the sixth order of business unless a motion is made to suspend the rules. Under Senate and House Rules 507, all bills and resolutions of the other house must be reported back by the 55th legislative day, and under Senate and House Rules 601(3)(g) after the 55th legislative day, all measures are placed on the calendar for second reading and final passage immediately after action on amendments.

### **Consideration of Divided Committee Reports**

The committee discussed the procedure for voting on majority and minority reports of committees. Under Senate and House Rules 601, divided reports are placed on the seventh order of business and a motion is to be received that the report of the minority be substituted for the majority committee report. The rules do not specify the procedure to follow after the first vote. The House has followed a procedure whereby if the minority report is adopted, the report is substituted for the majority report and, without any additional vote, is placed on the calendar on the 11th or 14th order of business. If the minority report is not adopted, the majority report is deemed adopted and is placed on the calendar on the 11th or 14th order of business.

The committee recommends amendment of Senate and House Rules 601 to recognize the procedure followed by the House in 1999. The effect is to provide a procedure that outlines the course to follow and eliminates the need for a separate vote on the majority report if the minority report is rejected.

### **Votes on Divided Committee Reports**

The committee discussed the requirements for issuing divided committee reports. Under Senate and House Rules 602, a minority report must be signed by at least two to four members who voted against the majority report, depending on the house and on the committee. At issue was how to determine how committee members voted on majority and minority reports.

The committee recommends amendment of Senate and House Rules 602 to require, in the case of divided committee reports, each report to identify who voted for that report and to require a recorded roll call vote in committee on each report. The committee also recommends amendment of Senate and House Rules 506 to ensure the committee's minutes reflect the recorded roll call vote on each report.

### **Signatures on Divided Committee Reports**

The committee discussed the practice of a member voting for and signing a majority report and then voting for but not signing a minority report, or voting for more than one minority report, or signing more than one minority report.

The committee recommends amendment of Senate and House Rules 602 to provide that a minority report must be signed by a member who voted against the majority report and who has not voted for or signed any other report, and to provide that a member may not vote for a report and refuse to sign that report.

### **Return of Vetoed Bills**

The committee discussed the procedure for the Governor to return vetoed bills. Section 9 of Article V of the Constitution of North Dakota, effective July 1, 1997, provides the Governor must return for reconsideration a vetoed bill "within three legislative days after its delivery to the governor." The former timeframe was three days, Sundays excepted, after presentment to the Governor. Joint Rule 209 repeats the former timeframe.

The committee recommends amendment of Joint Rule 209 to change the timeframe for returning vetoed bills to that contained in Section 9 (three legislative days after delivery to the Governor).

### **Fiscal Notes**

The committee reviewed the process for requesting state agencies to prepare fiscal notes. To coordinate the fiscal note process, the Legislative Council staff requests the preparation of fiscal notes. This procedure has evolved to one entity (the Legislative Council) requesting the note so as to avoid situations in which notes are received without notice as to who requested it, why it was requested, and whether it should be distributed. Also, if fiscal notes are delivered directly from the agency to legislators, those notes are not attached to the bill, are not distributed to those persons who receive fiscal notes, and are not entered in the budget status system.

The committee recommends amendment of Joint Rule 501 to designate the Legislative Council as the entity that requests fiscal notes. The amendment also eliminates the requirement that the fiscal note request be in writing and provides that the request be on the proper request form. This change recognizes the new budget reporting system, whereby fiscal note requests are to be made electronically to the agencies, accompanied with an electronic version of the bill or resolution having the fiscal effect.

### **Executive Agency and Supreme Court Bills**

Joint Rule 208 authorizes executive agencies and the Supreme Court to file with the Legislative Council those bills they wish to have introduced no later than December 10 before the ensuing regular session. Each bill is deemed introduced by the standing committee with general jurisdiction over the subject matter of the bill. The committee discussed the fact that December 10, 2000, falls on a Sunday. In 1994 when December 10 fell on a Saturday, agencies were required to file their bills by Friday, December 9. The committee discussed the appropriateness of a specific date deadline, which generally falls on a different day every year, and a specific day deadline, which would remain the same from session to session. The committee also was cognizant of the fact that NDCC Sections 55-44.1-06 and 54-44.1-07 require appropriation bills to be presented at the organizational session.

The committee recommends amendment of Joint Rule 208 to provide that the deadline for executive agencies and the Supreme Court to file bills with the Legislative Council is the close of business on the day after adjournment of the organizational session. With this deadline, the calendar day on which December 10 falls is no longer significant--the organizational session traditionally adjourns on a Thursday and thus the deadline will be Friday. The amendment also provides that the Legislative Council is to deliver the prefiled bills to the appropriate house, rather than to the presiding officer, for recording. Under Senate and House rules, bills are delivered to the Secretary of the Senate or Chief Clerk of the House, and in fact are delivered to the appropriate desk force person for recording.

The committee received a request from the Office of Management and Budget relating to the preparation of appropriation bills in time for the organizational session. The Office of Management and Budget reported that the office could not meet the statutory deadline for the preparation of the bills. The committee recommends the Legislative Council staff be requested to receive appropriation bills implementing the Governor's budget after the statutory deadline but by December 15, 2000.

### **Legislative Rules Book**

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

### **Other Rules Proposals Considered**

The committee reviewed several other proposed rules amendments. These included (1) amendment of Senate and House Rules 205 and 360 to ban all guests during floor sessions (which was not discussed due to the discussion leading to the committee's recommendation concerning limitations on guests); (2) amendment of Senate Rules 201 and 202 and Joint Rules 207, 208, 501 (4), and 802 to transfer day-to-day responsibilities of presiding over the Senate to the President Pro Tempore; (3) amendment of Senate and House Rules 347 to provide a motion to reconsider amendments after the end of the next legislative day following the action requires a two-thirds vote of the members-elect; and (4) amendment of Senate and House Rules 602 to allow only one minority report.

### **Recommended Bill - Committee Meeting Compensation**

As described under **Appropriations Committee Meetings**, the committee recommends that the Appropriations Committees be authorized to meet before the Legislative Assembly convenes. The committee determined that the compensation for attending committee meetings that are so closely related to the legislative session should be the same as that received during the session. Under NDCC Section 54-03-20, legislators receive \$111 for each calendar day during a legislative session, while under Section 54-35-10, legislators receive \$75 for each day while attending a Legislative Council interim committee meeting.

The committee recommends [Senate Bill No. 2048](#) to amend NDCC Section 54-03-20 to provide that a legislator is entitled to receive the same compensation for attending a meeting of a legislative committee between the organizational session and the regular session, as authorized by legislative rule (Senate and House Rules 504.1), as the legislator is entitled to receive during a legislative session.

### **Recommended Bill - Delivery of Bills**

As described under **Return of Vetoed Bills**, the committee discussed the procedure for the Governor to return vetoed bills. Although current Section 9 of Article V of the constitution addresses the time the Governor has to sign or veto bills, the section

does not require these bills to be filed with any official. Former Section 9 required vetoes to be filed with the Secretary of State within 15 days after adjournment but did not otherwise require bills to be filed with the Secretary of State. That void was addressed when NDCC Section 54-07-01.5 was enacted in 1987. That section provides the Governor is to file bills, which are not vetoed, within five days, Sundays excepted, after presentation if the Legislative Assembly is in session, or within 15 days after presentation if the Legislative Assembly is not in session. These time periods generally coincided with the time allowed to veto a bill under Section 9 as it existed before July 1, 1997 (the statutory provision allowed the Governor two additional days during session to file bills).

Section 9 also raises issues regarding the procedure for "filing" vetoed items or bills. Former Section 9 provided for filing a measure vetoed after adjournment, along with the objections, with the Secretary of State. Current Section 9 only refers to "returning" vetoed measures to the house of origin for reconsideration and for entry of the Governor's objections in the journal.

The committee recommends [House Bill No. 1050](#) to address the lack of procedures under Section 9 with respect to filing of bills, whether signed, unsigned, or vetoed, with the Secretary of State. North Dakota Century Code Section 54-07-01.5 is amended to require each bill not vetoed by the Governor to be filed with the Secretary of State within five legislative days after the bill has been delivered to the Governor. (A bill vetoed by the Governor must be returned to the house of origin within three legislative days for reconsideration.) If the Legislative Assembly is not in session, the Governor is to cause each bill delivered to the Governor to be filed with the Secretary of State within 15 days, Saturdays and Sundays excepted, after delivery of the bill to the Governor. (This is the same timeframe the Governor has to veto bills if the Legislative Assembly is not in session.) This procedure applies to every measure delivered to the Governor (whether vetoed or not) which, as a result of adjournment of the Legislative Assembly, cannot be "reconsidered" as provided by Section 9. This bill eliminates the conflict between the time periods specified in Section 9 of Article V of the constitution and the current NDCC Section 54-07-01.5.

