

# NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

## LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Thursday, September 20, 2012  
Harvest Room, State Capitol  
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 8:00 a.m.

**Members present:** Representatives Al Carlson, Jerry Kelsh, Don Vigasaa; Senators Randel Christmann, Ralph L. Kilzer, Mac Schneider, Ryan M. Taylor, Rich Wardner

**Members absent:** Representatives David Drovdal, Lee Kaldor

**Others present:** Dick Dever, State Senator, Bismarck

Bob Martinson, State Representative, Bismarck

Jack McDonald, Independent Community Banks of North Dakota, Bismarck

Scott Rising, North Dakota Soybean Growers Association, Bismarck

D. Ward, Emily Thompson; Tax Department, Bismarck

Allen H. Knudson, Jason J. Steckler, Roxanne Woeste, Lori Ziegler; Legislative Council, Bismarck

**It was moved by Representative Vigasaa, seconded by Senator Wardner, and carried on a voice vote that the minutes of the June 19, 2012, meeting be approved as distributed.**

### USE OF LEGISLATIVE CHAMBERS

The Legal Services Division Director reviewed a request by Ms. Linda Fisher, Leasing Coordinator, Department of Trust Lands, to use the House chamber for oil and gas lease auctions on Tuesday, May 7, August 6, and November 5, 2013. He said all approvals for use of legislative space are subject to preemption in case a special legislative session is called.

**It was moved by Senator Wardner, seconded by Senator Schneider, and carried on a roll call vote to approve the request by the Department of Trust Lands to use the House chamber for oil and gas lease auctions on Tuesday, May 7, August 6, and November 5, 2013.** Representatives Carlson, Kelsh, and Vigasaa and Senators Christmann, Schneider, Taylor, and Wardner voted "aye." No negative votes were cast.

### LEGISLATIVE SESSION ARRANGEMENTS

#### Secretarial Services Policy

The Legal Services Division Director reviewed the [Policy Regarding Secretarial Services to Legislators](#). He said this policy was recommended by the

Legislative Procedure and Arrangements Committee and approved by the Legislative Management in November 2010. 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.

### Chaplaincy and Legislative Tour Guide Programs

The Legal Services Division Director described the chaplaincy program in effect during the 2011 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 Legal Services Division Director said for the past 18 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 Kelsh, seconded by Representative Vigasaa, and carried on a roll call vote that for the 63<sup>rd</sup> Legislative Assembly:**

- **The *Policy Regarding Secretarial Services to Legislators* be adopted.**
- **The local ministerial associations be invited to schedule chaplains for opening prayers for both houses each day of the 2013 legislative session.**
- **The Legislative Council staff be requested 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.**

- **The Legislative Council staff be authorized to hire a tour guide and, if needed, an assistant tour guide during the 2013 legislative session to be paid from Legislative Assembly funds.**

Representatives Carlson, Kelsh, and Vigesaa and Senators Christmann, Schneider, Taylor, and Wardner voted "aye." No negative votes were cast.

## CONTRACTS FOR SERVICES

### Legislative Assembly Photography Services

The Legal Services Division Director reported the invitation to bid for Legislative Assembly photography services was sent to 83 photography firms in an area encompassed by Jamestown, Bottineau, Crosby, and Dickinson. He said six bids were received--\$3,200 by Glasser Images, Bismarck; \$3,500 by Anderson Photography, Crosby; \$3,900 by Image Photography, Mandan; \$3,900 by Scherling Photography, Bismarck; \$5,500 by Platinum Photography, Bismarck; and \$11,200 by Kennedys Photography, Jamestown. For comparison purposes, he said, the bid accepted in 2010 was \$3,300 by Anderson Photography. He said Anderson Photography has had the photography contract since 1995.

In response to a question from Senator Christmann, the Legal Services Division Director said Glasser Images contacted the Legislative Council to emphasize its interest in the contract and should be aware of the requirements.

