

NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

LEGISLATIVE MANAGEMENT COMMITTEE

Wednesday, September 24, 2008
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 1:00 p.m.

Members present: Representatives Al Carlson, Rick Berg, Merle Boucher, Jeff Delzer, David Monson, Kenton Onstad; Senators Randel Christmann, Dwight Cook, Carolyn Nelson, David O'Connell, Bob Stenehjem

Others present: See [Appendix A](#)

It was moved by Senator O'Connell, seconded by Senator Nelson, and carried on a voice vote to approve the minutes of the June 17, 2008, meeting of the committee.

LEGISLATIVE SESSION ARRANGEMENTS

Photography Contract

At the request of Chairman Carlson, the assistant director reviewed the [Invitation to Bid - Legislative Assembly Photography Services](#). The assistant director said the invitation to bid was sent to 51 photography firms in an area encompassed by Jamestown, Bottineau, Crosby, and Hettinger. He said three bids were received--\$3,700 and \$15 for the small composite picture frame by Anderson Photography, Crosby; \$104,000 and \$150 for the small composite picture frame by Sterling Photography, Ridgeland, Mississippi; and \$3,881.19 and \$18.50 to \$27 for the small composite picture frame by Third Day Photography, Jamestown. For comparison purposes, he said, the bid accepted in 2006 was \$3,500 by Anderson Photography. He said Anderson Photography has had the photography contract since 1995.

It was moved by Representative Berg, seconded by Representative Monson, and carried on a roll call vote that the committee accept the proposal by Anderson Photography to provide photography services to the 61st Legislative Assembly. Representatives Carlson, Berg, Boucher, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Senator Nelson said she would like a good quality paper on the composite picture because older composites are fading.

Secretarial, Telephone Message, and Bill and Journal Room Services

At the request of Chairman Carlson, the assistant director reviewed the [Invitation to Bid - Legislative Assembly Secretarial, Telephone Message, and Bill and Journal Room Services](#). The assistant director said the invitation to bid was sent to eight temporary personnel services in the Bismarck-Mandan area. The assistant director said two firms submitted bids to provide secretarial, telephone message, and bill and journal room services based on six employees for 75 legislative days. He said the daily bids were \$570.08 by Kelly Services and \$581.20 by Spherion. He said Kelly Services provided secretarial, telephone message, and bill and journal room services during the 2007 legislative session at a bid price of \$714.25 per day for eight employees for 77 days for a total contract amount of \$54,999, but actually billed \$49,658.03.

The assistant director said the bid specifications provided that the proposal must be accompanied by no fewer than three references and each bidder provided at least three references. He said the pay range in the Kelly Services bid is secretarial and telephone message services - \$8.25 to \$8.50, and bill and journal room services - \$8.50. He said the pay range in the Spherion bid is secretarial and telephone message services - \$8.75 to \$9.50, bill and journal room services - \$8.00 to \$8.50. For comparison purposes, he said, the proposed pay for a legislative assistant (assistant sergeants-at-arms and pages) in 2009 is \$83 per day (\$10.375 per hour).

It was moved by Representative Berg, seconded by Representative Monson, and carried on a roll call vote that the committee recommend acceptance of the bid by Kelly Services to provide secretarial, telephone message, and bill and journal room services. Representatives Carlson, Berg, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

CONTRACTS FOR PRINTING LEGISLATIVE DOCUMENTS Bills, Resolutions, and Journals

At the request of Chairman Carlson, the assistant director reviewed the bids for printing the bills, resolutions, and journals, a copy of which is on file in the Legislative Council office. The assistant director

said the Central Services Division of the Office of Management and Budget is responsible for preparing and awarding the bids for printing legislative documents. He said the bids received are presented to the committee for informational purposes. In the past, he said, the committee had been requested to express a preference because the bid included operation of the bill and journal room. He said the bid specifications are now solely for printing rather than providing bill and journal room staff services. The assistant director said bidders were United Printing and Quality Printing Service.

The assistant director provided comparisons to the 2007 contract, e.g., in 2007 the contract price for 250 copies of a one-page bill was \$13.75, and the 2009 bids for 190 copies of a one-page bill are \$11.50 by United Printing and \$20 by Quality Printing Service.

