

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Wednesday, September 14, 2011
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 1:05 p.m.

Members present: Representatives Al Carlson, David Drovdal, Lee Kaldor, Jerry Kelsh, Don Vigesaa; Senators Randel Christmann, Ralph L. Kilzer, Ryan M. Taylor, Rich Wardner

Member absent: Senator Mac Schneider

Others present: Allen H. Knudson, Jason J. Steckler, Lori Ziegler; Legislative Council, Bismarck
See [Appendix A](#) for additional persons present.

SUPPLEMENTARY RULES OF OPERATION AND PROCEDURE

At the request of Chairman Carlson, the assistant director reviewed the [Supplementary Rules of Operation and Procedure of the North Dakota Legislative Management](#).

2011 SECRETARIAL, TELEPHONE MESSAGE, AND BILL AND JOURNAL ROOM SERVICES REPORT

The Legislative Procedure and Arrangements Committee prepares a request for proposal (RFP) for secretarial, telephone message, and bill and journal room services in June before a regular legislative session, receives bids, and awards the contract before the organizational session so bill and journal room services can start during the period between the organizational session and the regular session. Spherion Staffing was awarded the contract to provide these services during the 2011 regular legislative session.

Chairman Carlson recognized Ms. Rachelle Johnson, Business Account Development, Spherion Staffing, for a presentation regarding the secretarial, telephone message, and bill and journal room services provided by Spherion Staffing during the 2011 legislative session. Ms. Johnson distributed a report ([Appendix B](#)) entitled *2011 Legislative Assembly Review*.

Ms. Johnson said Spherion Staffing provided one onsite supervisor, three employees in the secretarial and telephone message service area, and two employees in the bill and journal room. She said staffing in the secretarial and telephone message service area was reduced by one employee in midsession due to lack of workload. She said the hourly wages for the remaining employees were increased by 25 cents. She said actual billings for the

secretarial and telephone message services employees amounted to \$514.20 per day versus the contract bid price of \$563.82. She said the services billed totaled \$42,809.02, rather than the contract price of \$46,916.82--a savings to the state of \$4,107.80.

Ms. Johnson provided these statistics on documents prepared by secretarial services:

- 46 testimony and speeches (compared to 207 in 2009);
- 16 press releases (26 in 2009).
- 78 charts (32 in 2009).
- 433 letters (526 in 2009).
- 56 facsimiles (14 in 2009).
- 119 merges (182 in 2009).
- 1,296 miscellaneous (268 in 2009).

Ms. Johnson said messages totaled 6,025 (compared to 5,849 in 2009).

Ms. Johnson recommended that the future RFP set a minimum pay rate for each position in order to ensure the staffed employees are of the highest quality. She suggested the supervisor should receive at least \$12 per hour; secretarial and telephone message services should receive at least \$11.50 per hour; and bill and journal room services should receive at least \$11 per hour. She recommended that the staffing level for the 2013 legislative session be one onsite supervisor; one full-time secretary; one part-time secretary to work 11:00 a.m. to 3:00 p.m. and float between secretarial services and the bill and journal room; and two employees in the bill and journal room--one from 7:00 a.m. to 4:00 p.m. and one from 7:30 a.m. to 4:30 p.m.

Senator Christmann suggested that the secretarial services also could have an earlier starting hour, e.g., 7:00 a.m., so that legislators could respond to correspondence before going to committee meetings in the mornings.

USE OF LEGISLATIVE COMMITTEE ROOMS

Guidelines for Use of Legislative Committee Rooms

The assistant director reviewed the [Guidelines for Use of Legislative Committee Rooms North Dakota State Capitol](#). He said the guidelines provide the chambers of the Senate and the House of Representatives may be used by groups and organizations subject to specifically listed

requirements. The guidelines describe Joint Rule 803, relating to use of legislative committee rooms during a legislative session, and North Dakota Century Code Section 48-08-04, relating to use of legislative committee rooms during the interim. He suggested the guidelines be amended in subsection 1 to include the Legislative Management as one of the legislative entities having priority for the use of legislative committee rooms and amended in subsection 3(b) to replace "Legislative Council" with "Legislative Management" with respect to decisions on matters.

It was moved by Representative Drovdal, seconded by Representative Kaldor, and carried on a roll call vote to approve the *Guidelines for Use of Legislative Committee Rooms North Dakota State Capitol*, with the revisions as suggested. Representatives Carlson, Drovdal, Kaldor, Kelsh, and Vigesaa and Senators Christmann, Kilzer, Taylor, and Wardner voted "aye." No negative votes were cast.