## **LEGISLATIVE INFORMATION SERVICES**

### **Personal Computer Usage Fee**

During the 1995-96 interim, the Legislative Management Committee developed a policy on use of personal computers by legislators. The policy describes statutory restrictions on use of personal computers, governs use of privately owned personal computers to access legislative information systems, and governs use of state-owned personal computers.

During the 1997-98 interim, the committee revised the policy to recognize the personal use option allowed legislators under NDCC Section 54-03-26, which was enacted in 1997. Under the revised policy, a legislator using a computer under the personal use option: (1) cannot use the computer for any political purpose prohibited by Section 16.1-10-02; (2) must recognize that sufficient capacity needs to remain on the computer for software necessary to access North Dakota's legislative information system; (3) must recognize that legislative software cannot be removed and capacity must remain for upgrades to that software; (4) must recognize that any personal use not require additional memory or disk space; (5) must recognize that the legislator is responsible for the cost of installing and maintaining nonlegislative software; (6) must recognize that the Legislative Council staff is not responsible for installing or supporting nonlegislative software; (7) must recognize that the legislator may be responsible for paying costs in reinstalling legislative software that does not function properly as the result of nonlegislative software; and (8) must recognize that the Legislative Council staff may remove any nonlegislative software in order to properly install or operate legislative software. Under authority of Section 54-03-26, the committee set a monthly fee of \$10 as the fee for the personal use option.

The committee makes no recommendation concerning a change in the policy on use of personal computers or the fee for the personal use option.

### **Legislative Systems**

The committee discussed suggestions of legislative employees to revise the reporting systems to reduce duplication of entries in the bill status system and the journal system. Under current systems, the bill clerk selects menu options to post floor actions in the bill status system, which is used to track bills through the process, and the desk reporter enters status actions in journal modules, which are compiled as the daily journal at the end of the day.

The committee authorized enhancement of the reporting systems so that bill status actions could be taken from journal modules or the journal system. When the journal is finalized at the end of the day, the programs would be run to print the journal, transfer the journal to the Legislator's Automated Work Station (LAWS) system, and transfer actions to the bill status system. Although this enhancement would eliminate the "real-time" feature of the bill status system (which is available over the Internet), vote records would continue to be available immediately to legislators through the LAWS system and others obtaining information from the real-time bill status information system (LRGO) on a subscription basis, as described under **On-Line Bill Status System Access**. Other actions would not appear in the system until the journal is "run" at the end of the day.

Another result of taking the bill status actions from the journal system is to reduce the workload of the bill clerk to that of maintaining bill introduction and bill signout records. As reported under **SESSION ARRANGEMENTS, Session Employee Positions**, the committee determined that before the position of bill clerk is eliminated or consolidated into other desk force positions, experience with the enhanced systems would reveal whether adequate workload exists for the number of positions and whether adequate backup is provided in case an employee is absent.

### **LAWS System**

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

The LAWS system has been enhanced over the years to include more features and to allow use of personal computers rather than mainframe terminals. Enhancements include display of the current text of measures being considered on the calendar through use of the voting system; use of e-mail to send messages to other legislators with workstations; storage of telephone messages in caller sequence; installation of a graphical user interface to provide personal computer features, e.g., icons, pull-down menus, and radio buttons; display of full text of statements of purpose of amendments; use of proportional spacing in bills, journals, and other legislative documents; and use of split-screen capability to allow viewing of the text of amendments next to bills.

Through controlled growth, the LAWS system is now available to all legislators. In 1991, 24 members had access to the system; in 1993, 50 members had access; in 1995 one member from each caucus received a notebook-style personal computer for use during the 1995 legislative session and 50 other legislators used terminals to access the LAWS system; in 1997, 75 members used notebook-style personal computers to access the system; and in 1999, 132 members took advantage of accessing the system.

### **On-Line Bill Status System Access**

The bill status system began in 1969 as a Legislative Council computerized in-house report that provided day-old information concerning the progress of bills and resolutions through the legislative process. The system has grown to an on-line system providing up-to-the-minute information on the status of bills and resolutions for use by legislative personnel and private subscribers outside the legislative branch. In 1998 the Legislative Management Committee accepted a proposal of the North Dakota University System to provide bill status information and a legislative tracking service to users outside the legislative branch during the 1999 legislative session. The University System provided bill status information and the legislative tracking service, including help desk support, to the University System and entities other than state agencies, and the Information Services Division (now the Information Technology Department) provided help desk support to state agencies obtaining access to bill status information through the legislative branch web page, the bill status system, and the legislative tracking service. The Legislative Council staff provided services to users within the legislative branch and maintained the information in its bill status system.

The committee reviewed the operation of the on-line bill status information arrangement. Three different services were offered to the public and state agencies during the 1999 legislative session: (1) the Legislative Council web pages, which include bill text and status, subject index, bill and journal text, committee hearing schedules, and daily calendars on the legislative branch web site <http://www.state.nd.us/lr> at no charge for access; (2) the legislative bill tracking system (LBTS), which allows subscribers to track specific sets of bills throughout the legislative session (state agencies set up 374 user accounts at no charge and private subscribers set up 59 user accounts for a subscription fee starting at \$300); and (3) the bill status information system (LRGO), which provides information available from the Legislative Council web pages on a "real-time" basis (about 50 state agencies obtained access through the Information Technology Department without charge, and two private subscribers each paid a \$300 subscription fee).

The committee authorized continuation of the arrangement whereby the University System provides bill status information to entities outside the legislative branch.

### **Subscription Fees for Printed Documents**

Beginning with the 1989-90 interim, the Legislative Procedure and Arrangements Committee and subsequently the Legislative Management Committee has reviewed the cost of providing various printed documents to persons outside the legislative branch. Subscription fees have been established 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. 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, nor are representatives of the media as determined under Joint



Rule 802.

### **Bill Status Report Subscription**

The printed version of the bill status system provides information on the progress of bills and resolutions, the sponsors of measures, and an index to the subject matter of measures. In 1991 the number of printed reports distributed without charge was substantially reduced (state agencies could print their own reports through arrangements with the Information Technology Department, rather than receive printed bill status reports from the bill and journal room) and a subscription fee was first established. Twelve entities paid a \$310 subscription fee (one paid \$420 to receive the reports by mail) to receive these reports during the 1999 legislative session. 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 2001 bill status report and pay a \$305 subscription fee, \$415 if mailed. The committee also determined, however, that two copies of the bill status report should be provided to the press room in the State Capitol without payment of subscription fees.

### **Legislative Document Distribution Program**

Starting with the 1983 legislative session, the Legislative Assembly has provided bills, resolutions, journals, and bill status reports to academic, special, and public libraries throughout the state. The program consists of sending on a weekly basis, through United Parcel Service, copies of introduced bills and resolutions, daily journals, and bill status reports. The program peaked in 1989, when 51 libraries participated; seven libraries participated in the program in 1999.

Since the 1989-90 interim, the Legislative Management Committee has determined that participating libraries should pay the approximate cost of printing their bill status reports, and the Legislative Assembly should continue to absorb the cost of printing the other documents and shipping the materials. The subscription fee was \$310 in 1999, with a \$25 late fee.

The committee approved continuation of the program during the 2001 legislative session, with a subscription fee of \$305, and a \$25 late fee if the subscription is after the deadline for subscribing.

### **Photocopy Subscription Service**

Since 1983 any statewide organization or association paying a subscription fee established by the committee would receive a copy of each introduced bill or resolution. No one subscribed to this service during the 1997 or 1999 legislative session (for \$650 and \$700, respectively). The committee recommends repeal of this subscription service, as described under **LEGISLATIVE RULES, Special Copies of Bills and Resolutions**.

### **Bills, Resolutions, and Journals Subscriptions**

During the 1985-86 interim, the Legislative Procedure and Arrangements Committee adopted the policy that the bill and journal room should mail a small number of bills and resolutions at no charge to a requester. If the request is for a large number or for all the bills and resolutions introduced, the requester should pay the postage. During the 1991-92 interim, the Legislative Management Committee determined that anyone who requests a set of bills, resolutions, or journals should pay a fee to cover the cost of printing a set of bills, resolutions, and journals and the cost of mailing these documents. During the 1999 legislative session, 73 entities subscribed to pick up a set of bills and resolutions from the bill and journal room and three paid to receive the set by mail; 35 entities subscribed to pick up a set of journals and three paid to receive a set by mail; and 21 entities subscribed to receive the journal index.

The committee established the following fees with respect to receiving a copy of every bill and resolution introduced and a copy of the daily journal of each house during the 2001 legislative session--\$110 for a set of bills and resolutions as introduced and printed or reprinted, \$220 if mailed; \$200 for a set of bills and resolutions as introduced and printed or reprinted, including a set of all engrossed and reengrossed bills and resolutions, \$375 if mailed; and \$55 for a set of daily journals of the Senate and House, \$165 if mailed. The fee for the journals includes final covers after the legislative session adjourns. The committee established a subscription fee of \$25 to receive the index to the Senate and House journals for the 2001 legislative session.