**It was moved by Senator Taylor, seconded by Senator Schneider, and carried on a roll call vote that the committee accept the proposal by Glasser Images to provide photography services to the 63<sup>rd</sup> Legislative Assembly.** Representatives Carlson, Kelsh, and Vigesaa and Senators Christmann, Schneider, Taylor, and Wardner voted "aye." No negative votes were cast.

### Secretarial, Telephone Message, and Bill and Journal Room Services

The Legal Services Division Director reported the invitation to bid Legislative Assembly secretarial, telephone message, and bill and journal room services was sent to nine temporary personnel services in the Bismarck-Mandan area. He said only one firm--Spherion--submitted a bid to provide secretarial, telephone message, and bill and journal room services based on five employees for 75 legislative days. He said the daily bid was \$507 by Spherion. He said Spherion provided secretarial and telephone message services and bill and journal room services during the 2011 legislative session at a bid price of \$563.82 per day for six employees.

The Legal Services Division Director said the pay range in the bid is \$11.50 for secretarial and telephone message services and bill and journal room services and \$12 for the onsite supervisor. For comparison purposes, he said, the proposed pay for a legislative assistant (assistant sergeants-at-arms,

pages, information kiosk attendants, and parking lot attendants) in 2013 is \$104 per day (\$13 per hour).

**It was moved by Senator Wardner, seconded by Representative Vigesaa, and carried on a roll call vote that the committee accept the bid by Spherion to provide secretarial, telephone message, and bill and journal room services.** Representatives Carlson, Kelsh, and Vigesaa and Senators Christmann, Schneider, Taylor, and Wardner voted "aye." No negative votes were cast.

## LEGISLATIVE SESSION ARRANGEMENTS

### Session Employee Numbers and Compensation

The Legal Services Division Director presented a memorandum entitled [Legislative Assembly Employee Positions and Compensation](#). The memorandum reviews the employee positions during the 1993 and 2011 legislative sessions and proposed the number of employee positions for the 2013 legislative session. The memorandum also provides information on employee compensation during the 2011 legislative session and the proposed compensation levels for the 2013 legislative session.

The Legal Services Division Director said statistics from the 1993 legislative session are included because the number of positions peaked at that session--59 Senate employees and 77 House employees. He said the numbers have gone down since that session due to contracting for secretarial, telephone message, and bill and journal room services. He said technology also has played a substantial part in reducing positions because legislators receive bill and journal information through use of personal computers and correspond by e-mail.

The Legal Services Division Director said the number of employment positions proposed for the 2013 legislative session--37 Senate employees and 43.5 House employees--recognizes:

- The four staff assistants authorized for the majority leaders and the four staff assistants authorized for the minority leaders, even though the leaders have employed fewer than the number authorized.
- Continued Senate employment of the supply room coordinator.
- Employment of a parking lot attendant by each house.
- Employment of the number of assistant sergeants-at-arms at the 2011 level.
- Addition of a recording clerk position in each house.
- Elimination of the payroll clerk position.
- Elimination of one information kiosk position, with the remaining position to alternate between the houses, with the 2013 position to be filled by the House.

The Legal Services Division Director said the recording clerk position is proposed as a Group B

position (appointed by the party having a majority of the members-elect under Senate and House Rules 206). He said the responsibilities of this position primarily would involve operating the video recording system in each chamber during floor sessions and otherwise being available under the direction of the front desk force.

The Legal Services Division Director said the payroll clerk is proposed for elimination because any individual employed in that position would have access to the PeopleSoft system and that necessitates a criminal background check. In addition, he said, after initial entry of legislator and legislative employee payroll information in December, only minimal work--a couple of days a month--is required to prepare the payroll and this work can be performed by the Legislative Council staff.

The Legal Services Division Director said one information kiosk attendant position is proposed for elimination. He said one attendant handled the information kiosk during the 2001 and 2003 legislative sessions. He said much of the information provided about the day's events now is provided through the monitors at the bill and journal room and between the north and south entrances on the ground floor. He said having one attendant would free up space in the kiosk for the tour guide. He said the tour guide could begin tours at the kiosk. He said collocating the attendant and the tour guide would allow for better coordination between each individual.