The assistant director said the bid specified Grade 4 paper and United Printing bid Grade 1 paper and Quality Printing bid Grade 3 paper. He said Grade 1 is a brighter paper than Grade 3, which is brighter than Grade 4. He said the State Procurement Office suggested that for 2010 the bid specify a higher grade than Grade 4. He said it appears that United Printing will be awarded the bid.

LEGISLATIVE SESSION ARRANGEMENTS

Secretarial Services Policy

The assistant director reviewed the [Policy Regarding Secretarial Services to Legislators](#). The assistant director said this policy was recommended by the Legislative Management Committee and approved by the Legislative Council in November 2006. He said the policy is placed in the information packet distributed to legislators during the organizational session and emphasizes that secretarial services are provided by a third-party contractor and not by Legislative Assembly employees.

It was moved by Senator Cook, seconded by Senator Christmann, and carried on a roll call vote that the committee approve the policy regarding secretarial services to legislators. Representatives Carlson, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Brief Bags

The assistant director reviewed the policy of providing brief bags to legislators. He said leather-type letter files were authorized for legislators after each election since 1984, and beginning in 2002 canvas-type brief bags have been authorized for legislators. He said brief bags are provided on request to new legislators as well as holdover legislators. He said a request form is placed in the information packet distributed to legislators during the organizational session. He said legislators who desire a brief bag need to return that request form to the

Legislative Council office. He said there are 40 brief bags in inventory and he proposed that brief bags continue to be authorized for new and holdover legislators after each election upon the request of each legislator but the request form be included only in the packets for new legislators.

It was moved by Senator Stenehjem, seconded by Representative Delzer, and carried on a roll call vote that the Legislative Council staff continue the policy of providing brief bags to new and holdover legislators after each election upon the request of each legislator and that the request form be provided only to new legislators in the organizational session packets. Representatives Carlson, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Legislator Stationery

The assistant director reviewed the policy regarding stationery provided to legislators. He said each legislator is provided an option to receive no stationery, 250 sheets of regular (8.5 inches x 11 inches) or Monarch (7.5 inches x 10.5 inches) stationery and envelopes, 250 sheets of regular and 250 sheets of Monarch stationery and envelopes, or 500 sheets of regular or Monarch stationery and envelopes. He said the Speaker, leaders, and assistant leaders receive as much regular and Monarch stationery as they need and other legislators can request an additional 500 sheets of stationery and 500 envelopes.

Senator Nelson said the need for stationery could be substantially reduced if an electronic letterhead were provided to legislators so correspondence could be printed on regular paper through printers. The assistant director said the Legislative Council staff is preparing a generic Legislative Assembly letterhead that a legislator could use on regular paper.

During discussion of electronic letterheads and the need for envelopes more than stationery, it was suggested that options be added to allow legislators to elect to use the electronic letterhead and to allow legislators to receive only envelopes.

It was moved by Senator O'Connell, seconded by Senator Stenehjem, and carried on a roll call vote that legislators have the option of initially receiving none, 250 sheets of regular or Monarch stationery and envelopes, 250 sheets of each type of stationery and envelopes, or 500 sheets of either type of stationery and envelopes, of electing to use an electronic letterhead, and of electing to receive only envelopes. Representatives Carlson, Boucher, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Journal Distribution Policy

The assistant director reviewed recent journal distribution policies. Until 1985, he said, legislators were provided with a form to identify up to

15 individuals who could receive daily journals at no cost. From 1985 through 1993, he said, during the organizational session the desk forces announced to legislators that legislators could have daily journals sent, without charge, to as many as 15 persons. From 1995 through 2001, he said, the desk forces announced to legislators that a legislator could have a daily journal sent, without charge, to as many as three persons and that additional sets would have to receive the approval of the legislator's leader. Since 2003, he said, the desk forces have announced to legislators that a legislator could have daily journals sent, without charge, to any person upon approval of the legislator's leader.

Beginning in 1999, the assistant director said each legislator who wanted this service was requested to ask the person to whom the journals were to be sent whether that person had Internet access because the journals were available on the legislative branch web page.