The committee continued the policy 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 decided to continue the practice of making committee hearing schedules and daily calendars available at no charge. The committee also determined that if a request is received for the mailing of daily calendars or committee hearing schedules, the policy followed during the 1999 legislative session should continue, and a fee should be imposed to cover the cost

of mailing. During the 1999 legislative session, three entities 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 \$55 for mailing a set of daily calendars of the Senate and House and a subscription fee of \$30 for mailing a set of the weekly hearing schedules for Senate and House committees.

## **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 Intercollegiate State Legislature in October 1999, by the North Dakota Family Alliance in July 2000, and by the North Dakota High School Activities Association State Student Congress in November 2001, and use of the House chamber by the Hugh O'Brian Youth Foundation in June 2000 and by the Silver-Haired Education Association in August 2000.

Under the guidelines, any permanent display in Memorial Hall is to be reviewed annually. Since removal of two statues 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.

During the 1997-98 interim, the committee recommended, and the Legislative Council approved, a policy governing approval of use of committee rooms during the interim similar to that governing use of the chambers.

The committee heard testimony as to the difficulty of applying the guidelines in certain circumstances. One question was whether the requirement that committee rooms may not be provided for use by a group or organization if there are other suitable facilities on the Capitol grounds or in a privately operated facility applies when a state agency sponsors the use, e.g., blood drives, Boy Scouts, Girl Scouts, and United Tribes. Another question was whether federal officials could be granted use of committee rooms. A third question was whether individual legislators could request use of legislative committee rooms for nonlegislative functions.

The committee recommends amendment of the *Guidelines for Use of Legislative Committee Rooms, North Dakota State Capitol* to provide that the requirement that committee rooms may not be provided if there are other suitable facilities applies only to a use not by a state agency or not sponsored by a state agency; to allow a federal official to use a committee room for educational and informational meetings that address issues affecting the state if the official makes suitable arrangements with the Office of Management and Budget and the use is sponsored by a state agency; and to clarify that a legislator may use a committee room for any legal purpose and may sponsor use by a group or organization. Although the use by a legislator may be for any legal purpose, e.g., not for political purposes as prohibited by NDCC Section 16.1-10-02, use sponsored by a legislator must meet the other requirements of the guidelines, i.e., the planned function does not interfere with the business or activities of the legislative branch, there is no other suitable facility on the Capitol grounds or in a privately operated facility, and the group or organization cannot advocate the introduction of legislation or encourage or oppose the enactment of legislation or any decision on a matter before the Legislative Assembly or Legislative Council or any legislative committee.

The committee also discussed proper use of the press studio on the ground floor of the legislative wing. The committee

recommends amendment of the guidelines to provide that the press studio on the ground floor of the legislative wing 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. For the first time, guidelines will be in place for use of the press studio.

### **Senate Locker Room - Security Center**

The committee approved a request from the Facility Management Division to remodel the Senate locker room to provide space for a command center for security monitors relocated from the Heritage Center to the State Capitol. Twelve lockers were moved from the north end of the locker room to the south end of the middle row and to the southeast corner of the locker room. By being located in this room, the Highway Patrol security person has a direct view of the appointed and elected officials' parking lot and is near the center of the Capitol.

## **TELEPHONE USAGE GUIDELINES**

Under NDCC Section 54-06-26, a state official or employee may use a state telephone to receive or place a local call for essential personal purposes to the extent that use does not interfere with the functions of the official's or employee's agency. When a state official or employee is away from the official's or employee's residence for official state business and long-distance tolls would apply to a call to the city of residence, the official or employee is entitled to make at least one long-distance call per day at state expense. A state agency may establish guidelines defining reasonable and appropriate use of state telephones for essential personal purposes.

The committee makes no recommendation for guidelines defining reasonable and appropriate use of state telephones for essential personal purposes.

## **CONTRACTS FOR PRINTING LEGISLATIVE DOCUMENTS**

### **Background**

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

### **Contract Contents**

The committee determined that the consolidated contract for printing bills and resolutions, for printing daily journals, and for providing bill and journal room services should be continued for the 57th Legislative Assembly. This type of contract was first entered for the 55th Legislative Assembly (1997). The specifics relating to operation of the bill and journal room are described under **SESSION ARRANGEMENTS, Bill and Journal Room Services**.

With respect to the contract for printing bills, resolutions, and journals for the 57th Legislative Assembly, the committee reduced the number of copies set aside for permanent journals from 30 to 27, in recognition of the rules change approved by the Senate and House in 1998 (after the contract had already been awarded for the 56th Legislative Assembly). The committee also reduced the number of copies of journals printed from 900 to 850 and reduced the number of journal covers from 280 for each house to 50 for each house, in recognition of the inventory of these items remaining from 1999. The committee also approved increasing the size of the holes in the bills from .25 inch to aid in reading bills placed in various types of binders.

The committee also included a provision for delivering the permanent journal indexes to the Legislative Council (for distribution to legislators and entities that subscribed to receive the journal indexes).

Only one firm--Quality Printing Service, Bismarck--submitted a bid. The committee accepted the bid by Quality Printing Service for printing bills, resolutions, and journals on recycled paper and operating the bill and journal room during the 2001 legislative session.

## **LEGISLATIVE WING RENOVATION PROJECTS**

### **Background**

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

## **1995-96 Interim**

During the 1995-96 interim, the Legislative Management Committee authorized purchase of bookcases for the Fort Union, Fort Totten, Peace Garden, and Prairie Rooms for storage of legislators' three-ring binders; and authorized installation of electrical and data wiring in the Harvest, Roughrider, Sakakawea, and House Conference Rooms for use of personal computers in those rooms. That committee also determined the local area network for legislators would be a wired network and authorized installation of a recessed, popup grommet at each legislator's desk in the chambers.

## **1997-98 Interim**

During the 1997-98 interim, the Legislative Management Committee authorized renovation of the front desk areas in both chambers. In both chambers, the renovation included lowering the front podium, providing an adjustable lectern at the front desk, building files on both sides of the front desk area against the wall, and providing for a removable ramp to provide wheelchair access from the rear floor area to the front well work area. In the Senate, the renovation included replacing the former page seating at the front desk with workspace for the desk force. In the House, the renovation included moving the Speaker's desk back approximately five feet, extending both ends of the middle desk to approximately five feet from the wall, adding a workspace area behind the desk force, lowering the front desk area by two steps for the employees and by two steps for the Speaker, eliminating the front row work desk, replacing the electrical wiring and installing additional conduits and ductwork under the House rostrum, and providing wiring jacks for television cameras on the Speaker's level and in the front well area.

The committee also approved replacing the carpet, velvet traffic control ropes, and the chairs in each chamber and recovering the benches and ceremonial chairs to match the new chairs.

## **1999-2000 Interim Voting System**

During the 1981-82 interim, Daktronics, Inc., Brookings, South Dakota, installed the electronic voting system in each chamber. A key feature was the computer interface with legislative information systems. During the 1989-90 interim, Daktronics replaced the two Superbrain computers used to operate the system with two IBM PS/2 Model 50Z computers, installed software upgrades, replaced the processor modules located behind the chambers, and upgraded the wall status displays (message boards) to allow up to six lines of display in the Senate and six to eight lines of display in the House.

Except for the number of voting stations and the capacity of the wall status displays in each chamber, the systems are identical. The House chamber has 108 voting stations and the Senate chamber has 54. Each of the two wall displays in each chamber consists of two units--the upper unit contains status displays and the lower unit contains members' names and vote indications.

The committee reviewed several suggestions to upgrade the voting system: (1) replace the IBM PS/2 Model 50Z computers with current models; (2) upgrade the operating system of these two computers to Windows 98 or Windows NT; (3) replace the dot matrix printers under the front desks with laser printers; (4) move the voting system printers to the page rooms and rewrite the software so the vote can be sent electronically to the desk reporter; (5) replace the light-emitting diode displays, console buttons, vote indicator lights, and members' engraved nameplates at the front desks with touchscreen displays; (6) replace the wall displays of names and vote indications with tricolor panels; (7) replace the wiring to the members' desks and upgrade the members' consoles; and (8) provide for wiring and pre-positioned cameras that could focus on the member speaking as a result of the presiding officer recognizing that person through a touchscreen panel and could be used to broadcast video on the Internet. With the existing system, it was difficult to ensure repair parts for the aging components, renovation projects over the years have damaged the wiring, the computer operating system was outmoded, the current printers limited the ability to upgrade software to a client-server environment and the slow print speed slowed down floor procedures, and the consoles and displays did not provide the flexibility for more efficient loading, maintaining, and displaying of information.