The Legal Services Division Director said the legislative session employee compensation proposal is based on daily salaries for the 2011 legislative session increased generally across the board by a cumulative 3 percent and 3 percent, which reflects the 3 percent and 3 percent average pay increases approved by the 62<sup>nd</sup> Legislative Assembly for state employees in 2011 and 2012. As proposed, he said, compensation will range from \$104 to \$171 per day (\$13 to \$21.38 per hour based on an eight-hour day).

The Legal Services Division Director said the committee usually makes its recommendations on employee positions and compensation at the committee meeting scheduled after the general election.

Chairman Carlson said he requested Representative Bob Martinson to handle House employee issues until the House Employment Committee is appointed during the organizational session.

Chairman Carlson recognized Representative Martinson for comments on the employee position proposals. Representative Martinson said he does not think one attendant at the information kiosk is adequate. He said an issue over an attendant scheduling tours or otherwise interfering with tours or filling time with noninformation kiosk duties is a supervision problem and should be handled accordingly rather than eliminating a position.

Representative Carlson said beginning student tours at the information kiosk would add to the crowd

around the kiosk and in Memorial Hall when other groups may be scheduled to use Memorial Hall.

Representative Martinson said he thinks there should be one or two more pages in the House. He said he also thinks there should be one more assistant sergeant-at-arms so the minority party could be assigned that additional position to fill.

Senator Taylor said he likes the idea of possibly filling the one or two additional page positions with college students on a part-time basis.

Representative Kelsh said his concern over using college students is that college students may not be available when needed, especially during the latter part of the legislative session. He said he also would want assurance that the minority party will get to employ the additional assistant sergeant-at-arms.

Chairman Carlson recognized Senator Dick Dever, Chairman of the Senate Employment Committee. Senator Dever said the number of Senate employee positions is adequate. He questioned who would supervise the recording clerk when the Senate is not in session. He said the Senate has an assistant sergeant-at-arms who is the camera operator during the floor sessions and inquired as to the need for that position if the recording clerk would be handling camera work.

The Legal Services Division Director said the recording clerk would be located at the front desk in each chamber. He said this new position would free up an assistant sergeant-at-arms whose former responsibility was to operate the camera during floor sessions. He said the supervision of the recording clerk would be the responsibility of the Secretary of the Senate and Chief Clerk of the House.

The Legal Services Division Director said although the proposal to collocate the tour guide with the attendant at the information kiosk anticipated starting tours from the information kiosk, tours could continue to be started from the entrances on the ground floor.

The Legal Services Division Director said the recommendation of the committee regarding session employee positions is a recommendation to the House and Senate Employment Committees. He said those committees make the final decision on employee positions. He urged caution in increasing the number of employees without regard to workload requirements. He said after previous sessions, some employees have said there is not enough work to occupy the time.

Traditionally, the Legislative Council Director, after consulting with the leaders, has hired an individual from each political party, paid from Legislative Assembly funds, to screen prospective employees to determine whether they had the appropriate skills. The employment coordinators usually have been the secretaries to the leaders.

**It was moved by Representative Kelsh, seconded by Senator Schneider, and carried on a roll call vote that the committee recommend employment positions as proposed for the 2013 legislative session--37 Senate employee positions**

and 43.5 House employee positions--but increased by one information kiosk attendant position (for a total of two), increased by one House assistant sergeant-at-arms position, and increased by one House page position, for a total of 38 Senate employee positions and 45.5 House employee positions. Representatives Carlson, Kelsh, and Vigesaa and Senators Schneider, Taylor, and Wardner voted "aye." Senator Christmann voted "nay."

It was moved by Senator Wardner, seconded by Senator Christmann, and carried on a roll call vote that the committee recommend the compensation levels as proposed and that the Legislative Council staff be requested to prepare a concurrent resolution based on 2011 House Concurrent Resolution No. 3006, with the increased compensation levels. Representatives Carlson, Kelsh, and Vigesaa and Senators Christmann, Schneider, Taylor, and Wardner voted "aye." No negative votes were cast.