It was moved by Representative Monson, seconded by Senator Cook, and carried on a roll call vote that the journal distribution policy for the 61st Legislative Assembly be that a legislator may have daily journals sent, without charge, to any person upon approval of the legislator's leader and that a legislator be requested to ask the person to whom the journals are sent whether that person has Internet access. Representatives Carlson, Boucher, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Legislators' Expense Reimbursement Policy

The assistant director reviewed the policy on items reimbursable as lodging expenses of legislators for the 60th Legislative Assembly. Reimbursable expenses were utilities (electricity, heat, and water, including garbage collection and sewer charges); basic telephone service and telephone installation charges; and furniture (rental of furniture and appliances and transit charges for moving rental furniture and appliances). He said legislators must voucher the expenses, and the total reimbursable expense for lodging is limited by North Dakota Century Code (NDCC) Section 54-03-20 to \$900 per calendar month. He said Section 54-03-20 was amended in 2005 to provide that lodging expenses of two or more legislators sharing lodging in a single dwelling could be subject to guidelines approved by the Legislative Council. The policy adopted in 2007 is that the lodging expenses of legislators sharing lodging are subject to approval of the Legislative Council chairman.

The assistant director said a question has arisen over whether a legislator who pays to stay with relatives can be reimbursed for that lodging.

Representative Monson said he sees no difference between renting from a relative and renting from others.

Senator Stenehjem said he sees a difference between staying with a relative and paying the relative and renting from a relative.

Representative Boucher said if a receipt is provided, that should be enough to receive reimbursement. Senator Cook said if a receipt is provided, reimbursement should be made regardless of whether a relative is involved and a change need not be made in the current policy.

It was moved by Representative Monson, seconded by Senator Stenehjem, and carried on a roll call vote that the legislative expense reimbursement policy for the 61st Legislative Assembly be the same as that followed for the 60th Legislative Assembly and that lodging expense reimbursement of two or more legislators sharing housing in a single dwelling be subject to approval by the Legislative Council chairman. Representatives Carlson, Boucher, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Session Employment Coordinators

The assistant director explained that personnel traditionally have been hired to coordinate the receipt of applications for legislative employment. In 2006, he said, the committee authorized the Legislative Council director to hire one person from each political party to screen prospective employees to determine whether they had the appropriate skills. He said the employment coordinators usually have been the secretaries to the leaders.

It was moved by Senator O'Connell, seconded by Senator Cook, and carried on a roll call vote that the Legislative Council director, in consultation with the legislative leaders, be authorized to hire one person to represent each political party to screen employees before the convening of the Legislative Assembly and report to the Employment Committees and that the persons hired be paid from Legislative Assembly funds. Representatives Carlson, Boucher, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Incoming WATS Line Service

The assistant director said incoming WATS lines have been provided for persons within the state to call toll free to the legislative telephone message center and either receive information on legislative activity or leave messages for legislators. He said callers do not receive any "busy" signal. If a line is busy during regular business hours, he said, the caller is given two options--one for staying on the line and one for leaving a message for legislators. The message feature is available 24 hours a day 7 days a week. During the 2007 legislative session, he said, the message center received 4,227 calls versus the 6,282 calls received in 2005.

The assistant director said the policy adopted in 2006 was that messages could be left only for the caller's local legislators (legislators from the caller's district and legislators of the city of the caller) and for specifically named legislators identified by the caller.

It was moved by Senator Stenehjem, seconded by Representative Delzer, and carried on a roll call vote that incoming WATS line service be continued for the 61st Legislative Assembly and that a caller may leave a message for the caller's local legislators (legislators from the caller's district and legislators of the city of the caller) and for specifically named legislators identified by the caller. Representatives Carlson, Boucher, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Legislator Photo ID Card

The assistant director said in 2007 each legislator was provided with a credit card size photo identification card containing the legislator's 2007 legislative photo, the legislator's 2005 signature if an incumbent, and the 1-888 session number, the Legislative Council office number, and the Legislative Council WATS line number. He said a similar photo ID card is planned for each legislator for 2009 and inquired whether the old signatures should be used for incumbents rather than obtaining new signatures from all legislators during the organizational session.

It was moved by Representative Monson, seconded by Representative Delzer, and carried on a roll call vote that the legislator photo ID card as proposed be provided to legislators using new signatures of legislators. Representatives Carlson, Boucher, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Security Key Access to Capitol

The assistant director said security cards are provided to legislators to allow access to the Capitol outside regular business hours. He said the policy adopted in 2004 is that security access cards will be provided to legislators on request and upon a legislator signing a form acknowledging receipt of the card. He said a form notifying the legislator of the policy, containing the request for the card, and acknowledging receipt of a card is included in the information packet distributed to legislators during the organizational session.