USE OF LEGISLATIVE CHAMBERS Legislative Wing Renovation Projects During 2011-12 Interim

Chairman Carlson recognized Mr. John Boyle, Director, Facility Management Division, regarding scheduled renovations in the legislative wing. Mr. Boyle reviewed the timeline for employing an architect, preparing the plans, preparing the RFP, soliciting bids by February 1, 2012, requiring bids to be submitted by February 22, 2012, awarding the contract, and starting renovation work in the legislative chambers and the hallway between the chambers by March 1, 2012. He said the renovation work is to refinish the wood in the chambers and the legislative hall and restore the brass finishings and columns in the chambers. He said the plan involves use of the chambers and the legislative hall from March 1 to July 31, 2012. He said limited accommodation could be made for a special use of the chambers during this time period.

In response to a question from Senator Christmann, Mr. Boyle said the desks are not included in the wood refinishing, but are included as an add alternative, which depends on the results of the bids.

Representative Carlson said it would be best to refinish the desks at the same time the wood and brass is being refinished in the chambers.

In response to a question from Representative Carlson, the director said there is some money for legislative wing improvements in the appropriation for legislative wing renovation projects. He said if the bids are close, and funds are available, the question on use of the funds appropriated for the legislative wing renovation projects would be brought to the Legislative Procedure and Arrangements Committee.

Senator Christmann said if the desks are refinished, there should be discussions as to replacing the telephones currently located below the desks.

In response to a question from Representative Drovdal, Mr. Jason J. Steckler, Information Technology Director, Legislative Council, said wireless technology is available in the chambers, as well as throughout the Capitol. He said use of the wired network is encouraged because of reliability issues. He said he would check on the feasibility of wireless telephones. He said the telephones in the chambers are analog, while the rest of the Capitol is digital. He said the digital telephones would occupy a large footprint in the space available for legislators. Although wireless technology is available for telephones, computers, and voting systems, he said, power outlets still would need to be provided. He said he will work with Mr. Boyle on options for power and network access at the desks.

As a result of consensus of committee members, Mr. Boyle said the plans for legislative hall wood refinishing and legislator desk refinishing would be reversed--the legislator desk refinishing would become part of the main project and the legislative hall wood refinishing would become the add alternative.

Guidelines for Use of Legislative Chambers

The assistant director reviewed the [Guidelines for Use of Legislative Chambers and Displays in Memorial Hall, North Dakota State Capitol](#). He said the guidelines provide the chambers of the Senate and the House of Representatives may be used by groups and organizations subject to specifically listed requirements. He suggested the Legislative Management be included in subsection 1 as one of the legislative entities having priority for use of the legislative chambers.

It was moved by Representative Drovdal, seconded by Senator Wardner, and carried on a roll call vote to approve the *Guidelines for Use of Legislative Chambers and Displays in Memorial Hall, North Dakota State Capitol*, with the amendment as suggested. Representatives Carlson, Drovdal, Kaldor, Kelsh, and Vigesaa and Senators Christmann, Kilzer, Taylor, and Wardner voted "aye." No negative votes were cast.

The assistant director reviewed three requests to use the chambers and committee rooms.

After a question arose because of the conflict between the Land Department's request to use the House chamber during the March 1 to July 31 wood and brass refinishing project, Mr. Boyle said he would work with the Land Department concerning its scheduled oil and gas lease auction on May 1, 2012.

It was moved by Representative Kaldor, seconded by Representative Kelsh, and carried on a roll call vote that the committee approve the request by the Land Department to use the House chamber on November 1, 2011, and February 7, May 1, August 7, and November 6, 2012; the request by the North Dakota High School Activities Association to use the House and Senate chambers and legislative committee rooms

on November 1-2, 2012; and the request by the Secretary of State to use the House chamber on February 22-23, 2012. Representatives Carlson, Drovdal, Kaldor, Kelsh, and Vigesaa and Senators Christmann, Kilzer, Taylor, and Wardner voted "aye." No negative votes were cast.

SPECIAL SESSION ARRANGEMENTS

Senate, House, and Joint Rules Amendments

The assistant director referred to a memorandum entitled [Proposed House and Joint Rules Amendments Relating to a Special Legislative Session](#) and a memorandum entitled [Proposed Senate and Joint Rules Amendments Relating to a Special Legislative Session](#). He said the memorandums contain amendments similar to the amendments that were made to the legislative rules during the 2001 special session. He said the main difference between the two memorandums is the treatment of floor amendments in the Senate rules.