In response to a question from Representative Kelsh, the Legal Services Division Director said Legislative Assembly employees residing outside the Bismarck-Mandan area receive expense reimbursement during the organizational session and during training sessions in December. He said Legislative Assembly employees do not receive expense reimbursement during the regular legislative session.

### LEGISLATIVE COMPENSATION

Chairman Carlson recognized Mr. Allen H. Knudson, Legislative Budget Analyst and Auditor, for a presentation regarding legislative compensation. Mr. Knudson said 2011 House Bill No. 1261 repealed the Legislative Compensation Commission. He said North Dakota Century Code Section 54-03-20 was amended to provide that before each regular legislative session the Legislative Management is to make recommendations and submit any necessary legislation to adjust legislative compensation amounts. He said Representative Carlson, Chairman of Legislative Management, assigned this responsibility to the Legislative Procedure and Arrangements Committee.

Mr. Knudson reviewed four memorandums regarding legislative compensation--[Legislative Compensation and Expenses](#), [Legislative Compensation Adjustment Process](#), [Legislative Compensation Increases Compared to Inflation and State Employee Salary Increases - 1981 Through 2012](#), and [Legislative Compensation Levels in Other States](#).

Mr. Knudson said the Legislative Council staff is preparing the 2013-15 budget for the Legislative Assembly and is including funding for changes to legislative compensation the same as the percentage change provided for state employee salary increases for the 2013-15 biennium. He said the plan is to include funding to allow for a 3 percent annual

increase in legislation compensation amounts for monthly pay, session pay, interim pay, and leaders' additional monthly pay. He said the related statutory changes will be included in the legislative branch appropriation bill. If the executive budget recommendation or subsequent legislative action relating to state employee salary increases differs from the percentages or amounts included in the Legislative Assembly budget and the appropriation bill, he said, changes may be made by amendment during the session. He said no changes are being proposed for travel expense reimbursement levels that apply to legislators as well as state employees.

The following chart shows the proposed legislative compensation changes based on 3 percent annual increases and the estimated cost of these increases for the 2013-15 biennium:

	Current Rate	Rate Effective July 1, 2013	Rate Effective July 1, 2014	Estimated Cost 2013-15 Biennium
Monthly pay	\$440	\$453	\$467	\$72,858
Daily session pay	\$157	\$162	\$167	\$176,072
Interim meeting pay	\$157	\$162	\$167	\$37,245
Leaders' additional monthly pay	\$316	\$325	\$335	\$1,447
Total				\$287,622

Chairman Carlson said no action needs to be taken at this meeting unless suggestions are made to recommend compensation changes that differ from the proposed changes as presented by Mr. Knudson.

In response to a question from Representative Vigesaa, Mr. Knudson said the lodging reimbursement received by legislators during a legislative session is set by the Office of Management and Budget in August. He said the reimbursement applicable to the 2013 legislative session is \$69.30 plus tax per calendar day up to \$1,351 per month.

In response to a question from Representative Kelsh, Mr. Knudson said he is not aware of any study on the feasibility of providing additional travel expense reimbursement to legislators representing large-area rural districts.

### LEGISLATOR DATA PLAN REIMBURSEMENT

Chairman Carlson recognized Mr. Jason J. Steckler, Administrative Services Director, Legislative Council, for a proposal regarding legislator data plan reimbursement.

Mr. Steckler said legislators receive reimbursement for their data plans two ways. The method for



non-Verizon users requires legislators to submit a voucher at least quarterly to the Legislative Council. The method for Verizon users requires legislators to participate in split billing where their data costs associated with their plan are billed separately to the state of North Dakota. He said both of these methods require the legislators to be the main cellular number on the contract, and a data plan must be selected individually for each device so actual costs can be reimbursed.

Mr. Steckler said the current mobile data plan reimbursement is causing issues for legislators. He said the addition of mobile data share plans is making it more difficult for legislators to select the best rates available for their particular situation. He said split billing is not available for legislators on a data share plan. He said legislators on split billing have experienced customer service issues because they cannot upgrade, change contracts, or seek assistance with mobile data issues at storefront locations.