It was moved by Senator Stenehjem, seconded by Senator O'Connell, and carried on a roll call vote that the committee approve the policy of providing security cards to legislators on request upon signing a form acknowledging receipt of the card. Representatives Carlson, Berg, Boucher, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

LEGISLATIVE SESSION ARRANGEMENTS

Legislative Bill Tracking Service

The assistant director reviewed the history of the legislative bill tracking service provided by the North Dakota University System. In 1997, he said, the Legislative Council staff provided legislative information over the legislative branch web page upon payment of a subscription fee. Because of the large volume of calls seeking help in accessing the subscription service, he said, in 1998 the Legislative Council staff proposed providing legislative information without charge on the legislative branch website. He said the University System proposed that it would develop and refine a legislative bill tracking system (LBTS) that would provide access for nonstate users for a fee to be determined by the University System and used to defray University System costs.

The assistant director said the legislative applications replacement system project includes a planned legislative tracking service that would include notification of subscribers of various events during the legislative process. He said the University System inquired in April 2008 whether LBTS would be needed in 2009 because their application servers were going to be rebuilt in May and LBTS would be decommissioned to avoid incurring maintenance and testing costs. During this timeframe, he said, the legislative applications replacement system project vendor was facing difficulty in delivering critical components. He said the University System was informed in July that LBTS would be needed if a tracking service is to be provided in 2009.

The assistant director said the University System provided an estimate that it would take approximately \$12,320 to \$18,480, or \$15,400 \pm 20 percent, to bring LBTS back online and make the changes necessary for the different hosting environment. In August, he said, the University System proposed that the Legislative Council contribute the difference between the subscription revenue and the University System costs. He said in 2007 there were 373 state user subscribers (at no charge), 69 University System subscribers (at no charge), and 64 private subscribers.

Chairman Carlson recognized Mr. Jack McDonald for a description of the value of LBTS. Mr. McDonald said LBTS allows the subscriber to list bills of interest, and the system automatically generates reports of activity on those bills every day. Without this system, he said, many lobbyists or others who follow a number of bills, e.g., 50 or more, would need to enter each bill number manually to retrieve activity with respect to that bill.

Representative Berg said a tracking service should be available to everyone who follows the legislative process and urged that such a service be provided as part of the legislative applications replacement system project.

Representative Delzer said he does not think the Legislative Council needs to provide any financial support of the tracking service.

Senator Cook said the University System should be able to bring LBTS online without financial assistance from the Legislative Council and this could be considered when the appropriation for the University System is being heard during the legislative session.

It was moved by Senator Cook, seconded by Senator Stenehjem, and carried on a roll call vote that the University System be requested to take the action necessary to bring the legislative bill tracking service online in time for the 2009 legislative session. Representatives Carlson, Berg, Boucher, Monson, and Onstad and Senators Cook, Nelson, O'Connell, and Stenehjem voted "aye." Representative Delzer and Senator Christmann voted "nay."

LEGISLATIVE PROCEDURES AND RULES

Health Insurance Mandates

Chairman Carlson recognized Mr. Rod St. Aubyn, Director of Government Relations, Blue Cross Blue Shield of North Dakota. Mr. St. Aubyn distributed a presentation ([Appendix B](#)) concerning the timeline for a cost-benefit analysis of health insurance mandates. He said under NDCC Section 54-03-28, a bill that is considered a health insurance mandate must be considered by the Employee Benefits Programs Committee, must be referred to a standing committee, must have an independent cost-benefit analysis before the standing committee can take action, then must be rereferred to the Appropriations Committee if the bill affects the appropriation for the Public Employees Retirement System. He said the actuarial firm is required to complete the analysis within four weeks, but the procedure is impossible to complete for a bill introduced on the last day for introducing bills.

Mr. St. Aubyn proposed amendments to Senate and House Rules 402, relating to the introduction of bills, to provide:

All bills mandating health insurance coverage of services or payment for specified providers as described in NDCC 54-03-28 must be submitted for consideration by the Employee Benefits Programs Committee no later than April 1 of the year before a regular legislative session for returning legislators or no later than the first Friday [Wednesday] following the end of the organizational session for newly-elected first-time legislators.