The committee solicited bids to upgrade the voting system in each house. The base bid was to replace the computers with computers having a Windows 98 operating system and to replace and move the printers. Alternate bids were requested to replace the control consoles and displays at the front desks; replace the chamber wiring and members' voting stations; replace the wall name and vote indication displays; and provide for semiautomatic video coverage of the chambers (cameras would automatically focus on members recognized by the presiding officer). As appropriate, each bid and alternate required installation of software with appropriate connections, programming, and interfaces among the voting stations, voting system, and legislative information system software programs. This was especially important because the North Dakota Legislative Assembly information systems provide more continuous transfer of information on a "real-time" basis for use by legislators and legislative employees during a floor session than any information system used by any other state. Two firms submitted bids--Daktronics and International Roll-Call Corporation of Mechanicsville, Virginia--on the general specifications and alternates.

After reviewing the general specifications and alternates, the committee determined that the contract award should include replacing the computers and replacing and moving the printers, and replacing the control consoles and displays at the front

desks, the chamber wiring and members' voting stations, and the wall name and vote indication displays. The Daktronics bid for these selections was \$764,540, and the International Roll-Call bid was \$338,940. The committee selected the bid of International Roll-Call after International Roll-Call provided assurance that the bid included the wiring, programming, and interfaces necessary among the voting stations, voting system, and legislative information systems. Installation of the system in each chamber was completed this interim.

The International Roll-Call VS-720 voting system software was installed on IBM Model 300 GIs computers. Control of the voting system application is through Microtouch 15.1-inch flat panel screens using finger touch technology. Vote results are printed on Hewlett Packard Model 4050-N Laser Jet printers. Bill information is displayed on message panels in the House and Senate through the use of light-emitting diode technology that allows the information to be displayed in one of three colors--red, amber, or green. The names on the name display board change color to indicate votes--green for yea, red for nay, and amber for no vote.

The International Roll-Call voting system applications are 32-bit and are compiled using Microsoft Visual Basic 5.0. They are fully compatible with Windows 98, Windows NT 4.0, and Windows 2000 workstation operating systems. The core voting system product from International Roll-Call was enhanced by the requirements of the legislative information systems used by the Legislative Council and the Legislative Assembly. On their monitors, the presiding officer and the Secretary of the Senate or Chief Clerk of the House can recognize members to speak; view the information that is displayed on the message boards; view required vote totals, which are automatically calculated for different subjects as provided by the legislative rules; and view debate timers.

During installation, International Roll-Call proposed replacement of the four wall status displays with tricolor displays similar to the new displays for members' names. The committee authorized replacement of the display boards at a cost of \$104,000. The new boards have a display capacity of 16 lines and 40 characters per line. With the new message boards, fewer replacement parts are required onsite, the displays of the message boards and the name boards will be of colors of the same intensity and style, and greater flexibility is allowed for displaying information. As programmed for the 57th Legislative Assembly, the message board information includes bill number, sponsor, committee recommendation, motion under consideration, and vote total requirements. At the close of the vote, emergency clause status and vote totals and outcome are displayed. When a member is speaking, the member's name and district number are displayed (as recognized by the presiding officer through the officer's monitor). A debate timer (which is displayed on the presiding officer's monitor) can be displayed on these boards.

The committee also viewed different voting stations. One style would have extended across one-half the member's desk and included an electrical outlet and a network outlet in place of the popup grommets. The committee approved using the existing voting station boxes, but with a new faceplate, four new buttons (yea, nay, speak, and page), and a new telephone ring indicator light.

### **Audio System**

The committee discussed recent failures of the audio system. The audio system was installed during the 1981-82 interim, but it is derived from 1960s technology. The current system is divided into four floor sections in each chamber as an efficient means of providing microphone availability to every member. If a microphone experiences a problem, however, it usually impacts the entire floor section. Late in the 1997-98 interim, the Legislative Management Committee received two proposals for replacing the audio system. One proposal would have replaced the amplifiers and associated hardware, provided touchscreen control panels, used the existing speaker system, and provided microphones at each desk at a cost of \$261,010 for both chambers. The other proposal emphasized placing a sound system module (containing a 2.5-inch speaker), microphone, microphone on/off switch, and loudspeaker volume control at each legislator's desk at a cost of \$250,000 for both chambers. That committee deferred action on either proposal until this interim.

During its review of the voting system and features of members' voting stations, the committee received updated proposals from the two firms that had submitted proposals in 1998. One firm revised its previous estimate from \$261,010 to \$156,100; and the other firm revised its previous estimate from \$250,000 to \$231,500.

At issue was the question of using the existing speakers or locating a small speaker at each member's desk, whether part of the voting station or in a separate console. To assure that any new sound system would be an improvement over the current system, the committee contracted with an acoustical engineering firm to review the chambers and make recommendations for any new sound system.

The committee received recommendations focusing on two areas in each chamber--architectural acoustics and an electronic sound system. With respect to architectural acoustics, recommendations included drilling holes in the wood paneling behind the rostrum in the House chamber (in order to minimize the formation of echoes) and modifying ceiling surfaces in the House chamber by placing acoustical panels or plaster on selected areas. With respect to the sound system, the primary recommendation was to place three speakers on the ceiling above the House front well area and two speakers on the ceiling

above the Senate front well area. An alternate system was to use recessed speakers on either side of the rostrum and additional small loudspeakers mounted around the balcony in each chamber. The recommendations also included general design considerations of a recommended sound system, including loudspeakers, amplifiers, feedback control, audio distribution amplifiers, and power conditioners.

The committee determined that individual speakers at members' desks should not be the primary method of distributing audio in the chambers because of the effect one member's preferred high level of volume would have on nearby members; the impact of blocking the speaker with materials, open notebook computers, or other items on a member's desk; and the need for additional speakers above and below the balcony. The committee also determined that a member should be able to control whether a microphone is on by a spring-loaded switch in the microphone handle, rather than a separate on/off switch at the member's desk or control by the presiding officer. The committee also determined that the presiding officer should have a small loudspeaker at the presiding officer's console to aid in hearing debate.

The committee solicited bids based on the general design recommendations of the acoustical engineering consultant. Alternate bids were requested for providing a microphone at each member's desk in the House chamber and at each member's desk in the Senate chamber. Four firms submitted bids, ranging from \$97,502 to \$130,300. The bids for additional microphones in the House chamber ranged from \$11,255 to \$15,500 and from \$20,770 to \$24,730 in the Senate chamber. The committee determined that microphones should be provided at every member's desk in the chambers, and selected the lowest total bid when the alternates are included--Ron's Electric, for a total bid of \$129,738.

### **Desk Renovation**

The committee reviewed an estimate of \$62,000 for refinishing the legislators' desks in both chambers. The committee determined that repairs to smooth out the veneer, replace rough edges and worn spots, and repair or replace wood molding should be on a case-by-case basis rather than for the entire chamber because the existing voting stations and the popup grommets were being retained, and it would be difficult to obtain a veneer and finish having the quality of the current veneer and finish. The committee authorized the Legislative Council staff to arrange for repairs to legislators' desks and drawer faces as needed.

### **Telephone Room**

The telephone room was designed at a time when telephone attendants converted all telephone messages to writing for delivery to legislators. Telephone attendants are located at carrels that provide a writing surface and space for a telephone. As more legislators started using the LAWS system to obtain information, telephone attendants started using mainframe terminals to transmit messages to legislators with computers. In 2001 telephone attendants will be using personal computers to access the LAWS system. Although mainframe terminals fit into the carrels (but left very little space to write messages for those legislators not using the LAWS system), personal computers would not fit into the carrels due to the built-in lighting fixtures in the carrels. The committee authorized the Legislative Council staff to arrange for renovation of the work areas of telephone attendants to allow space for a personal computer, telephone, and a writing surface.

### **Balcony Seats**

The committee reviewed an estimate of \$31,000 to refinish and reupholster the 248 balcony seats in the House chamber. The committee took no action on this project.

### **Chamber Smoke Detection System**

The committee reviewed two proposals for smoke detection systems in the Senate and House chambers. One included air sampling detectors on each ceiling and speaker/strobe light fire alarm units. The other included laser beam emitters rather than air sampling detectors. The air sampling system was described as being more accurate because air is constantly being sampled and monitored.

The committee approved the installation of a smoke detection system in the Senate and House chambers which uses air sampling and tubes and air inlet devices colored to match the ceiling colors.

### **Brynhild Haugland Room Chair Lift**

During the legislative wing renovation project in 1981-82, a chair lift was installed on the stairs in the west entryway to the Brynhild Haugland Room as a means to make the room accessible to mobility-impaired individuals. In recent years the chair lift has begun to break down more frequently and is not as reliable as it once was. In addition, Facility Management has received complaints the lift makes so much noise during operation it interferes with meetings and draws special attention to individuals using the lift. Facility Management presented an estimate of \$15,950 to replace the chair lift.

The committee approved the replacement of the chair lift in the west entryway to the Brynhild Haugland Room.

