

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

**LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE**

Monday, September 14, 2009  
 Harvest Room, State Capitol  
 Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 1:15 p.m.

**Members present:** Representatives Al Carlson, Merle Boucher, David Monson, Kenton Onstad; Senators Jerry Klein, Carolyn Nelson, David O'Connell, Bob Stenehjem

**Members absent:** Representative Don Vigesa; Senator Randel Christmann

**Others present:** Allen H. Knudson, Jason J. Steckler; Legislative Council, Bismarck

See attached [appendix](#) for other persons present.

**It was moved by Senator O'Connell, seconded by Senator Nelson, and carried on a voice vote that the minutes of the June 23, 2009, meeting be approved as distributed.**

**SECRETARIAL, TELEPHONE MESSAGE, AND BILL AND JOURNAL ROOM SERVICES**

**Historical Background**

Chairman Carlson called on the assistant director to review the history of contracting for secretarial, telephone message, and bill and journal room services. The assistant director said the Legislative Assembly last employed stenographers and typists in 1993, bill room employees in 1995, and telephone message attendants in 1999. He said private contractors were first used for secretarial services in 1995, bill room services in 1997, and telephone message services in 2001.

The assistant director said comparing employee numbers during the last session during which the House and Senate employed individuals in the three service areas to the 2009 legislative session contract employee numbers shows a reduction from 35.5 Legislative Assembly employees to 6 contract employees. He said the total cost of the three services beginning with the year all three services were contracted to a third party are:

Legislative Session	Number of Employees	Combined Services Cost
1993 secretarial, 1995 bill room, and 1999 telephone	35.5 Legislative Assembly	\$185,296.09
2001	19 contract	\$119,689.26
2003	18 contract	\$94,459.32
2005	12 contract	\$76,848.79
2007	8 contract	\$50,658.03
2009	6 contract	\$44,057.13

The assistant director said the reduction in the number and the cost could be attributed to a number of factors, with the primary one being the increasing use of technology. Beginning in the 1990s, he said, secretarial service personnel were provided with personal computers and word processing software. With the increasing use of LAWS, he said, legislators personally respond to a number of constituent contacts through e-mail. With the advent of the Internet and the availability of bills online, he said, the number of bills and journals distributed from the bill and journal room has been reduced substantially.

The assistant director said the number of calls to the telephone messaging service from North Dakota residents has decreased every session since 1993, except for the 2009 legislative session.

Legislative Session	Number of 1-800 Calls	Number of Contract Employees Assigned for Telephone Messages
1993	62,320	Not applicable
1995	41,668	Not applicable
1997	28,433	Not applicable
1999	22,491	Not applicable
2001	19,478	9
2003	10,021	9
2005	6,282	5
2007	4,227	2
2009	5,849	Consolidated service (2-4)

**Kelly Services**

Chairman Carlson recognized Ms. Amy Erickson, District Manager, Kelly Services, Bismarck, for a presentation regarding the secretarial, telephone message, and bill and journal room services provided by Kelly Services during the 2009 legislative session. She said Kelly Services provided four telephone message service employees, including an onsite supervisor, and two bill and journal room employees, including an onsite supervisor. She said actual billings for the employees amounted to \$539.85 per day versus the contract bid price of \$570.08. She said the difference between the actual billing and the contract price was the result of scheduling employees with flexible hours and releasing employees when work was not available. She said four employees were interviewed for each position filled.

Ms. Erickson said a recommendation with respect to any contract in 2011 is that if four employees are to be hired, one should be used as a "floater" to help in the bill and journal room during busy periods or to be

released early any day there is not enough work for the four employees.

Ms. Erickson provided a comparison of documents prepared by the secretarial service in 2009, 2007, and 2005:

Document Type	2009	2007	2005
Testimony/speech	207	93	154
Press release	26	42	106
Chart	32	13	29
Letter	526	410	295
Facsimile	14	30	49
Merge	182	77	65
Miscellaneous	268	260	6,300

In response to a question from Senator Nelson, the assistant director said the telephone message policy last adopted by the Legislative Management Committee was in November 2006 and the policy is that a caller could leave a message for the caller's local legislators as well as for any legislators specifically named by the caller.