Mr. St. Aubyn said Representative Clara Sue Price suggested an alternative day of Wednesday to allow additional time for newly elected legislators.

The assistant director inquired whether the requirement is for a bill to be "submitted" or be "prefiled" and thus have a bill number for reference. Mr. St. Aubyn said the procedure is open to either way

of ensuring early notification of the actuarial consultant.

Representative Delzer said someone must be responsible for determining whether a bill contains a health insurance mandate. The assistant director said NDCC Section 54-03-28 provides the majority of the members of the standing committee, through the standing committee chairman, has sole authority to determine whether a legislative measure mandates coverage of services or payment for specified providers of services. During the interim, he said, the drafter of the bill providing such coverage makes that determination and informs the requester about the requirements of Section 54-03-28.

It was moved by Representative Berg, seconded by Representative Delzer, and carried on a roll call vote that the committee approve proposed amendments to House and Senate Rules 402 relating to bill introduction deadlines for measures subject to cost-benefit analysis under NDCC Section 54-03-28 using the Wednesday deadline. Representatives Carlson, Berg, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Committee Hearing Schedules

Mr. St. Aubyn distributed a presentation ([Appendix C](#)) concerning scheduling of committee hearings. He said several committee chairmen use block scheduling, i.e., several bills scheduled at 9:00 a.m., rather than time-certain scheduling, i.e., a specific time for each bill, of hearings on bills. Under block scheduling, he said, it is difficult for an individual to appear on time if six different bill hearings are scheduled beginning at 9:00 a.m. For example, if the bill of interest is the third bill of a group scheduled at 9:00 a.m., it is impossible to determine when the bill will be heard. Based on experience, he said, he normally uses 10 to 15 minutes per bill, but he has missed hearings and even final actions on bills.

Mr. St. Aubyn said this issue also affects individuals who travel to the Capitol to testify on a bill. If the bill of interest is the third bill of a group scheduled at 8:30 a.m., he said, that individual must make travel arrangements under the assumption that attendance is required at 8:30 a.m. He said this issue also affects hearing attendance because individuals either pack the room waiting for their time or constantly enter the room to check on the status of the hearing.

Representative Boucher said he could support the concept of time-certain but his concern is that committee chairmen would end the hearing if time runs into the next scheduled bill.

Senator O'Connell said he favors time-certain scheduling because of the number of complaints he has received over block scheduling.

Representative Berg said there are two sides to every issue. He said he is not comfortable in setting a time-certain. He said there is a balance that needs to

happen and issues can be handled one-on-one without a rules change.

Senator Cook said one way to resolve this is to provide that if a bill is not heard within one hour, the persons who would have testified must be provided time to testify.

Representative Onstad said the purpose of time-certain should be that a bill will not be heard before that time, rather than a rationale to end the hearing at the time scheduled for the next bill.

Senator Nelson said most bill sponsors know how long the testimony on their bills will last and they should inform the committee chairmen so accurate schedules can be made.

LEGISLATIVE FACILITIES AND EQUIPMENT

Brass Refinishing of Ground Floor West Hallway and Doors

The assistant director said he had been contacted by Mr. John Boyle, Director, Facility Management, regarding brass refinishing work in the legislative wing. He said the contractor that is restoring the copper alloy (brass) to its original finish on the ground and first floors is going to be finished by the end of the first week in October. He said the contractor provided a bid of \$36,520 to restore the copper alloy (brass) on the meeting room doors in the ground floor legislative main center hallway, the surfaces on the ledges of the bill and journal room and the coat room, and the west entrance doors from the parking lot.

The assistant director said Mr. Boyle said he is very pleased with the quality of work of the contractor, the contractor is on schedule with the current project, and it would take 10 days to restore the brass as proposed in the \$36,520 bid.

In response to a question from Representative Carlson, the director said funding could be from the \$200,000 appropriation for committee room furnishings or otherwise within the Legislative Assembly appropriation.

Representative Berg said if there is an opportunity to save money because the contractor is onsite, the project should be done.

It was moved by Representative Monson that the committee authorize the refinishing of brass on the ground floor of the legislative wing as proposed in the bid if sufficient funds are available in the Legislative Assembly appropriation.