## **SESSION ARRANGEMENTS**

### **Reimbursement for Attending Council Meeting**

As the result of a recommendation of the Legislative Management Committee in 1996, newly elected members of the Legislative Assembly were reimbursed expenses for attending the final Legislative Council meeting in November. This was viewed as a method of encouraging new members to meet with legislators and allowing caucuses to meet and to elect their leaders on the eve of the Legislative Council meeting in November. Although the caucuses have different policies regarding whether to continue with the early election procedure, the committee determined that it is important for new members to become acquainted with issues to be considered by the Legislative Assembly, and attendance at the Legislative Council meeting would be invaluable for acquiring this knowledge.

The committee recommends new members be reimbursed expenses for attending the final Legislative Council meeting in November. Three of the caucuses will make use of this opportunity for early election of leaders.

### **Legislators' Supplies Stationery**

The committee approved continuation of the policy that each legislator receive 500 sheets (one ream) of regular stationery and 500 envelopes; that the Speaker, each leader, and each assistant leader also receive 500 sheets of Monarch stationery (with 500 envelopes); and that the leaders receive as much regular stationery (and envelopes) as needed, and other legislators can request an additional ream of stationery and 500 envelopes. The committee approved use of laser print paper, similar to that used during the 1999 legislative session, for stationery due to its design for laser printers.

### **Letter Files**

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

### **Capitol Access Key Cards**

During the 1999 legislative session, a legislator could receive a photo identification card from the Office of Management and Budget to assist in properly identifying legislators who desire access to the Capitol after hours. Since October 1999, the Capitol has operated under a security key card system. Access to the Capitol on weekdays before 6:00 a.m. or after 6:00 p.m. or on weekends requires use of a credit-card-style key to present near a reader that unlocks the door and records use of the key. Each key card is coded, and a computerized record is kept of use.

The committee approved a policy that every legislator be given a security key card for access to the Capitol, that the leaders' cards be effective throughout the year, and that the cards of other members be effective during the legislative session.

### **Legislators' Expense Reimbursement Policy**

Section 26 of Article XI of the Constitution of North Dakota provides that payment for necessary expenses of legislators may not exceed that allowed for other state employees. The 1985 Legislative Assembly authorized legislators to receive up to \$600 per month as reimbursement for lodging, and in 1997 this amount was increased to \$650 per month. The policy followed for the 56th 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 57th Legislative Assembly be the same as that followed for the 56th Legislative Assembly.

### **Legislators' Computer Training**

The committee reviewed a proposed agenda for providing computer training to legislators before the convening of the 57th Legislative Assembly. The training focuses on two areas--general computer training and LAWS training. New legislators are scheduled for one day (seven hours) of training in the use of personal computers. 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 would start December 4, the day before the organizational session convenes, and would continue on Friday after the organizational session adjourns.

During the organizational session, returning legislators could take one-hour, concurrent miniclasses on Notes e-mail, Internet,

and Word Pro Millennium, similar to the miniclasses provided during the 1998 organizational session.

Legislators would receive LAWS system training in three-hour blocks, either in the morning or afternoon, on Friday, January 5, or Monday, January 8. This training would be provided in the Brynhild Haugland Room rather than in the chambers.

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

### **Legislators' Photographs**

The committee approved the invitation to bid for Legislative Assembly photography services. With respect to the House, the proposal provided for two color pictures of two poses of 101 individuals; color touchup of the final pose; one composite color picture 50 by 60 inches, proofed, framed, and ready to hang; and 101 copies of the composite picture 11 by 14 inches in size. With respect to the Senate, the proposal provided for two color pictures of two poses of 53 individuals; color touchup of the final pose; one composite color picture 30 by 40 inches, proofed, framed, and ready to hang; and 53 copies of the composite picture 11 by 14 inches in size. The committee continued the option for oak frames for the small composite, available for purchase by individual legislators. The photographs of legislators are to be taken during the organizational session in 2000, and the photographs of the six elected legislative officers are to be taken during the first week of the regular session. A new provision is for the Legislative Council to provide the frames for the large composite pictures. This is intended to allow frames to be reused from assembly to assembly, which was suggested by the State Historical Society as a means to save storage space for composites of previous Legislative Assemblies which are in the state archives. Another new provision in the contract is for the photographer to provide the digital image of the pose selected by the photographer to the Legislative Council by December 22, 2000. The Legislative Council will use the digital image to update the legislative branch web site.

Requirements were also added in an effort to address concerns expressed by committee members over the need to ensure a higher quality of portrait and composite. The invitation to bid included new requirements that the photographer must use a professional format camera with a portrait lens and that a bidder must submit four samples of business portraits that show the type of background, type of lighting, and type of image reflected by the bid. In addition, the sizes of the large composite pictures were changed to standard sizes that allow easier use of digital production technology. The invitation also declared the decision to accept a bid would depend on the quality of the bid, not necessarily the lowest bid price.

Two firms submitted bids ranging from \$3,200 to \$4,750. After reviewing the samples of business portraits submitted with the bids, the committee awarded the contract to the lowest bidder--Anderson Photography, Crosby--the firm that was also the photographer for the 54th, 55th, and 56th Legislative Assemblies.

### **Journal Distribution Policy**

The committee recommends continuation of the policy followed in 1999 that the desk force inform legislators that a legislator may have daily journals sent to as many as three persons, but any additional sets require approval of that legislator's leader. Because journals are available on the legislative branch web page, legislators providing journals will be requested to ask the person to whom journals are to be sent whether that person has Internet access. The intent is to encourage those persons with Internet access to use that access, which reduces labor and postage costs.

### **Television Coverage**

During the 1989 legislative session, Bismarck-Mandan Cable TV engineered and delivered a live and tape-delayed evening presentation of the North Dakota Senate. A camera was positioned on alternating sides of the gallery, and viewers were given the opportunity to observe the legislative process. During the 1991 and 1993 legislative sessions, Bismarck-Mandan Cable TV, through Community Access Television (a nonprofit corporation responsible for programming the public access channel of Bismarck-Mandan Cable TV), provided television coverage of the Senate and House of Representatives on alternating weeks. During the 1995 legislative session, Meredith Cable (formerly Bismarck-Mandan Cable TV) and Community Access Television provided similar coverage and also distributed nine copies of tapes of the floor sessions to the nine largest cities in the state for rebroadcast by local cable companies on the next day. During the 1997 and 1999 legislative sessions, Dakota Cable Communications (formerly Meredith Cable) and Community Access Television provided coverage of the Senate and House on alternating weeks. Because of funding limitations, no tapes were made for rebroadcast by local cable companies around the state. When the House met in morning session and the Senate met in afternoon session, both sessions were televised.

During the committee's consideration of this coverage, Community Access Television indicated cable companies in the state's major cities expressed little interest in receiving tapes of floor sessions for delayed broadcast on their systems due to the up-to-the-date coverage provided by alternate news sources, e.g., broadcast and print media. In addition, funding might not be available to provide this coverage during the 2001 legislative session. The committee also received a request from the North Dakota Interactive Video Network for permission to combine the video signal from Community Access Television with the House and Senate audio feed and provide live video/audio streaming of the floor sessions on the Internet and the Interactive Video



Network.

The committee authorized Community Access Television to continue to provide coverage of the 57th Legislative Assembly under an arrangement similar to that provided during the 1999 legislative session and authorized the project proposed by the North Dakota Interactive Video Network, provided any coverage would be at the expense of those parties.

### **Incoming WATS Line Service**

During the 1985 and 1987 legislative sessions, four incoming WATS lines were provided for residents in the state to contact legislators or obtain information concerning legislative proposals. Beginning with the 1989 legislative session, six incoming WATS lines have been provided, as suggested by telephone service personnel.

Even if all telephone lines are in use, callers do not receive a "busy" signal. Before the 1999 legislative session, callers heard a message thanking them for calling the Legislative Assembly, describing the time the telephone service is available (8:00 a.m. to 5:00 p.m. Monday through Friday), and stating all lines were busy but their calls were important so please try again. Similar messages were in place for calls after hours and during the interim. During the 1997-98 interim, the Legislative Management Committee authorized a service whereby if all lines are busy 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 was available 24 hours a day, 7 days a week. During the 1999 legislative session, 1,302 voice mail messages were left for legislators.

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

The committee authorized enhancement of the message service to include interactive voice response applications. One type of application would provide bill status and committee hearing information after the caller would key the bill number. Another application is separation of the caller's information so it is easier for the caller to leave all the required information, e.g., rather than a single statement requesting the caller to provide name, address, telephone number, e-mail address, and message, a separate statement would ask for each item individually, with time to respond before the next request.

### **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 reviewed a proposed agenda for orientation and training of legislative session employees immediately before the convening of the 57th Legislative Assembly. The training is similar to that provided before the 1999 legislative session, with particular emphasis on providing training to the bill clerk as a backup for the assistant chief clerk of the House or assistant secretary of the Senate, the desk reporter, or the calendar clerk. The length of training depends on the extent an employee uses computers, and ranges from two hours (for the information desk attendants) to two weeks (for the desk reporters).