Mr. Steckler proposed a new method of reimbursing legislators for their data plans:

Effective November 1, 2012, all participating legislators are required to submit a request form for reimbursement of their mobile data costs to the Legislative Council, identifying data costs associated with legislative business, along with a copy of their wireless carrier bill identifying the mobile data costs. This request and bill will be kept on file by the Legislative Council, and monthly reimbursement will be paid until the legislator incurs a change in mobile data cost, contract, or vendor. At such time, the legislator will submit a new request form for reimbursement of the legislator's mobile data costs to the Legislative Council, identifying data costs associated with legislative business, along with a new copy of the wireless carrier bill showing new mobile data costs.

Mr. Steckler said the proposed policy continues the practice of data reimbursement only. He said the proposed policy does not include the purchasing of mobile hardware, voice or text plans, or device access costs.

Mr. Steckler said the proposed policy allows the greatest flexibility for legislators. He said the proposed policy allows participation in the most cost-effective data plans and allows legislators to use storefront locations to select new devices and change data plans, allowing for better customer support.

In response to a question from Senator Schneider, the Legislative Council Director said the policy was developed as a reimbursement, rather than stipend, to avoid legislators having taxable income for what is basically a reimbursement of mobile data costs.

In response to a question from Senator Christmann, Mr. Steckler said the proposed policy would simplify reimbursement of legislators with multiple device plans.

In response to a question from Senator Christmann, Mr. Steckler said the reimbursement would be by separate expense reimbursement check.

**It was moved by Senator Wardner, seconded by Senator Kilzer, and carried on a roll call vote that the committee approve the policy on reimbursement of legislators' data plans as proposed.** Representatives Carlson, Kelsh, and Vigesaa and Senators Christmann, Schneider, Taylor, and Wardner voted "aye." No negative votes were cast.

## LEGISLATIVE RULES

The Legal Services Division Director said proposed rules amendments are presented to the committee for its recommendation. He said recommended amendments are presented to the Senate and House Rules Committees during the organizational session for consideration.

### Senate and House Rules 206 - Officers and Employee Positions

The Legal Services Division Director said the committee approved creation of a recording clerk position in each house when it approved the proposal for legislative session employee positions. He said the proposal for the recording clerk position described the position as a Group B position under Senate and House Rules 206. Under those rules, he said, the recording clerk would be appointed by the party having a majority of the members-elect, acting through the Employment Committee. He said a rules amendment recognizing this position would be prepared along with other rules amendments recommended by the committee.

### Senate and House Rules 304 - Protocol for Addressing Members

The Legal Services Division Director reviewed [Proposed Amendments of Senate and House Rules 304](#), which would allow a member to refer to another member by title and last name if done in a respectful manner. He said the proposal is in response to a suggestion that the rules reflect the practice in the House of addressing another member by stating Representative Smith or Representative Jones, in contrast to *Mason's Manual of Legislative Procedure*, Section 110(2), which provides a member should be described by district, by seat, as the member who last spoke, or by describing the member in some manner other than by name. He said the Senate follows *Mason's*.

Senator Christmann said he opposes this proposal.

### Senate and House Rules 312 - Motions During Debate

The Legal Services Division Director reviewed [Proposed Amendments of Senate and House Rules 312](#), which would restrict certain motions during debate to being made by the Majority or Minority

Leader or the Assistant Majority or Minority Leader. He said the proposal is in response to a suggestion that motions under House Rule 312 should be made only by the leaders or the assistant leaders.

Senator Christmann said the Senate has not had any problem with the current procedure.

#### **Senate and House Rules 318(1) and 324 - Vote to Suspend Rules**

The Legal Services Division Director reviewed [Proposed Amendments of Senate and House Rules 318 and 324](#), which would restrict motions for reconsideration or suspension of rules to the Majority or Minority Leaders or the Assistant Majority or Minority Leaders. He said the proposal is a response to a question on the vote required to suspend a rule, and whether the motion should require a percentage higher than a majority of members present or should be restricted to the leaders. He said before the 2001 legislative session, the rules required a two-thirds vote of the members-elect to reconsider or suspend a rule. He said this was changed beginning in 2001 in recognition of the fact that rules could be adopted by a majority vote, and it was becoming a standard practice to "amend" the rule with the understanding that the "amendment" was temporary.