Representative Carlson said if the brass is to be refinished, there should be a bid to refinish all the brass in the legislative wing. **Representative Monson withdrew his motion.**

Committee Room Presentation Displays

The assistant director reviewed two proposals considered by the Legislator Computer Replacement Task Force with respect to improving technology in committee rooms. He said the task force discussed

two types of video displays in committee rooms--flat panel video displays and SMART Boards. He said Mr. Steve Butts, AVI Systems, Bismarck, toured each committee room with the idea of which type of video product would work well in the specific room. He said the proposals (copies are on file in the Legislative Council office) were:

- Two 42-inch plasma screen flat panels in the Red River, Medora, Fort Union, Peace Garden, and Fort Totten Rooms--approximate cost per room \$5,143.
- One 77-inch SMART Board in the Sakakawea, Missouri River, Lewis and Clark, Fort Lincoln, and Roosevelt Park Rooms--approximate cost per room \$5,584.

The assistant director said AVI Systems was requested to provide estimates to replace the sound mixers in the Roughrider and Harvest Rooms, provide mobile sound systems, and provide committee scheduling display systems.

Committee Room Audio, Committee Scheduling, and Video Presentation Systems

Chairman Carlson recognized Mr. Jamy Mills, System Sales Specialist, AVI Systems, to review the proposals that had been distributed to committee members. Copies are on file in the Legislative Council office. Mr. Mills reviewed these proposals:

- Harvest Room - Install 10.4-inch scheduling display outside the room, audio mixer, and digital flash recorder - \$30,684.
- Roughrider Room - Install 10.4-inch scheduling display outside room, audio mixer, and digital flash recorder - \$30,684.
- Red River Room - Install 10 ceiling loudspeakers, provide amplifier, mixer, 14 microphones, mobile rack, and digital flash recorder - \$18,891.
- Roosevelt Park Room - Install 10.4-inch scheduling display outside room, reuse mixer from Harvest Room or Roughrider Room, install 4 ceiling loudspeakers, provide 6 desktop gooseneck microphones, digital flash recorder, mobile rack, and install video projector - \$21,340.

Mr. Mills said the digital mixers would upgrade the older analog mixers in the Roughrider and Harvest Rooms. The assistant director said the proposals were requested to give the committee information on the costs to enhance the audio systems, especially in the Roughrider Room, which seems to experience audio system problems during legislative sessions.

Senator Stenehjem said the Senate intends to replace all committee tables after January 1, 2009, after committee chairmen have been appointed.

In response to a question from Representative Carlson, Mr. Mills said it would take two to three weeks to replace the audio systems in the Roughrider and Harvest Rooms.

Representative Delzer said he is reluctant to do anything with respect to the audio systems before the 2009 legislative session.

Representative Carlson said if anything is done, it should be done for all the committee rooms.

Representative Boucher said there are several committee rooms and audio systems should be placed in all the committee rooms.

Representative Berg said it is important that good displays are used to inform visitors about activities in various rooms. He said the rooms should be renovated to allow presentations to committees, good chairs, and good tables, all of which should be uniform from room to room.

The assistant director said International Roll Call provided an estimate of \$3,250 per room for a committee scheduling display and necessary software.

SESSION ARRANGEMENTS

Session Employee Orientation and Training

The assistant director reviewed a revised tentative agenda entitled [Orientation and Training Sessions for Certain Legislative Employees](#). He said the agenda was revised to eliminate training sessions during the weeks of Thanksgiving and Christmas. He said this required shortening training sessions. He said the schedule also reflects "assistance provided as available," which indicates training may not be available at all times because experienced staff may not be available to assist in training.

It was moved by Senator Christmann, seconded by Representative Boucher, and carried on a roll call vote that the committee approve the revised agenda for orientation and training sessions for certain legislative employees. Representatives Carlson, Berg, Boucher, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Session Employee Numbers and Compensation

The assistant director reviewed a memorandum entitled [Legislative Assembly Employee Positions and Compensation](#) and a Senate concurrent resolution draft [93005.0100] that provided for session employee compensation which were presented to the committee at its June 2008 meeting.

