

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

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

Representative Al Carlson, Chairman, called the meeting to order at 1:28 p.m.

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

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

See [Appendix A](#) for additional persons present.

It was moved by Senator O'Connell, seconded by Senator Klein, and carried on a voice vote that the minutes of the September 14, 2009, meeting be approved as distributed.

LEGISLATIVE REDISTRICTING

Chairman Carlson called on Mr. John Bjornson, Counsel, Legislative Council, for a presentation on legislative redistricting. Mr. Bjornson provided a PowerPoint [presentation](#) summarizing a memorandum entitled [Redistricting in North Dakota](#). The memorandum reviewed legislative redistricting in North Dakota from 1931 through 2001. He noted a contract consultant provided redistricting support through the redistricting committees in 1981 and 1991. He said the 2001 process included an interim legislative redistricting committee consisting of 16 members, 8 members from each house; a notebook computer and color printer provided to each caucus; two notebook computers and color printers provided to the Legislative Council staff; and six software licenses.

Mr. Bjornson reviewed a proposed timeline for legislative redistricting:

- December 2009 - Acquire software and licenses.
- Spring-summer 2010 - Train Legislative Council staff on software use.
- Winter 2010-11 - Purchase equipment to be used by legislators.
- 2011 legislative session - Adopt concurrent resolution establishing redistricting process.
- April 1, 2011 - Census figures become available.
- May 2011 - Appoint redistricting committee.
- May-October 2011 - Develop legislative redistricting plans.
- November 2011 - Special legislative session considers legislative reapportionment.

- December 1, 2011 - Effective date of legislative redistricting plan.
- Spring 2012 - Reorganize political parties.
- June 12, 2012 - Primary election with new legislative districts.

Mr. Bjornson said a decision should be made as to the legislative redistricting software to be used during the 2011 redistricting process. He said two and one-half years ago the Legislative Council purchased Maptitude for Redistricting software from the Caliper Corporation. He said the purchase of one license was at a reduced price and locked in a lower price for acquisition of additional licenses. He said the Legislative Council staff used this software to complete the Phase II census redistricting project authorized by this committee. He said the software works well, and the major difference between that software and the software used during the 2001 redistricting process is the Maptitude for Redistricting software allows easier "backing out" to correct errors or revise data. If the option to purchase Maptitude for Redistricting is exercised by the Legislative Council before January 1, 2010, he said, a license would cost \$4,500 versus \$7,500 after December 31. In addition, he said, a maintenance agreement could be acquired for \$500 per license per year before January 1, 2010, versus \$750 per license per year after December 31. He suggested the acquisition of five additional licenses and six maintenance agreements for a two-year period, which would include a maintenance agreement for the current license owned by the Legislative Council. He said future hardware acquisitions would include high-end notebook computers, color printers, and a map plotter.

In response to a question from Representative Boucher, Mr. Bjornson said he reviewed the 2008 estimates by county while he was doing the Phase II project, and based on those estimates, the Bismarck and Fargo legislative districts have increased substantially in population while some rural areas have a significantly lower population than that used during the 2000 census for the 2001 legislative redistricting plan. He said 10 percent has been the general rule for total deviation for legislative districts, but recent court cases indicate that courts may no longer be willing to accept 10 percent as a permissible total deviation from the perfect district size. He said there is no requirement that election precincts be equal in size. He said cities and counties create their

precincts after adoption of a legislative redistricting plan.

In response to a question from Senator Nelson, Mr. Bjornson said the central voter system provides information useful to candidates, but he does not see any value that system would provide with respect to eliminating voting precincts.

In response to a question from Senator Christmann, Mr. Bjornson estimated that more than 30 states used Maptitude for Redistricting in 2001. He said the biggest problem with the software used in 2001, provided by a different vendor, was that it could not easily "back out" of scenarios.

In response to a question from Representative Monson, Mr. Bjornson said the company that manufactured the 2001 software did not respond to an inquiry about price. He said he had heard the other company was suggesting \$6,000 per license or \$8,000 per license with support.