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

The committee recommends that session employees be hired to begin work at various times before the convening of the Legislative Assembly, depending on the nature of an employee's duties and the training required of the employee. The starting dates range from November 27 to January 8, depending on the position.

### **Session Employee Positions**

The committee reviewed the number of employee positions during the 1995, 1997, and 1999 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 creating a generic "legislative assistant" position in 1997 to allow easy transfer of an employee from one job function to another as necessary.

The committee reviewed a legislative session employee position plan that provided for two fewer positions in the Senate and two fewer positions in the House during the 2001 legislative session. For the Senate, the plan provided for a supply room coordinator (who is a Senate rather than House employee during the 2001 legislative session), no payroll clerk (who is a House rather than Senate employee during the 2001 legislative session), no telephone page, and no information desk attendant. For the House, the

plan provided for a payroll clerk, no supply room coordinator, no telephone page, and no parking lot attendant. The plan continued the rotation of two positions between the Senate and House--supply room coordinator and payroll clerk--and proposed adding two positions to the rotation--parking lot attendant (initially as a Senate employee) and information desk attendant (initially as a House employee). The plan also proposed redesignating the desk reporter as journal reporter because that employee is responsible for recording daily session activity in the journal, compiling the journal using the computerized journal reporting system, finalizing the journal, and preparing the journal for delivery to the printer.

The proposed plan included a chief telephone attendant and eight telephone attendants, as an alternative to contracting for telephone message service, as described under **Telephone Message Services (Telephone Room)**.

Based on compensation levels recommended by the committee for employees during the 2001 session the estimated savings in compensation resulting from the proposed reductions was \$18,265 (not including the positions reduced as the result of contracting for telephone message service, nor savings resulting from reduced workers' compensation and Social Security contributions). In total, the plan provided for 38 Senate employee positions and 44 House employee positions.

The rationale for proposing the reduction of one parking lot attendant position was that most legislators arrive and leave during the same time periods; signs at both ends of the parking lot clearly indicate the lot is reserved for legislators; during floor sessions and committee hearings little activity occurs in the parking lot; and Facility Management personnel maintain the lot.

The committee determined that one parking lot attendant position should be eliminated, with the understanding the position could be reinstated if it became clear that a second position is needed to provide assistance to some legislators and to provide continuous parking lot supervision.

The rationale for proposing the reduction of one information desk attendant was related to the recent enhancements to the telephone message service. Because of a reduced number of calls to the telephone room during recent sessions, very few calls for legislative information are routed to the information desk. In addition, the options allowing voice mail messages and providing interactive voice response bill status and committee hearing information should further reduce any routing of calls for legislative information to the information desk from the telephone message service. As a result, the primary duties of an attendant are showing people how to use the personal computer provided for members of the public to obtain bill status information, answering general questions, and providing directions to specific rooms or areas.

Because the House "lost" its turn to employ the chief telephone attendant as the result of contracting with a third party to operate the telephone room, the parking lot attendant position was approved as a position that alternates between the House and the Senate, starting with the House in 2001. The remaining information desk attendant position also will alternate between the Senate and the House, starting with the Senate in 2001.

The committee recommends that the Employment Committees provide for 34 Senate employee positions and 39 House employee positions which takes into account the reduction of positions because of contracting for telephone message services. The committee also recommends redesignating the desk reporter as the journal reporter.

New enhancements to the calendar and journal system will result in complete automation of the bill status system, and thus the bill clerk will have little responsibility other than numbering and recording bills when they are introduced. The committee determined the position should not be eliminated or consolidated into other desk force positions, but should be used as a backup position to absent desk force personnel. As a result, the bill control clerk will receive computer training in the journal system (to back up the desk reporter), the message system (to back up the assistant chief clerk and assistant secretary of the Senate), and the calendar system (to back up the calendar clerk). After experience with the enhanced systems during a legislative session, a determination can be made whether adequate workload exists for the number of positions at the front desk and whether adequate backup is provided in case an employee is absent.

### **Session Employee Compensation**

The committee reviewed legislative session employee compensation levels during the 1999 legislative session. In 1999 a general increase of seven 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.

The committee recommends a general increase of five percent, rounded to the nearest dollar, for all positions. This was primarily in recognition of the average pay increases of two percent and three percent approved by the 56th Legislative Assembly for state employees. The committee also recommends 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. As a result of these recommendations, compensation would range from \$65 to \$109 per day (\$8.13 to \$13.63 per hour based on a 40-hour workweek). The committee also 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 identify specific individuals. This type of resolution was first adopted in 1997 as a means to avoid special action to hire an employee after adoption of the resolution. By designating positions, rather than naming employees, an employment committee report that names an employee is sufficient to identify that employee, the position, and the compensation level. The committee also recommends that the concurrent resolution 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 desk 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.

### **Bill and Journal Room Services**

The committee determined that the combined contract for printing bills and resolutions, for printing daily journals, and for providing bill and journal room services should be continued for the 57th Legislative Assembly. The specifics relating to printing bills, resolutions, and journals are described under **CONTRACTS FOR PRINTING LEGISLATIVE DOCUMENTS, Contract Contents**. This combination contract was first entered for the 55th Legislative Assembly. For the 56th Legislative Assembly, bill and journal room services were provided by the contractor at a total cost of \$38,840.

Under the combined contract, the contractor is required to provide a basic level of service similar to that provided during the 1999 legislative session.

The basic level of service is for at least one person to organize and operate the bill and journal room Monday through Friday from December 11, 2000, through January 8, 2001, excluding Christmas Day and New Year's Day; for the bill and journal room to be open between 7:00 a.m. and 5:30 p.m. on days either house is in session; for at least one person to be in the bill and journal room anytime either house is in session after 5:30 p.m.; and for distribution of documents as soon as possible, according to a schedule in the contract. The contract also requires the contractor to provide photocopy and facsimile (fax) services to third parties, upon payment of a fee set by the contractor and retained by the contractor.

Beginning in 1999, the bill and journal room provided photocopies of engrossed bills and resolutions upon payment of a copying fee. A number of responses to the legislative process questionnaire commented on charging legislators who received copies of engrossed measures from the bill and journal room. Although the LAWS system and the bill status system available through the Internet provide engrossed versions of bills and resolutions and the Legislative Council office provides copies of engrossed measures without charge to anyone who requests a copy, the committee discussed various options for making printed copies of engrossed bills and resolutions available to legislators and others. The committee determined that legislators should have ready access to printed copies in two instances. As reported under **Committee Clerks**, the committee approved revision of the committee clerk job description to require the committee clerk to provide copies to committee members and the prime sponsor.

With respect to operation of the bill and journal room, the committee determined the Legislative Council should provide copies of engrossed bills and resolutions to the contractor for distribution to legislators and entities that subscribe to receive copies of engrossed measures. The committee also included a provision in the contract to require the contractor to provide a copy of an engrossed bill or resolution without charge to a legislator who personally requests a copy at the walkup window of the bill and journal room. The contractor would continue to provide copies of engrossed bills and resolutions to others upon payment of a charge set by the contractor. The committee also included a provision that the bill and journal room would be open during any extended recess for the one day after adjournment and the one day before the Legislative Assembly reconvenes.

As reported under **CONTRACTS FOR PRINTING LEGISLATIVE DOCUMENTS**, the committee accepted the bid by Quality Printing Service, Bismarck, for operating the bill and journal room and printing bills, resolutions, and journals during the 2001 legislative session. The bid for operating the bill and journal room was \$510 per day for 88 days--19 days before the Legislative Assembly convenes (beginning December 11, 2000), an estimated 67 legislative days, and two business days during the February recess--and \$440 per day for each additional day of service beyond 67 legislative days.

### **Secretarial Services**

The Legislative Assembly privatized secretarial services in 1995 rather than continuing to operate a joint secretarial pool. During the 1993 legislative session, the Senate and House employed the equivalent of 10.5 stenographers and typists at a cost of \$56,629.20, not including the cost of the two chief stenographers and payroll clerks (\$14,326.59). During the 1995 legislative session, Jan's Secretarial Service provided nine secretaries and a supervisor for a total cost of \$46,053.50. During the 1997 legislative session, A.S.A.P. Secretarial Service provided seven employees and one supervisor for a total cost of \$41,462.50. During the 1999 legislative session, Interim Personnel provided four employees, with four employees on call as needed, for a

total cost of \$32,564.47.

The committee reviewed the secretarial services provided by Interim Personnel during the 1999 legislative session. Interim Personnel recommended reducing the core employee level to four, and reported on the number of transcripts of committee hearings requested by legislators as well as the volume of mail merges, i.e., a base document is individually addressed to every name on a list of addresses.

The committee recommends continuation of secretarial services to the Legislative Assembly on a private contract basis. The committee authorized the Legislative Council staff to prepare specifications that included the suggested base level of service of four core employees, and to solicit bids for secretarial services on a per day basis for 70 legislative days for the 57th Legislative Assembly.