### USE OF LEGISLATIVE CHAMBERS

The assistant director reviewed a request by Mr. Alvin A. Jaeger, Secretary of State, to use the House chamber on March 23-24, 2010, for a statewide election conference. Under North Dakota Century Code Section 16.1-01-01, the Secretary of State is to convene a statewide election conference of county auditors at the beginning of each election year. He said similar conferences were authorized by the Legislative Management Committee in March 2006 and March 2008.

**It was moved by Representative Monson, seconded by Senator Klein, and carried on a roll call vote that the committee approve the request by the Secretary of State to use the House chamber on March 23-24, 2010.** Representatives Carlson, Boucher, Monson, and Onstad and Senators Klein, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

### LEGISLATIVE SPACE

#### History of Renovation Projects 1979-2006

At the request of Chairman Carlson, the assistant director reviewed a memorandum entitled [Legislative Space Renovation Projects - 2009-11 Interim](#). The memorandum reviews the 1979-80 and 1981-82 legislative space renovation project during which committee rooms were moved to the ground floor, leaders' offices were moved to behind the chambers, wood was refinished in public areas of the legislative wing, carpeting was replaced in both chambers, and elevators were installed to give access to the House and Senate balconies from the first floor and access to the former Supreme Court library (the Legislative Council information technology area) from the ground floor.

During the 1983-84 interim and through the 2005-06 interims, the wood was refinished throughout the legislative wing, tinted windows were installed in

the House chamber, thematic pictures were installed in all committee rooms, the chambers were wired for electrical and data access at legislators' desks, the voting systems were replaced, and the sound systems were enhanced in both chambers.

#### 2007-08 Interim and 2009 Legislative Session

The memorandum also describes the renovation projects during the 2007-08 interim and during and immediately after the 2009 legislative session. Carpeting was replaced in all rooms except the Roughrider and Harvest Rooms, which will receive new carpeting when new committee room tables are installed; new committee tables were installed in all rooms except the Fort Totten, Peace Garden, and Sakakawea Rooms; and digital signage monitors were installed for the Fort Totten, Fort Union, Peace Garden, Pioneer, and Harvest Rooms.

#### 2009-10 Interim

The memorandum also describes the appropriation for legislative wing equipment and improvements during the 2009-10 interim. The memorandum identifies remaining projects related to the House, including Roughrider Room table, lectern, carpeting, sound system, electrical and data port replacement, and committee clerks' furniture and carpeting; Sakakawea Room lectern and electrical and data port replacement; Prairie Room intern desk; video signage for the Medora, Prairie, Sakakawea, and Roughrider Rooms; video screens/projectors for House committee rooms; and portable sound systems for the Fort Totten, Fort Union, Peace Garden, and Prairie Rooms. The memorandum also identifies remaining projects related to the Senate, including Harvest Room table, lectern, carpeting, sound system, electrical and data port replacement, and committee clerks' furniture and carpeting; video signage for the Fort Lincoln, Lewis and Clark, Missouri River, Red River, and Roosevelt Park Rooms; video screens/projectors for Senate committee rooms; and portable sound systems for the Lewis and Clark, Red River, Roosevelt Park, and Senate Conference Rooms. The memorandum also identifies potential overall projects, including House and Senate committee clerk area furniture and carpeting, secretarial service area furniture and carpeting, House and Senate front desk technology use renovations, and hall monitor hardware and software to display chamber and committee activities.

Chairman Carlson recessed the meeting for a tour of committee rooms and areas in the legislative wing and reconvened the meeting in the Harvest Room.

In response to a question concerning electronic signage, Mr. Jason J. Steckler, Director, Information Technology, Legislative Council, said the monitors describing committee hearing information would be replaced as the result of the legislative enterprise system North Dakota (LEGEND) project.

Senator O'Connell inquired as to informing sponsors when a meeting is behind schedule so that

legislators could continue in their regular meetings until they are needed in another committee that is hearing their bill. Representative Carlson said House committee clerks are told to call House members when their bills are being heard. He said a possibility may be for messages through legislators' BlackBerrys.

Representative Monson inquired whether there is a way for a legislator to view monitor displays on the legislator's computer. Mr. Steckler said there are ways to do this, and there is a possibility of RSS feeds for committee meetings.