The assistant director reviewed a memorandum entitled [Legislative Assembly Employee Compensation Compared to Inflation and State Employee Salary Increases Since 1999](#). The memorandum provides tabular information on the inflation rate, on salary increases provided to state employees, and on first-quarter state average weekly/daily wages. The memorandum also depicts in tabular format the 1999 daily rate for session employee positions, a daily rate adjusted for inflation 1999 through 2008, a daily rate adjusted for state

employee salary increases 1999 through 2008, and the rate proposed in the memorandum and Senate concurrent resolution. For example, a three-day committee clerk received \$90 per day in 1999, adjusted for inflation through 2008 would receive \$119, adjusted for state employee salary increases through 2008 would receive \$116, and as proposed for 2009 would receive \$123.

Representative Berg requested the Legislative Council staff to provide information on session employee compensation levels that reflected the increase in the state average daily wage since 1999.

Organizational Session Agenda

The assistant director said the organizational session is scheduled to convene at 1:00 p.m. on Monday, December 1, and adjourn at 10:45 a.m. on Wednesday, December 3. He said LifeSource--a nonprofit organization that manages organ and tissue donation in the upper Midwest--has requested permission to host a luncheon during the organizational session. He said LifeSource bestowed an award on the state of North Dakota for accomplishments in advocating for donation in the community in 2007. He said LifeSource notes that of the many efforts throughout the state that resulted in a significant and positive impact on organ and tissue donation, the most significant was the enactment in 2007 of the Revised Uniform Anatomical Gift Act, which strengthens the rights of donors, eases the process of donation, and allows minors to document their donation decision on their driver's licenses.

Discussion among committee members supported a luncheon on Tuesday, December 2.

LEGISLATIVE RULES

Number of Sponsors

The assistant director reviewed Representative Jim Kasper's request at the June meeting that consideration be given to increasing the number of cosponsors of a measure from 6 to 12. If this change is recommended, he said, the decision should be made as early as possible to allow time for the Information Technology Department to make the changes to the legislative systems.

Media Representative Identification

The assistant director reviewed a proposed amendment of Joint Rule 802 [99140.0100] relating to identification of representatives of the media. He said the proposed amendment is in response to a suggestion that Joint Rule 802 should reflect the practice followed in distributing identification badges, i.e., the North Dakota Newspaper Association distributes the badges. He said the proposed language provides the flexibility to recognize practices that may change in the future.

Constitutional Revision Committee Members

The assistant director reviewed a proposed amendment of House Rule 501(6) [99133.0100] relating to the number of members of the House Constitutional Revision Committee. He said this proposed rules amendment is in response to a suggestion that while House Rule 501 provides for the Constitutional Revision Committee be composed of seven members, during the 2007 legislative session there were nine members on that committee and that number worked fine.

Motions During Debate

The assistant director reviewed proposed amendments to Senate and House Rules 312 and 317 [99128.0100] relating to motions during debate and nondebatable motions. He said the proposed amendment is in response to a suggestion that House Rule 312 should list a motion to allow a member to vote under House Rule 322. He said the amendment of Senate and House Rules 317 recognizes the language in Senate and House Rules 322 which requires the question to allow a member to vote to be decided without debate.

Votes Required for Certain Questions

The assistant director reviewed proposed amendments to Senate and House Rules 318 [99129.0100] relating to the votes required for passage of certain items. He said the proposed amendment is in response to a suggestion that House and Senate Rules 318 be amended to recognize the vote required if the constitutional amendment establishing a permanent oil tax trust fund is approved by the electorate. Under the proposed constitutional amendment, he said, expenditure of principal is subject to a requirement of a vote of three-fourths of the members elected to each house of the Legislative Assembly.

Senator O'Connell said these amendments could be delayed until after the results of the general election are known.

Delivery of Veto Messages

The assistant director reviewed proposed creation of Joint Rule 210 [99138.0100] relating to delivery of veto messages by the Governor when the Legislative Assembly is not in session. He said the proposed rules amendment is in response to a suggestion that a joint rule similar to Joint Rule 209, relating to return of vetoed bills with objections, be created to establish a procedure for delivery of veto messages after the Legislative Assembly has adjourned in order for the Legislative Council office to receive the message for purposes of publication in the postsession journal and in the Session Laws.

Recognition to Speak

The assistant director reviewed proposed amendments to Senate and House Rules 305

[99127.0100] relating to recognition by the presiding officers. He said the proposed rules amendment is in response to a suggestion that the rules be amended to reflect that members do not stand until recognized but are recognized through the "speak" buttons and lights on the presiding officer's board.