The committee received two bids for providing secretarial services. Spherion (formerly Interim Personnel), Bismarck, bid \$333.20 per day and Expressway Personnel, Bismarck, bid \$427.50 per day. The committee's recommendation is described under **Telephone Message Services (Telephone Room)**.

To ensure proper use of secretarial services, the committee reviewed the *Policy Regarding Secretarial Services to Legislators* approved by the Legislative Council in November 1996. The policy points out that secretarial service employees are not legislative employees, describes secretarial services as being available between 7:30 a.m. and 5:30 p.m., provides for 24-hour turnaround of most projects, and provides the procedure for any comment or complaint regarding the service. The policy is included in the legislators' information packets distributed during the organizational session.

The committee recommends amendment of the policy to limit 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. This recommendation is based on the rationale that transcripts are appropriate only to help alleviate the workload of a committee clerk in limited instances. The committee also recommends amendment of the policy to limit merge requests to 25 individual addresses unless otherwise approved by the Majority Leader or Minority Leader, as appropriate. The rationale for this limitation is to provide a guide for members in making reasonable use of secretarial services, but allow flexibility by placing the responsibility for determining what is reasonable in a particular situation on the appropriate leader. To ensure the appropriate leader is informed of requests in violation of these restrictions, the specifications for the secretarial service contract include a provision that the supervisor is to inform the appropriate leader of a request for a restricted work project in violation of the policy.

#### **Telephone Message Services (Telephone Room)**

The committee reviewed the operation of the telephone room. During the 1999 legislative session, the Legislative Assembly employed a chief telephone attendant, eight telephone attendants, and two telephone pages. The total salary and Social Security cost for these 11 employees was \$57,169.69.

Of particular interest was the fact that the number of telephone calls using the incoming WATS lines has gone down every legislative session since 1993. During the 1993 legislative session, 62,320 calls were received, and during the 1999 legislative session, 22,491 calls were received. The 1999 figure includes 1,302 voice mail messages (which for the first time, could be left at any time outside regular business hours). Although the reasons for the declining number of calls are unclear, factors may include the provision of a telephone to every legislator in 1997, the provision of notebook-style personal computers to 75 legislators in 1997 (which expanded to 132 legislators in 1999) with the resulting use of e-mail to send messages to those legislators, and the availability of bill status information on the legislative branch web site.

Because of this reduction in telephone room workload, the committee determined that a more appropriate level of staffing would be nine telephone attendants, with one attendant designated as the supervisor or chief attendant. The work formerly done by telephone pages--delivering telephone messages to those legislators without notebook computers and sorting and delivering faxes received by the Legislative Assembly--could be assigned to the telephone attendants on a rotating or other basis.

The committee reviewed its efforts at contracting with private parties and determined that telephone message services could be provided on a private contract basis. The committee authorized the Legislative Council staff to prepare specifications that included the suggested base level of service of nine telephone attendants, with one of the attendants designated as the onsite supervisor, and solicit bids for telephone message services on a per day basis for 70 legislative days for the 57th Legislative Assembly.

The committee received two bids for providing telephone message services. Expressway Personnel bid \$647.36 per day and Spherion bid \$711.20 per day.

The committee discussed whether its recommendation should be the lowest bid for secretarial services and the lowest bid for

telephone message services or the lowest bid when both bids are combined. The discussion included whether a combined service, provided by one firm, could result in additional savings if the contractor scheduled employees as needed in either the telephone room or the secretarial service room, or whether two firms, each providing services, would provide the opportunity for legislators to compare their services so any additional employees needed in other work assignments could be obtained from the preferred contractor.

The committee recommends accepting the lowest combined bid, which was submitted by Spherion, Bismarck, for providing secretarial services and telephone message services during the 2001 legislative session.

### **Committee Clerks**

A number of responses to the legislative process questionnaire asked why legislators were charged for receiving copies of engrossed bills and resolutions from the bill and journal room. During the committee discussion of these comments, it appeared that many of the requests by legislators for printed copies of an engrossed measure were for the purpose of distributing those copies to members of the committee that was conducting the hearing on the measure, as engrossed. The committee discovered that some committee chairmen require their committee clerks to obtain copies of engrossed bills and resolutions and place those copies in the committee bill books prepared for committee members, while other chairmen do not. Although engrossed versions of bills and resolutions are available online from the LAWS system and the bill status system and printed versions of engrossed bills and resolutions are available from the Legislative Council office, the committee determined that committee hearings and discussion would be enhanced if all members of the committee had a printed copy of engrossed measures under discussion.

The committee approved revision of the committee clerk job description to provide for the committee clerk to obtain from the Legislative Council a copy of an engrossed bill and resolution being heard by the clerk's committee, make the requisite number of copies, and insert the copies in the committee members' bill books and provide a copy to the prime sponsor. Under this requirement, all committees will be handling the engrossed bill and resolution distribution in a uniform manner. This also should reduce the need for legislators to obtain multiple copies of engrossed measures from the bill and journal room for committee hearing purposes.

The committee also approved revisions to the committee clerk job description which reflect the committee's recommended amendments to Senate and House Rules 404 and the committee's recommendation to reduce the number of colors of various bill and resolution covers from 12 to 4, as described under **LEGISLATIVE RULES, Copies of Bills and Resolutions**. The committee also approved revision of the committee clerk job description to replace the "Background" material that focused on introduction of bills, with material that focused on the overall legislative process and the committee clerk's part in that process.

### **Legislative Internship Program**

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

The committee approved continuation of the program for the 57th Legislative Assembly at the same number as authorized in 1999 (12--8 from the School of Law, 2 from the graduate program at the University of North Dakota, and 2 from the graduate program at North Dakota State University), with 10 interns assigned to committees and 2 assigned to the Legislative Council office.

The committee increased the stipend received by an intern from \$5,075 to \$5,250 (\$1,500 per month) for the 3.5-month program.

### **Legislative Tour Guide Program**

For the past 12 legislative sessions, the Legislative Council has operated a tour guide program that has coordinated tours of the Legislative Assembly by high school groups. The tour guide program is extensively used by high school groups during the legislative session, and other groups have been placed on the tour schedule at their request. Since 1987 two tour guides have been hired each session due to the heavy workload in scheduling tour groups. The committee approved the continuation of the tour guide program for the 2001 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 2001 legislative session. The committee also authorized the North Dakota Medical Association to proceed with installing a newer examination table, privacy curtain, desk, and locking medication cabinet in the medical services room.

## **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. Three associations alternate as coordinator of the program. The Bismarck-Mandan Evangelical Ministerial Fellowship coordinated the program during the 1999 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 before the convening of the session that they have until December 31, 2000, to schedule out-of-town clergy to give the opening prayer any day of the legislative session for their respective house during the 2001 legislative session.

## **Organizational Session Agenda**

The committee approved a tentative agenda for the 2000 organizational session. Although based on the agenda for the 1998 organizational session, three major changes were made. The time set aside for caucuses on Tuesday morning was eliminated because the caucuses meet and select leadership before the organizational session convenes. Basically, the time formerly available for caucuses became available for legislators to schedule sessions with the photographer. The presentations on the branches of government and Legislative Council services were moved from Tuesday afternoon to Tuesday morning, the presentations on legislative rules and procedures were moved from Wednesday morning to Tuesday afternoon, the presentations on use of legislative documents were moved from Wednesday afternoon to Wednesday morning and presentations on affiliated organizations were scheduled for Wednesday afternoon. The training sessions for legislators who have been assigned personal computers were revamped so training on e-mail, Internet, and word processing software replaced training on use of the LAWS system. As described under **SESSION ARRANGEMENTS, Legislators' Computer Training**, LAWS system training will be provided on Friday, January 5, 2000, and Monday, January 8, 2001, the day before the 57th Legislative Assembly convenes in regular session.

## **State of the State Address**

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

The committee authorized the Legislative Council staff to contact the Governor for presentation of the state of the state address on the first legislative day of the 2001 legislative session.

## **State of the Judiciary Address**

The committee authorized the Legislative Council staff to make plans with the Chief Justice of the North Dakota Supreme Court for the state of the judiciary address to a joint session on the second legislative day of the 2001 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 and the Legislative Management Committees, a spokesman from the tribes addressed each house of the Legislative Assembly during the first week of the 1985-99 legislative sessions.

The committee authorized the Legislative Council staff to extend an invitation to representatives of the Indian tribes to make a presentation to each house of the 2001 Legislative Assembly on the third legislative day.

## **Legislative Compensation Commission Report**

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

## **Agricultural Commodity Promotion Groups Report**

The committee reviewed NDCC Section 4-24-10 and its requirement that 12 agricultural commodity promotion groups file a

uniform report at a public hearing before the standing Agriculture Committee of each house. The report must be filed between the 1st and 10th legislative day of the regular legislative session. The committee designated the second legislative day the Agriculture Committees meet as the day for a joint hearing by the Senate and House Agriculture Committees to receive this report.