The assistant director said the proposed amendments address:

- Introduction of bills - To limit bill introduction to those bills introduced by the Legislative Management or approved by the respective Delayed Bills Committee.
- Committee structure - To provide for two joint standing committees, which are intended to hear all bills introduced during the special session.
- Committee meetings - To provide for committees on any day as called by the chairmen.
- Fiscal notes - To provide for agencies to respond within one day.
- Second reading of bills - To provide for second reading on the same day the committee report is received.
- Consent calendar - To provide for consideration on the same day the items are placed on the consent calendar.
- Floor amendments - To provide for a "concept" to be approved, with specific legal descriptions to be provided later.
- Reconsideration of bills - To provide for final reconsideration on the same day.
- Conference committees - To provide for receding before conference on the same day.

The assistant director said depending on the substance in the rules amendments, e.g., the procedure for introducing bills and the composition of any new committees, adoption of rules would generally be one of the first orders of business during a special session. He said the normal procedure is for the Legislative Management to recommend legislative rules changes. He said the rules changes would be presented to the appropriate Rules Committees of each house. He said each Rules Committee would review the rules changes and make its recommendation to the appropriate house.

In response to a question from Representative Carlson, the assistant director said the proposed amendments do not eliminate the regular standing committees. He said those committees could meet, assuming bills are referred to those committees. He said regular standing committees also could meet jointly. With respect to a joint committee, he said, the cochairman of the joint committee would be reporting the bill to the cochairman's respective house, the report of the joint committee would refer to the full membership of the joint committee, and a majority of the joint committee would determine the report rather than a majority of each house's members on the joint committee. He said a majority of the entire membership versus a majority of each house's membership is the main difference between a joint committee and two committees meeting jointly.

In response to a question from Representative Kelsh, the assistant director said the proposed rules establishing each joint committee provide for cochairmen--one from each house--who would alternate the chairmanship for each meeting of the joint committee. If a majority vote is lopsided, with little support by members from one house, he said, presumably the committee members would realize such a lopsided vote would result in little support for the bill in the house whose committee members voted against the committee report. Representative Kelsh said he hopes each cochairman recognizes fairness in the deliberations.

Senator Wardner said the joint committees would be holding hearings at which both houses would be receiving testimony. He suggested that if regular standing committees were used, they would hold joint hearings.

Senator Christmann said he prefers a joint committee with equal membership from each house because both houses are equal. Representative Carlson said the other point of view is that the House has twice the members as the Senate and thus should have twice the representation on a joint committee.

Representative Carlson reported that the Governor will call the special session to convene on Monday, November 7, 2011. He said the Governor has suggested five issues for consideration:

- Legislative redistricting;
- Health benefit exchange;
- University of North Dakota logo;
- Disaster or flood relief; and possibly
- Department of Human Services eligibility system.

Representative Kaldor said the Joint Legislative Redistricting Committee would consist of the membership of the interim committee and would be hearing the redistricting bill. He suggested that a Joint Health Care Reform Committee could be established to consist of the same membership as the interim Health Care Reform Review Committee and would hear the health benefit exchange bill.

Representative Carlson said the regular standing committees could hear other bills introduced during

the special session. The assistant director said he would revise the proposed rules amendments to provide for a Joint Health Care Reform Committee rather than a Joint Technical Corrections Committee, with the same membership numbers as the interim Health Care Reform Review Committee.

Special Session Administrative Arrangements

The assistant director reviewed the memorandum entitled [Special Legislative Session - Background and Statutory References](#). The memorandum identifies constitutional and statutory provisions that could have an impact on the Legislative Assembly during a special legislative session and provides information on the 2001 special session.

With respect to legislative employees, the assistant director said the Senate employed 10 individuals and the House employed 12 individuals during the 2001 special session. He emphasized the importance of the positions of Secretary of the Senate and Chief Clerk of the House, journal reporter, and sergeant-at-arms, all of whom are officers of the respective house and continue in office. He said the number of committee clerks would depend on the number of standing committees or joint committees created for considering bills introduced. He said 2011 House Concurrent Resolution No. 3006 sets legislative employee compensation levels by position and thus no additional resolution is needed for a special session unless legislative pay levels are changed. He

said employees could be designated in a report of the Employment Committee of each house and that would be sufficient to designate employees.

The director said he would send a letter to the Secretary of the Senate and Chief Clerk of the House, journal reporters, and sergeant-at-arms notifying them of the convening date of the special session.

Representative Carlson said the legislative employee positions should be streamlined for the special session, with a limited number of employees. He said he would meet with Senator Wardner to discuss special session employee positions and they would notify the respective Employment Committees as to the positions needed to be filled, including the committee clerk positions.

No further business appearing, Chairman Carlson adjourned the meeting at 3:30 p.m.

Jay E. Buringrud
Assistant Director

Jim W. Smith
Director

ATTACH:2