It was moved by Senator Stenehjem, seconded by Representative Monson, and carried on a roll call vote that the committee authorize the purchase of five licenses for Maptitude for Redistricting and six maintenance agreements for two-year terms. Representatives Carlson, Boucher, Monson, Onstad, and Vigesaa and Senators Christmann, Klein, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

LEGISLATIVE WING RENOVATION Brynild Haugland Room Chairlift

The assistant director said concerns had been received on the chairlift in the west entryway to the Brynild Haugland Room.

Chairman Carlson called on Mr. Bob Puyear, Bismarck, who distributed a written statement ([Appendix B](#)). Mr. Puyear said the chairlift requires the individual to find two keys to operate the lift. He said the keys must be inserted on the upper and lower levels, and thus assistance is required. He said he cannot lift the safety arms to get on or off the lift platform, nor is he strong enough to use the controls to move the lift up or down.

Chairman Carlson called on Mr. Royce Schultze, Executive Director, Dakota Center for Independent Living, Bismarck, who distributed a written statement ([Appendix C](#)). Mr. Schultze said even if an individual is able to lift the safety arm to get onto the lift, the individual must be able to turn around and reach behind to pull the arm down. He said the off-ramp at the bottom of the lift is too steep for a manual wheelchair, and the wheelchair could tip forward when leaving the lift. He said the lift does not encourage independent use and suggested either a ramp or a new lift replace the current lift.

It was moved by Representative Monson, seconded by Senator Nelson, and carried on voice vote that the Legislative Council staff obtain estimates to address the concerns expressed regarding the chairlift to the Brynild Haugland Room.

Representative Boucher suggested that an area be designated in each committee room for space by individuals using wheelchairs.

Legislative Renovation Status

The assistant director reviewed a table entitled [Legislative Wing Improvements Status](#). He said the areas to be considered at this meeting include joint areas involving the committee clerk and secretarial service areas, displays over the entrances to the House and Senate chambers, monitors for the kiosk on the first floor, displays on the ground floor concerning committee hearings and information, and video message boards for the Brynild Haugland Room. He said information had not been received on the secretarial service area, but information will be presented on the other areas.

Committee Clerk Area

The assistant director presented a proposal for renovating the House and Senate committee clerk areas. He reviewed proposed plans ([Appendix D](#)) for furniture placement in the committee clerk area. He said the proposed furniture is modular and would provide for adjustments in work surface height to accommodate individual committee clerks. He said the estimate for the furniture is \$58,809.15, and the estimate for the carpeting is \$13,557.42. He said the funding for this area would be from the legislative renovation appropriation allocated to joint areas.

It was moved by Representative Monson, seconded by Representative Vigesaa, and carried on a roll call vote that the committee authorize the expenditure of up to \$75,000 for the replacement of furniture and carpeting in the committee clerk area as proposed. Representatives Carlson, Boucher, Monson, Onstad, and Vigesaa and Senators Christmann, Klein, Nelson, O'Connell, and Stenehjem voted "aye." No negative votes were cast.

Pioneer Room Sound System

The director said the issue of replacing the sound system in the Pioneer Room has arisen. He said the cost for the display sign for the room was shared one-half by the Office of Management and Budget (Facility Management Division) and one-half by the Legislative Assembly during the 2009 legislative session. He said the Legislative Assembly or the Legislative Council has not been involved in the sound system of the Pioneer Room in the past. He said a portable sound system could be acquired for use in that room during the legislative session.

Representative Carlson said the sound system in the Pioneer Room could be put on a list for future consideration.

Display Panels

Chairman Carlson called on Mr. Jason J. Steckler, Information Technology Director, Legislative Council, for a presentation regarding chamber displays, committee hearing monitors on the legislative kiosk,

an information wall, and Brynhild Haugland Room signage. Mr. Steckler presented a PowerPoint [presentation](#) providing information on the proposed displays and monitors. He proposed placing a display screen above the east door to the House chamber at a cost of \$9,680 and above the east door to the Senate chamber at a cost of \$9,700. He proposed replacing the two monitors on the information kiosk on the first floor with two 26-inch monitors at a cost of \$13,155. He proposed replacing the four ceiling-mounted committee hearing monitors on the ground floor with an information wall of four 47-inch screens, which could display information ranging from daily committee hearings, weekly committee hearings, and activities in each chamber, on the wall between the two rollup windows to the bill and journal room at a cost of \$32,025. He also proposed video signage for the east and west door entryways to the Brynhild Haugland Room at a cost of \$10,410.