### **North Dakota Close Up Day**

The committee approved a request from the North Dakota Council on Educational Leaders to designate Monday, February 12, 2001, as the day for legislators to meet with Close Up program participants. This program will bring high school students from around the state to the Capitol for various programs but focusing on actions to make the state attractive to graduating students. Time will be set aside during the early evening of February 12 for legislators to meet with students from legislators' districts.

## **LEGISLATIVE REDISTRICTING STUDY**

The study directed by Senate Concurrent Resolution No. 4005 concerned the state of the law and technology with respect to legislative redistricting.

### **Census 2000 Redistricting Data Program**

During the 1995-96 interim, the Legislative Management Committee approved participation in Phase 1 of the Census 2000 Redistricting Data Program which provided for identifying geographic areas for specific tabulations of population during the 2000 census. During the 1997-98 interim, the committee approved participation in Phase 2 of the program which required placement of legislative district boundaries on maps of the entire state. As a result, the Census Bureau received legislative district maps and will provide 2000 census demographic information on adults in those districts. The rationale for participating in Phase 2 of the program was to receive information that can be used as a starting point in determining the extent of redistricting needed after the 2000 census.

During the interim, the Census Bureau requested verification of the maps. Verification was completed this interim.

### **Legislative Redistricting Software**

During the 1981 and 1991 legislative redistricting processes, the Legislative Council contracted with a consultant to provide computer-assisted redistricting services. Several software vendors now offer redistricting software suitable for use on personal computers. The committee reviewed information on software programs distributed by seven vendors and on activities in other states regarding selection of redistricting software. The committee focused on software that had been selected by South Dakota--autoBound by Digital Engineering Corporation--and software selected by Minnesota--Maptitude for Redistricting by Caliper Corporation. Information provided to the committee indicated that South Dakota chose autoBound because that software appeared to be well suited for redistricting in that state, and Minnesota chose Maptitude for Redistricting because of a preference for that software's mapping capabilities. Although not dispositive of the issue for North Dakota, software using the ArcView desktop geographic information system (the base software used to create maps) is used by 85 percent of state and local governments, including other North Dakota state agencies.

After a demonstration of autoBound by Digital Engineering Corporation, the committee approved the use of autoBound for legislative redistricting purposes of the Legislative Assembly. Reasons for acquiring this software include its use of ArcView, its apparent ease of use by users with different levels of expertise, and its apparent suitability for use in a rural state. The main reason this software was acquired before actual redistricting activities begin is to provide enough lead time to become proficient in its use before release of the 2000 census information. The software allows use of 1990 census information as well as recent census estimates. The number of licenses eventually obtained will depend on the decision as to the extent of distribution of the software once redistricting activities start.

### **State of the Law on Legislative Redistricting North Dakota Law**

Section 1 of Article IV of the Constitution of North Dakota provides "[t]he senate must be composed of not less than forty nor more than fifty-four members, and the house of representatives must be composed of not less than eighty nor more than one hundred eight members."

Section 2 of Article IV of the Constitution requires the Legislative Assembly to "fix the number of senators and representatives and divide the state into as many senatorial districts of compact and contiguous territory as there are senators." In addition, that section provides that the districts ascertained after the 1990 federal decennial census must continue until the adjournment of the first regular session after each federal decennial census, or until changed by law. The Legislative Assembly is also required to "guarantee, as nearly as practicable, that every elector is equal to every other elector in the state in the power to cast ballots for

legislative candidates." In addition, one senator and at least two representatives must be apportioned to each senatorial district. Two senatorial districts may be combined when a single senatorial district includes a federal facility or installation containing over two-thirds of the population of a single member senatorial district. Elections may be at large or from subdistricts.

Section 3 of Article IV of the Constitution requires the Legislative Assembly to establish by law a procedure whereby one-half of the members of the Senate and one-half of the members of the House of Representatives, as nearly as practicable, are elected biennially.

In addition to the constitutional requirements, NDCC Section 54-03-01.5 provides that a legislative apportionment plan based on any census taken after 1989 must provide that the Senate consist of 49 members and the House consist of 98 members. That section also provides that the apportionment plan must ensure that population deviation from district to district be kept at a minimum. In addition, the total population variance of all districts, and subdistricts if created, from the average district population may not exceed recognized constitutional limitations.

North Dakota Century Code Section 54-03-01.8 provides for the staggering of Senate terms--senators from even-numbered districts were elected in 1992 for a term of four years, and senators from odd-numbered districts were elected in 1994 for a term of four years. Section 54-03-01.10 provides for the staggering of terms of representatives, to coincide with the terms of senators.

Special statutory provisions for timetables for special elections, reorganization of political parties, and establishment of voting precincts are in NDCC Sections 16.1-01-02.2, 16.1-03-17, and 16.1-04-03.

### **Federal Case Law**

The committee reviewed information on recent federal court decisions concerning legislative redistricting. Basically, federal courts will provide relief in legislative redistricting cases of federal constitutional violations. With respect to population equality, the overall range generally allowed for a redistricting plan is 10 percent. With respect to partisan gerrymandering, the issue is justiciable but proving unconstitutional discrimination appears to be very difficult. With respect to multimember districts, such districts are not unconstitutional per se but the United States Supreme Court prefers single-member districts for court-fashioned plans and multimember plans are subject to challenges under Section 2 of the Voting Right Act. With respect to racial gerrymandering, a plan may be held to be unconstitutional if race is a primary consideration in creating districts.

### **Proposed Study - Recommended Resolution**

The committee recommends [House Concurrent Resolution No. 3003](#) directing the Legislative Council to study and develop a legislative redistricting plan or plans for use in the 2002 primary election. This resolution is similar to the resolution directing the 1991-92 interim study, which recommended the legislative redistricting plan adopted by the Legislative Assembly in special session November 4-8, 1991.

## **LEGISLATIVE ETHICS COMMITTEE**

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

During the 1995-96 interim, the Legislative Management Committee reviewed North Dakota laws affecting legislative ethics. That committee also recommended legislative rules declaring a legislative ethics policy, urging members to maintain ethical standards and recognize the importance of standards contained in the rules, urging members to apprise themselves of constitutional provisions and statutes that prohibit conduct for which criminal penalties may apply, and requiring the Legislative Council to conduct classes on legislative ethics and laws governing the activities and conduct of public officials. The Legislative Council is to conduct the classes during the organizational session and at other times as deemed appropriate. The Legislative Assembly has adopted those rules as Joint Rules 1001 through 1004.

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

## **MISCELLANEOUS MATTERS**

### **Meeting With Legislative Compensation Commission**

The committee met with members of the Legislative Compensation Commission to discuss recommendations relating to legislative compensation. The commission is recommending proposed legislation to increase legislators' session compensation



from \$111 per calendar day to \$125 per calendar day during legislative sessions; to increase legislators' interim per diem from \$75 to \$100; and to increase the state mileage reimbursement rate from 25 to 31 cents a mile.

### **North Dakota Century Code Publication**

As a result of inquiries by West Group (a publisher of state statutes) concerning publication of the North Dakota Century Code, the committee reviewed the arrangement with LEXIS Law Publishing for publication of the North Dakota Century Code. In 1959 the state contracted with The Allen Smith Company to publish the North Dakota Century Code. Since then, The Allen Smith Company was acquired by The Michie Company (now LEXIS Law Publishing); the state contracted with LEXIS Law Publishing in 1991 for electronic use of the Century Code; and the state contracted with LEXIS Law Publishing in 1994 to publish the code in CD-ROM format.

The North Dakota Century Code is an annotated code. It contains source notes after each section, and legal textbook and law review references, collateral references, and summaries of North Dakota Supreme Court opinions after relevant sections. In 1999 the price for a set of the North Dakota Century Code was \$450 and the annual cost of pocket supplements, index, and replacement volumes was \$160.50.

The committee received information summarizing the activities of LEXIS Law Publishing and West Group in the states. LEXIS Law Publishing publishes annotated codes in 31 states. In 1999 the average price for annotated codes published by LEXIS Law Publishing was \$865.12 and the average annual cost of upkeep was \$375.55. West Group publishes annotated codes in 26 states. In 1998 the average price for annotated codes published by West Group was \$1,846.44 and the average annual cost of upkeep was \$574.56.

At issue with respect to the feasibility of opening the Century Code publication process to competitive bidding is ownership of the copyright to the materials in the volumes. Also of concern is the relationship between the Legislative Council, which converts bill text to statute text and determines editorial corrections such as conflict resolution and code placement in the legislative information systems, and any new publisher, which must have compatible publishing software and publishing procedures.

The committee requested the Legislative Council staff to begin the process of preparing a request for proposals for publication of the North Dakota Century Code. The committee recognized that this process would extend through the next biennium due to the substantial amount of time required to prepare specifications containing all items necessary for a code product in North Dakota, the countervailing constraints on available time due to the upcoming legislative session, and the current arrangements for publication of the 2001 pocket supplements and replacement volumes.