#### **Senate and House Rules 342 - Announcement of Vote**

The Legal Services Division Director reviewed [Proposed Amendments of Senate and House Rules 342](#), which would eliminate the requirement that the presiding officer announce whether the title is agreed to when a bill passes. He said the proposal is in response to issues recent presiding officers have had with respect to declaring passage of a bill using formal grammar under which a sentence does not normally end with a preposition.

**It was moved by Representative Vigesaa, seconded by Senator Schneider, and carried on a voice vote that the committee recommend the proposed amendments to Senate and House Rules 342 relating to announcement of vote.**

#### **Senate and House Rules 346(2) - Transmittal of Measures**

The Legal Services Division Director reviewed [Proposed Amendments of Senate and House Rules 346](#), which would clarify that on the 38<sup>th</sup> and 39<sup>th</sup> legislative days and after the 59<sup>th</sup> legislative day the Secretary of the Senate or Chief Clerk of the House is to transmit measures to the other house immediately upon adjournment of the last session on that day. He said the proposal is in response to a question during the 2011 legislative session as to which session should be determinative for transmitting a measure upon adjournment.

**It was moved by Representative Kelsh, seconded by Representative Vigesaa, and carried on a voice vote that the committee recommend the**

**proposed amendments to Senate and House Rules 346(2) relating to transmittal of measures.**

#### **Senate and House Rules 403 - Acceptance of Delayed Bills Committee Report**

The Legal Services Division Director reviewed [Proposed Amendments of Senate and House Rules 403](#), which was provided for committee information (no amendments were proposed). He said a question arose during the 2011 session of whether the "report" of the Delayed Bills Committee is subject to a vote of acceptance by the Senate or House. He said before the 1995 legislative session, Senate and House Rules 403 required the Delayed Bills Committee to "report" to the Senate or House, as appropriate. He said the language was changed to "inform" the Senate or House so as to eliminate the possibility of the Senate or House rejecting the report, because the rules allow the sponsor to introduce the measure upon approval of the committee.

#### **Senate and House Rules 601(3) - Placement of Amended Measure on Calendar After 32<sup>nd</sup> Legislative Day**

The Legal Services Division Director reviewed [Proposed Amendments of Senate and House Rules 601](#), which would provide that all bills in the house of origin after the 32<sup>nd</sup> legislative day and all measures after the 55<sup>th</sup> legislative day, placed on the calendar for second reading and final passage immediately after adoption of amendments, must be acted on immediately after placement on the calendar unless an objection is made. He said with respect to adoption of a batch of amendments in the House, the Speaker of the House is to announce whether the measures will be acted on immediately and the order in which the measures will be considered. He said the proposal is in response to a question as to when to act on measures placed on the calendar under Rule 601(3)(g)--immediately or as floor action proceeds through the 11<sup>th</sup> or 14<sup>th</sup> order.

**It was moved by Senator Wardner, seconded by Senator Schneider, and carried on a voice vote that the committee recommend the proposed amendments to Senate and House Rules 601(3) relating to placement of amended measures on the calendar after the 32<sup>nd</sup> legislative day.**

#### **Joint Rule 206 - Placement of Amended Resolutions on Consent Calendar**

The Legal Services Division Director reviewed [Proposed Amendments of Joint Rule 206](#), which would allow an uncontested resolution that received a do pass or do pass as amended recommendation from the committee of referral to be placed on the consent calendar, the same as a resolution directing a Legislative Management study. He said this proposal is in response to a question as to whether a resolution that is reported from committee with a unanimous vote

should go on the consent calendar for action on the 10<sup>th</sup> order.

Senator Christmann said the Senate does not follow the practice of placing items on the consent calendar.