In response to a question from Senator Christmann, Mr. Steckler said the information wall would take the place of the ceiling-mounted monitors hanging in the ground floor hallway by the water fountain and by the elevators. Senator Christmann suggested the public primarily enters the legislative wing through the center doors rather than the west doors and information monitors also should be located near the elevators. He also questioned whether screens outside the chamber doors would cause individuals or groups to stand outside the chambers in front of the doorways and talk rather than enter the chambers.

Senator Stenehjem said if the monitors are located above the doorways to each chamber, they will cause people to stay outside the chambers and then rush into the chambers at the last moment before a vote.

Representative Monson suggested adding an additional two monitors on the kiosk to take the place of the display screens above each chamber doorway.

Chairman Carlson recessed the meeting for a tour of the areas in the legislative wing for which monitors were proposed, as well as to view the operation of the chairlift to the Brynhild Haugland Room.

During the tour committee members commented on the benefits of the information wall between the rollup windows to the bill and journal room, commented that monitors above the east doorways to both chambers may cause a bunching of visitors, suggested that additional monitors could be placed on the information kiosk, suggested that a proposal be presented for new monitors near the elevators to replace the monitors currently in use, and noted the difficulty in operating the chairlift.

Chairman Carlson reconvened the meeting in the Harvest Room.

It was moved by Representative Monson, seconded by Senator Stenehjem, and carried on a roll call vote that the committee authorize the installation of an information wall between the rollup windows to the bill and journal room as proposed, that two video signage displays be

installed for the Brynhild Haugland Room as proposed, that funding for the information wall and the video signage displays be from the appropriated funds allocated to joint areas, and that information be provided to the committee regarding replacement of two monitors by the elevators and two additional monitors on the information kiosk. Representatives Carlson, Boucher, Monson, Onstad, and Vigesaa and Senators Christmann, Klein, Nelson, and Stenehjem voted "aye." No negative votes were cast.

In response to a question concerning the requirement for notification of the Capitol Grounds Planning Commission on interior renovation projects, the assistant director said North Dakota Century Code Section 48-10-03 requires the Capitol Grounds Planning Commission to be "consulted" before the purchase or installation of furniture or fixtures in the public areas of the Capitol. He said the section provides the commission is to "advise" the Legislative Council on matters relating to the physical and aesthetic features of the interior of all buildings on the Capitol grounds. Committee members requested that the Capitol Grounds Planning Commission be informed of plans for monitors in the hallways, for committee rooms, and on the kiosk.

USE OF LEGISLATIVE CHAMBERS

The assistant director reviewed a request by Ms. Linda Fisher, Leasing Coordinator, Land Department, to use the House chamber for state oil and gas lease auctions on Tuesday, February 2; Tuesday, May 4; Tuesday, August 3; and Tuesday, November 2, 2010. He said the committee has authorized the use of the House chamber for oil and gas lease auctions, but normally not more than one year in advance.

It was moved by Senator Christmann, seconded by Senator Nelson, and carried on a roll call vote that the committee approve the request by the Land Department to use the House chamber on February 2, May 4, August 3, and November 2, 2010. Representatives Carlson, Boucher, Monson, Onstad, and Vigesaa and Senators Christmann, Klein, Nelson, and Stenehjem voted "aye." No negative votes were cast.

SESSION ARRANGEMENTS Legislative Internship Program

The assistant director reviewed the legislative internship program. He said 10 interns were provided by the University of North Dakota School of Law for the 2009 program. He said the allocation in the past had been eight interns from the University of North Dakota School of Law, two from the University of North Dakota Graduate School, and two from the North Dakota State University Graduate School. In 2007, he said, nine were from the University of North Dakota School of Law, two were from the graduate school, and North Dakota State University did not provide any interns. He said the critical element of an

intern's duty is the preparation of amendments. He said this duty as performed by law school students is especially important to the Legislative Council staff. As a result, he said, interns were proposed only from the school of law in 2009 and that worked very well.