Representative Carlson summarized the effects of the tour as continued renovation for video signage for all committee rooms, portable sound systems, video projectors, and renovation of the committee clerk areas.

**It was moved by Representative Monson, seconded by Representative Boucher, and carried on a roll call vote of House members that the renovation projects in progress for the House areas be affirmed and approval be given for the Roughrider Room table, lectern, coffee counter, carpeting, sound system, electrical and data port replacement, and committee clerks' furniture and carpeting; Sakakawea Room lectern and electrical and data port replacement; Prairie Room intern desk; Medora Room coffee counter; Speaker of the House's office suite furniture and carpeting; and the Chief Clerk of the House's office furniture and carpeting.** Representatives Carlson, Boucher, Monson, and Onstad voted "aye." No negative votes were cast.

**It was moved by Representative Boucher, seconded by Representative Monson, and carried on a roll call vote of House members that approval be given for video signage for the Medora, Prairie, Roughrider, and Sakakawea Rooms; video screens/projectors for House committee rooms; and portable sound systems for the Fort Totten, Fort Union, Peace Garden, and Prairie Rooms.** Representatives Carlson, Boucher, Monson, and Onstad voted "aye." No negative votes were cast.

**It was moved by Senator O'Connell, seconded by Senator Klein, and carried on a roll call vote of Senate members that the renovation projects in progress for Senate areas be affirmed and approval be given for the Harvest Room table, lectern, carpeting, sound system, electrical and data port replacement, and committee clerks' furniture and carpeting; Senate leaders' office suites furniture and carpeting; and Secretary of the Senate's office furniture and carpeting.** Senators Klein, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

**It was moved by Senator O'Connell, seconded by Senator Stenehjem, and carried on a roll call vote of Senate members that approval be given for video signage for the Fort Lincoln, Lewis and Clark, Missouri River, Red River, Roosevelt Park, and Senate Conference Rooms; video screens/projectors for Senate committee rooms;**

**and portable sound systems for the Lewis and Clark, Red River, and Roosevelt Park Rooms.** Senators Klein, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

**It was moved by Representative Monson and seconded by Representative Boucher that Legislative Council staff provide an estimate for digital signage for both chambers, House and Senate committee clerk area furniture and carpeting, secretarial service area furniture and carpeting, House and Senate front desk technology use renovation, and hall monitor hardware and software to display chamber and committee activities.**

Senator Stenehjem said the signage for the chambers should consider the architecture of Memorial Hall. Mr. Steckler said it would be best if commercial off-the-shelf software could be used for the displays. After this discussion, **the motion carried on a roll call vote.** Representatives Carlson, Boucher, Monson, and Onstad and Senators Klein, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

## LEGISLATIVE RULES

### House and Senate Rules Comparison

In response to a question from Chairman Carlson, the assistant director reviewed a memorandum entitled [\*House and Senate Rule Differences\*](#). The memorandum compares the House and Senate rules and points out differences other than differences resulting from the different size of the houses. The assistant director noted House and Senate Rules 105 prohibit smoking and apply to different areas. He said the rules probably are not necessary because of the 2005 amendments to Sections 23-12-09 and 23-12-10 relating to smoking in public places and places of employment. Chairman Carlson requested a rules amendment be prepared to repeal House and Senate Rules 105.

The assistant director reviewed proposed amendments to legislative rules which were prepared in response to a request at the June meeting or to questions during the 2009 legislative session.

### Reporting of Measures

The assistant director reviewed [\*Proposed Amendments to Senate and House Rules 329\(4\) and 508 and Joint Rule 203\*](#). He said this rules amendment was prepared in response to a request at the June 23, 2009, committee meeting to present 2011 legislative deadlines to allow the committee to review those deadlines and determine how rules may be revised to allow additional time for consideration of measures. He said the proposed amendments extend the deadline for rereferral to the Appropriations Committee in the house of origin from the 23<sup>rd</sup> to the 25<sup>th</sup> legislative day, which would give the two-day and three-day committees an additional day for consideration of measures before rereferral; to extend

the deadline for rereferral to the Appropriations Committee in the second house from the 47<sup>th</sup> to the 52<sup>nd</sup> legislative day, which would give the three-day and two-day committees an extra week for consideration of measures before rereferrals; and to extend the deadline for reporting of measures in the second house from the 55<sup>th</sup> to the 60<sup>th</sup> legislative day, which would give all committees an extra week for consideration of measures before reporting measures out of committee.

