

NORTH DAKOTA LEGISLATIVE MANAGEMENT

Minutes of the

LEGISLATIVE PROCEDURE AND ARRANGEMENTS COMMITTEE

Thursday, November 3, 2011
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Al Carlson, Chairman, called the meeting to order at 9:28 a.m.

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

Others present: Ken Tupa, APT, Inc., Bismarck
Sheila Peterson, Tad Torgerson; Office of Management and Budget, Bismarck

Teri Finneman, Forum Communications, Bismarck
Dave Thompson, North Dakota Public Radio, Bismarck

Dale Wetzel, Associated Press, Bismarck

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

It was moved by Representative Drovdal, seconded by Representative Vigessa, and carried on a voice vote to approve the minutes of the September 14, 2011, meeting of the committee.

Chairman Carlson said the meeting was called to finalize arrangements for the 2011 special legislative session. He requested the assistant director to present various reports to the committee.

SPECIAL LEGISLATIVE SESSION ARRANGEMENTS

Senate, House, and Joint Rules Amendments

The assistant director referred to a memorandum entitled [Proposed Senate and Joint Rules Amendments Relating to a Special Legislative Session, Second Draft](#) and a memorandum entitled [Proposed House and Joint Rules Amendments Relating to a Special Legislative Session, Second Draft](#). He said the memorandums contain amendments similar to the amendments that were made to the legislative rules during the 2001 special legislative session. He said the proposed amendments primarily address two issues--limiting introduction of bills and resolutions to those introduced by the Legislative Management or through the Delayed Bills Committees and implementing a shortened procedure for considering bills once they have been reported from committee. He said the changes from the first drafts relate to converting the Joint Technical Corrections Committee to a Joint Health Care Reform Committee, with the same membership as the interim Health Care Reform Review Committee. Although the membership of the Joint Legislative Redistricting Committee and the Joint

Health Care Reform Committee would be determined by the respective Committee on Committees, he said, the intent is that the membership would consist of those members on the respective interim committees.

The assistant director said an issue the proposed amendments do not address is the use of minority reports from the joint committees. He said House Rule 602 requires a minority report to be signed by at least three members of a standing committee other than the Appropriations Committee, and Senate Rule 602 requires a minority report to be signed by at least two members of a standing committee other than the Appropriations Committee. He suggested that if this issue is to be covered for either committee, a sentence could be added to each joint rule to require a specific number of members, notwithstanding the requirements of House or Senate Rule 602.

Representative Drovdal suggested that the respective House or Senate rule could be applied to a bill first reported from a joint committee, e.g., if the health benefit exchange bill is introduced as a House bill and referred to the Joint Health Care Reform Committee, and the bill is reported to the House with a minority report, House Rule 602 would apply and the minority report would require signing by three members. The assistant director said without objection this is how he would respond to any inquiry as to the number of members required for a minority report from a joint committee. He noted that because the committee is a joint committee, the signature requirement would involve any members of the joint committee, regardless of whether they were senators or representatives.

In response to a question from Representative Kelsh, the assistant director said the Delayed Bills Committees are not established as joint committees and would meet separately.

In response to a question from Representative Kaldor, the assistant director said reports from a joint committee would be handled in a manner similar to reports from regular standing committees. He said the major difference is that all members of the joint committee would be voting on a report, and the results would not be separated into House or Senate results. For example, he said, the Joint Health Care Reform Committee will consist of 19 members--14 House members and 5 Senate members--and a report from that committee could be 19 to 0 or 10 to 9, without regard to the number of representatives or senators who voted a particular way. He said the assumption

is that members of both houses will recognize that a severely lopsided vote could foretell the treatment of that bill in the house whose joint committee members opposed the bill.

In response to a question from Representative Drovdal, Representative Carlson said there is not time for conference committees to be established to engage in lengthy negotiations over a bill. He said differences need to be resolved in the joint committee or during joint hearings by House and Senate committees.

It was moved by Senator Christmann, seconded by Representative Vigessaa, and carried on a roll call vote that the committee approve the proposed amendments to the Senate, House, and Joint Rules and recommend the amendments for adoption during the special legislative session. Representatives Carlson, Drovdal, Kaldor, Kelsh, and Vigessaa and Senators Christmann, Kilzer, Schneider, Taylor, and Wardner voted "aye." No negative votes were cast.