Senator Christmann said the proposed amendments do not provide for a member to challenge an action or request a point of order.

Consideration of Majority and Minority Reports

The assistant director reviewed proposed amendments to Senate and House Rules 601(4) and 602(3) [99136.0100] relating to placement of majority reports on the calendar "above" rather than "before consideration of" minority reports. He said this amendment is an attempt to reconcile Senate and House Rules 602(3) with Senate and House Rules 601(4), which provide for placement of majority and minority reports on the calendar and the acceptance of a motion that the report of the minority be substituted for the majority report. He said the proposed rules amendment is in response to this suggestion:

There appears to be a conflict in House Rules 601(4) and 602(3). In Rule 601(4) on a divided committee report it states that the minority report should be substituted for the majority report and a vote taken on that question. In Rule 602(3) it states that the majority report should be voted on first before the minority report. During the 2007 legislative session we used the procedure in Rule 601(4).

The assistant director said this is an issue that arises in the House more than the Senate because the Senate allows floor amendments.

Senator Stenehjem said the amendment should be to House Rules 601(4) and 602(3) because the Senate does not have a question over the language.

Clincher Motion

The assistant director reviewed proposed amendments to Senate Rule 348 [99131.0100] relating to the vote required to carry a clincher motion. He said the proposed rules amendment is in response to a question as to the vote required to adopt a clincher motion in the Senate. Because Senate Rule 348 is silent as to the vote required, he said, the vote for a clincher motion is governed by Senate Rule 318(1)(m), which provides that any question for which another vote is not required by the rules is subject to a majority vote of the members present.

Committee Membership

The assistant director referred to "proposed amendments" of Senate and House Rules 501(2), (3), and (4) [99132.0100], which provided the substance of the rules as a vehicle for committee discussion. He said the rules prescribe the number of members of

each committee but recent practice has been to correct that number after the organizational session so the rules book could be published with the number reflecting actual committee membership. He said committee membership generally is not known until after the Rules Committees recommended amendments have been approved by each house. He said the subject matter jurisdiction of committees is described for each committee and sometimes questions arise as to why bills are referred to different committees.

Representative Berg requested that a rules amendment be prepared adding a statement about workload management may alter normal subject matter assignments.

Referrals to Appropriations Committee

The assistant director referred to "proposed amendments" to Senate and House Rules 329 [\[99130.0100\]](#) relating to referrals to the Appropriations Committee as a vehicle for discussion of whether the bills with fiscal notes should be referred to the Appropriations Committee. He said bills having a fiscal effect need not be referred to the Appropriations Committees unless the effect is \$50,000 or more on the appropriation of a state agency.

Legislative Deadlines

The assistant director referred to "proposed amendments" to House Rule 508 and Joint Rule 203 [\[99134.0100\]](#) relating to deadlines for reporting resolutions from the Constitutional Revision Committee, and to Senate and House Rules 329(4) and 508 and Joint Rule 203 [\[99135.0100\]](#) relating to deadlines for rereferral of bills to the Appropriations Committee and the crossover deadline. He said the deadlines relate back to when the regular legislative session was limited to 60 days. When the Constitution of North Dakota was amended to allow for 80-day legislative sessions, he said, the decision by the leadership was to retain the deadlines based on a 60-day session.

Senator Stenehjem said deadlines are needed.

Representative Onstad suggested that the deadlines from the 60-day timeframe could be prorated under the 80-day timeframe to illustrate what would be equivalent deadlines for the time available.

It was moved by Senator Cook, seconded by Senator Christmann, and carried on a roll call vote that, as proposed and discussed, the committee approve proposed amendments to:

- **Amendments to Joint Rule 802 relating to identification of representatives of the media;**
- **Amendments to House Rule 501(6) relating to membership of the House Constitutional Revision Committee;**
- **Amendments to Senate and House Rules 312 and 317 relating to motions during debate and nondebatable motions;**
- **Creation of Joint Rule 210 relating to delivery of veto messages; and**
- **Amendments to House Rule 601(4) and 602(3) relating to majority and minority reports.**

Representatives Carlson, Delzer, Monson, and Onstad and Senators Christmann, Cook, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

No further business appearing, Chairman Carlson adjourned the meeting at 5:00 p.m.

Jay E. Buringrud
Assistant Director

Jim W. Smith
Director

ATTACH:3