Representative Carlson said the Appropriations Committees need more time to do their work. During the 2009 legislative session, he said, 80 bills were rereferred to the House Appropriations Committee.

Representative Onstad said many bills without an appropriation were rereferred to the House Appropriations Committee, and the Appropriations Committee members questioned why those bills were rereferred to the committee.

Representative Monson said the 2009 legislative session was unique because of the availability of funds for many projects.

Senator Stenehjem said funds may have been available for many projects, but there also were unusual circumstances of floods, snowstorms, and other conditions that delayed legislative activities.

Representative Onstad said when a bill is rereferred from another committee to the House Appropriations Committee, just the chairman of that other committee appears before the Appropriations Committee. He said the Appropriations Committee makes changes to rereferred bills without knowing the views of the members of the committee that originally heard the bill.

Chairman Carlson requested the Legislative Council staff to revise the proposed rules amendment to give the Appropriations Committees additional time to consider bills.

Representative Onstad suggested the rules amendment be revised to provide the extra time to two-day committees and leave the three-day committee reporting requirement the same.

Representative Carlson said the Agriculture and Natural Resources Committees have a relatively light workload compared to other committees and suggested that consideration be given to revising the standing committee structure.

### **Confirmation of Executive Nominations**

The assistant director reviewed [Proposed Amendments to Senate Rules 318\(2\) and 701](#). He said this proposed rules amendment is in response to a question as to the vote requirement for confirmation of executive nominations. He said Senate Rule 701 is silent on the vote requirement and under Senate Rule 318(1)(m) the vote requirement would be the majority of the members present. Under Article VIII, Section 6, of the Constitution of North Dakota, he said, the provision for confirming executive nominations to the State Board of Higher Education is a majority of the members-elect. He said the proposed amendment

requires a majority of the members-elect to confirm executive nominations and would eliminate ambiguity.

### **Motion for Reconsideration**

The assistant director reviewed [Proposed Amendments to Senate and House Rules 347](#). He said this proposed rules amendment is in response to a question as to what is a natural day for purposes of reconsideration more than once in a natural day. He said the term "natural day" was used in the rule because the definition of that term is defined in the Constitution of North Dakota as 24 consecutive hours. He said the difficulty in applying this definition, however, is that a record is not kept as to the time a motion to reconsider is made. He said the proposed amendment replaces "natural day" with "legislative day."

### **Rules of Debate**

The assistant director reviewed [Proposed Amendments to Senate and House Rules 306](#). He said this proposed rules amendment is in response to a question of whether Senate Rule 306, prohibiting speaking more than twice on the same subject, restricts the number of floor amendments that can be submitted on the 11<sup>th</sup> or 14<sup>th</sup> order. He said this issue is resolved by replacing "subject" with "question" which is in line with how Section 102 of *Mason's Manual of Legislative Procedure* addresses the issue.

### **Transmittal of Measure to Other House**

The assistant director reviewed [Proposed Amendments to Senate and House Rules 346](#). He said this proposed rules amendment is in response to a question of how long a bill could be held after the 49<sup>th</sup> legislative day waiting for a motion to reconsider. He said the proposed amendment provides that if the motion to reconsider is not made before the end of the next legislative day, the measure is to be transmitted to the other chamber at the end of that day.

### **Reporting of Measures**

The assistant director reviewed [Proposed Amendments to Senate and House Rules 508](#). He said this proposed rules amendment is in response to a question of whether the 55<sup>th</sup> legislative day deadline of reporting of the measures should apply to bills introduced after deadlines for introduction of bills. He said the proposed amendment provides two exceptions for a delayed bill--rather than being required to be reported back by the 31<sup>st</sup> legislative day, a delayed bill must be reported back within five legislative days of introduction, and rather than being required to be reported back by the 55<sup>th</sup> legislative day in the second house, a delayed bill received in the second house after the regular crossover deadline must be reported back within five legislative days after the day of receipt.

No further business appearing, Chairman Carlson adjourned the meeting at 3:10 p.m.

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Jay E. Buringrud  
Assistant Director

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Jim W. Smith  
Director

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