The assistant director reviewed the stipend provided to the participants in the legislative internship program. He said interns are students participating in the program for course credit and are not "employees." Thus, he said, interns receive a stipend rather than compensation. He said law school accreditation standards do not permit paying compensation to students while taking coursework. He said the program is a four-month program, and in 2009 the stipend was \$2,000 per month. He said the stipend has been maintained approximate to the level for committee clerks for an equivalent period of time. He said a five and five percentage increase applied to the stipend would result in \$2,200 per month for 2011.

Representative Carlson suggested that an intern be authorized for each Appropriations Committee. The director said those interns would be supervised by Legislative Council staff in the same manner as the law school interns.

It was moved by Senator Christmann, seconded by Senator Stenehjem, and carried on a roll call vote that the legislative internship program be continued through the 2011 legislative session, that the program be a four-month program, that the stipend for each intern be \$2,200 per month, and that the director of the Legislative Council be authorized to allocate 10 internship positions to the University of North Dakota School of Law and 2 internship positions among participating entities as needed. Representatives Carlson, Boucher, Monson, Onstad, and Vigesaa and Senators Christmann, Klein, Nelson, and Stenehjem voted "aye." No negative votes were cast.

Chaplaincy and Legislative Tour Guide Programs

The assistant director described the chaplaincy program in effect during the 2009 legislative session. He said the local ministerial associations traditionally have been asked to coordinate the scheduling of chaplains from around the state for opening prayers for both houses each day of the session. Since 1984, he said, a letter has been distributed to all legislators giving them until December 31 to schedule clergy from their home districts, after which the schedule prepared by the local coordinator would be followed. He said this letter is included in the packet of informational materials distributed to legislators during the organizational session. He said a chaplain is paid an honorarium of \$25.

The assistant director said for the past 17 legislative sessions there has been a tour guide program to coordinate tours by high school groups during the legislative session.

It was moved by Representative Vigesaa, seconded by Senator Nelson, and carried on a roll call vote to invite the local ministerial associations to schedule chaplains for opening prayers for both houses each day of the 2011 legislative session; to request the Legislative Council staff to distribute a letter to all legislators notifying them that they have until December 31 to schedule out-of-town clergy to give the opening prayer any day of the session for their house, after which the schedule would be followed and preemption would not take place; and to authorize the Legislative Council staff to hire a tour guide and an assistant tour guide during the 2011 legislative session to be paid from Legislative Assembly funds. Representatives Carlson, Boucher, Monson, Onstad, and Vigesaa and Senators Christmann, Klein, Nelson, and Stenehjem voted "aye." No negative votes were cast.

Social Calendar

The assistant director said the legislative social calendar is maintained by the Legislative Council office until the beginning of the legislative session. He said entities have been reserving dates for various legislative socials and a question has arisen whether a date should be reserved for any citizens' night at the legislature. He said the bill introduction deadlines are on Monday, January 10, 17, and 24, 2011. He said Wednesdays remain relatively open throughout the session and Thursday, January 27, 2011, remains open.

Senator Klein said in his small town every night is being used other than Wednesday. Representative Carlson said if citizens' night is intended to be successful, it should be on a Saturday to allow individuals who work during the week to attend. Representative Boucher suggested a citizens' night could be held in conjunction with Close Up Day at the Capitol. Representative Carlson suggested a night should not be set aside for a citizens' night, but that a citizens' night could be scheduled when an activity, such as Close Up Day, is scheduled.

The consensus of committee members was to reserve Thursday, January 27, 2011, for legislative use.

LEGISLATIVE RULES

Publication of Legislative Documents

The assistant director reviewed [Proposed Creation of Joint Rule 604](#). He said this rules amendment was prepared in response to a question from another state over whether the web version of bills, resolutions, and journals of the North Dakota Legislative Assembly is official and whether a change could be made to delete a portion of the journals on the web while leaving the printed version complete as a means to reduce easy access to information some individuals did not want readily available to the public. He said the Legislative Council provides all documents to the contract printers and publishes those documents on the legislative

branch website. He said this type of change would not be made to the web version of any legislative documents. He said the proposed rule would eliminate any ambiguity as to whether the website contains an "unofficial" version of legislative documents.