### **Joint Rule 301 - Rejection of Conference Committee Report**

The Legal Services Division Director reviewed [Proposed Amendments of Joint Rule 301](#), which would require the house having possession of the bill to discharge its conference committee and appoint a new committee if the house rejects the conference committee report but desires continued conference. He said the proposal is in response to a question during the 2011 session as to whether rejection of a conference committee report should result in discharge of the committee and appointment of a new committee. He said *Mason's Manual of Legislative Procedure*, Section 771(6), provides that a conference committee whose report is not adopted should be discharged and a new committee appointed.

Committee discussion was to the effect that the current language gives discretion as to the effect of not adopting a conference committee report.

### **Joint Rules 501 and 502 - Fiscal Notes**

The Legal Services Division Director reviewed [Proposed Amendments of Joint Rules 501 and 502](#), which would provide that the agency preparing the fiscal note for a measure as introduced is to complete and return the fiscal note to the Legislative Council within five days from the date of the request. He said the requirement for the agency to provide copies is eliminated because the transaction is done electronically. He said the proposed amendments also provide that the agency preparing a fiscal note for an amended measure is to complete and return the fiscal note to the Legislative Council not later than one day from the date of the request. He said this requirement is new and is intended to get the information before the amended measure is given second reading. He said additional amendments reflect elimination of paper copies except for the paper copy attached to the paper copy of the measure, because all other copies are provided electronically. He noted that fiscal notes are distributed to all legislators through the LAWS system. He said Joint Rule 502 is included with the amendment for information purposes, and no amendment is proposed to that rule.

The Legislative Council Director said the proposed amendments reflect procedural changes resulting from technological enhancements to the Legislative Council's fiscal note system which allow fiscal notes to be viewed electronically. He said a procedural change that does not appear in the rules relates to the timing of fiscal note requests on amendments.

Previously, the Legislative Council staff has requested a fiscal note for an amendment when the amendment has been adopted on the sixth order. Beginning in 2013, he said, the Legislative Council staff plans to request a fiscal note for an amendment when the amendment is approved and reported out of committee.

In response to a question from Representative Carlson as to how the Senate obtains fiscal notes on floor amendments, Senator Christmann said either the fiscal effect of a floor amendment is obvious or the measure is returned to committee to await the fiscal note.

**It was moved by Senator Wardner, seconded by Representative Vigesaa, and carried on a voice vote that the committee recommend the proposed amendments to Joint Rule 501 relating to fiscal notes.**

### **Joint Rule 801.1 - Recording of Proceedings**

The Legal Services Division Director reviewed [Proposed Creation of Joint Rule 801.1](#), which would require both houses to record audio of floor proceedings; allow both houses to record video of floor proceedings; and require the Legislative Council to provide the electronic media, to provide public access to the recordings through the legislative branch website, and to maintain access in accordance with the Council's records retention policy with respect to historical records. Under the records retention policy, he said, historical records are maintained permanently. He said the committee approved the installation of audio and video in the Senate and House chambers.

**It was moved by Senator Schneider, seconded by Senator Christmann, and carried on a voice vote that the committee recommend the proposed creation of Joint Rule 801.1 relating to recording of proceedings.**

### **WRAPUP**

In response to an inquiry from Chairman Carlson, the Legal Services Division Director said it appears that the committee has completed its work, and a meeting before the Legislative Management meets on November 13-14 may not be necessary.

**It was moved by Senator Christmann, seconded by Representative Vigesaa, and carried on a roll call vote that the Chairman and the staff of the Legislative Council be requested to prepare a report and the rules amendments recommended by the committee and to present the report and recommended rules amendments to the Legislative Management.** Representatives Carlson, Kelsh, and Vigesaa and Senators Christmann, Schneider, Taylor, and Wardner voted "aye." No negative votes were cast.

No further business appearing, Chairman Carlson adjourned the meeting at 9:30 a.m.

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Jay E. Buringrud  
Legal Services Division Director

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Jim W. Smith  
Director, Legislative Council