Legislative Rereferral and Reporting Deadlines

The assistant director reviewed a memorandum entitled [Legislative Rereferral and Reporting Deadlines - Proposed Amendments](#). He said the memorandum presents in tabular form the effects of changing deadlines for rereferral to Appropriations Committees, for reporting in the house of origin, for crossover, and for reporting in the second house. He noted that extending a deadline by one or two days does not necessarily give committees more time. For example, he said, extending the deadline for rereferring a bill to the Appropriations Committee from a Thursday to a Monday may give the original committee an additional day to take action on the bill, but it eliminates one week for the Appropriations Committee to schedule a hearing because the Appropriations Committee would not receive the bill until a Monday, rather than a Thursday, and thus could not schedule that bill until a week later because schedules are made on the Wednesday or Thursday of the preceding week.

The assistant director reviewed the first draft of [Proposed Amendments to Senate and House Rules 329\(4\) and 508 and Joint Rule 203](#), which extended the deadline for rereferral to the Appropriations Committee in the house of origin from the 23rd (Thursday) to the 25th (Monday) legislative day, extended the deadline for rereferral to the Appropriations Committee in the second house from the 47th to the 52nd legislative day, and extended the deadline for reporting measures in the second house from the 55th to the 60th legislative day. Basically, he said, this draft would give the two-day and three-day committees an additional day for consideration of measures in the house of origin before rereferral to the Appropriations Committee, would give the three-day and two-day committees an extra week for consideration of measures in the second house before rereferral to the Appropriations Committee, and would give all committees an extra week for consideration of measures before reporting measures out of committee in the second house.

The assistant director reviewed the second draft of [Proposed Amendments to Senate and House Rules 329\(4\) and 508, Senate Rule 402\(3\), House Rule 402\(4\), and Joint Rule 203](#). He said the change from the first draft is that the deadline for reporting measures in the house of origin was extended from the 31st (Tuesday) to the 34th (Friday) legislative day, crossover was moved from the 34th (Friday) to the 37th (Wednesday) legislative day, and the deadline to

report in the second house was moved from the 55th to the 62nd legislative day. Basically, he said, this draft would give the two-day and three-day committees an additional day for consideration of measures in the house of origin before rereferral to the Appropriations Committee, give an extra three days to report measures in the house of origin, give an extra three days for crossover, move crossover recess from Monday and Tuesday to Thursday and Friday, give the three-day and two-day committees an extra week for consideration of measures in the second house before rereferral to the Appropriations Committee, and would give three-day committees an extra week and the two-day committees an extra two weeks for consideration of measures before reporting measures out of committee in the second house.

The assistant director presented the third draft of [Proposed Amendments to Senate and House Rules 329\(4\) and 508, Senate Rule 402\(3\), House Rule 402\(4\), and Joint Rule 203](#). He said the change in the third draft from the first draft is that the deadline to report in the house of origin is extended one week, crossover is extended one week, the deadline for rereferral to the Appropriations Committee in the second house is extended two weeks, and the deadline to report in the second house is extended two weeks.

Representative Carlson said the most difficult time is during the first half of the legislative session. Senator Christmann said there may be too many bills sent to the Appropriations Committees which result in many duplicate hearings.

Representative Boucher said the old deadlines allocated more than 50 percent of the time to the first time, e.g., crossover was the 34th legislative day when the legislative session was limited to 60 legislative days. He said standing committee chairmen should report spending bills earlier.

Senator Stenehjem said there are three phases of a legislative session--introduction and consideration in the house or origin, consideration in the second house, and consideration by conference committees.

Representative Carlson urged consideration of the various reporting and rereferral deadlines for a decision later this interim.

No further business appearing, Chairman Carlson adjourned the meeting at 4:10 p.m.

Jay E. Buringrud
Assistant Director

Jim W. Smith
Director

ATTACH:4