Amendments to the Redistricting Bill

The assistant director said the bill draft providing the legislative redistricting plan basically is 26 pages of legal descriptions of legislative districts. He said maps can be drawn relatively quickly; however, legal descriptions require exactness, and it took over a week by both Legislative Redistricting Committee counsels to prepare and check the legal descriptions. He said if they are inundated with requests to redraft parts of the redistricting plan, it would be extremely difficult to finish the descriptions within a couple of days. He suggested that any legislator desiring to revise the proposed redistricting plan be encouraged to work on any proposed revision with the member of that legislator's caucus who was on the Legislative Redistricting Committee and has the redistricting computer assigned to that caucus. He said that caucus member could work with the Legislative Council staff to review any proposal developed, but any legal description would require prior approval of the Joint Legislative Redistricting Committee.

It was moved by Representative Drovdal, seconded by Senator Wardner, and carried on a voice vote that any legislator desiring to revise the proposed redistricting plan be advised to work on any proposed revision with the member of that legislator's caucus who was on the Legislative Redistricting Committee and has the redistricting computer assigned to that caucus, that the caucus member could work with the Legislative Council staff to review any proposal developed, and that preparation by the Legislative Council staff of any legal description would require prior approval of the Joint Legislative Redistricting Committee.

Session Employees

The assistant director said the Senate majority leader's administrative assistant and the chairman of

the House Employment Committee have related these employment positions during the special session:

- House employees (14)--Chief Clerk, journal reporter, sergeant-at-arms, calendar clerk, administrative assistant to the majority leader, shared staff assistant to minority leaders, administrative assistant to the Speaker, page (majority), page (minority), Appropriations Committee clerk, three committee clerks, and a "floater."
- Senate employees (10)--Secretary of the Senate, journal reporter, sergeant-at-arms, administrative assistant to the majority leader, administrative assistant to the minority leader, page (majority), page (minority), Appropriations Committee clerk, and two committee clerks.

The assistant director said as proposed, there would be 24 employees compared to 22 employees during the 2001 special legislative session. He said the employees and the positions would be reported by the Employment Committees to the respective house during the session. He said all clerks assigned to committees would be "five-day" committee clerks. He suggested that they receive the pay rate of five-day clerks. He said the House is employing a "floater" and suggested that a "floater" be considered a legislative assistant, which is equivalent to a page or assistant sergeant-at-arms.

The assistant director said out-of-town Legislative Assembly employees receive reimbursement for lodging and mileage during the organizational session and any training classes provided before the regular session at the same rate as provided state employees and suggested special session employees be reimbursed in a similar manner.

It was moved by Representative Kaldor, seconded by Representative Kelsh, and carried on a roll call vote that Legislative Assembly employees hired for the special legislative session be in the number and positions as recommended by the respective Employment Committees, that committee clerks assigned to committees be paid as an Appropriations Committee clerk, that an employee position of "floater" be considered a legislative assistant, and that employees receive reimbursement for lodging and mileage under the same conditions as state employees. Representatives Carlson, Drovdal, Kaldor, Kelsh, and Vigessaa and Senators Christmann, Kilzer, Schneider, Taylor, and Wardner voted "aye." No negative votes were cast.

Committee Rooms

The assistant director said the Brynhild Haugland Room has been reserved for use by the Joint Legislative Redistricting Committee, the Joint Health Care Reform Committee, and for joint meetings of the Senate and House Appropriations Committees. He said the Pioneer Room has been reserved for joint meetings of the Senate and House Education Committees. He said all other committee rooms are

available. He said House committee clerks would be located in the Roughrider Room and the House committee clerk area, and Senate committee clerks would be located in the Harvest Room and the Senate committee clerk area.

Doctor of the Day - Legislator Wellness Program

The assistant director said the North Dakota Medical Association offered to continue the doctor of the day program during the special session. He said the offer was accepted, and the Medical Association will assign doctors of the day throughout the special session.

The assistant director reminded members of the Legislative Wellness program for 2011, which includes flu shots provided by Medcenter One. He said the flu shots for legislators and legislator families will be provided 8:00 a.m. to 12:00 noon on Wednesday, November 9, in the ground floor legislative study.

Chaplains

The assistant director said the Bismarck-Mandan Ministerial Association was contacted regarding scheduling chaplains for each day of the special session. He said the chaplains have been scheduled for the entire week.

USE OF LEGISLATIVE CHAMBERS

The assistant director reviewed a request from Ms. Julie Hassebroek, North Dakota State University Extension Service, for use of the House or Senate chamber and two legislative committee rooms for the

statewide 4-H Citizenship in Action mock legislative session on Monday, January 16, 2012.

It was moved by Representative Kaldor, seconded by Representative Drovdal, and carried on a roll call vote that the committee approve the request to use the House or Senate chamber and two committee rooms for the statewide 4-H Citizenship in Action mock legislative session on Monday, January 16, 2012. Representatives Carlson, Drovdal, Kaldor, Kelsh, and Vigesaa and Senators Christmann, Kilzer, Schneider, Taylor, and Wardner voted "aye." No negative votes were cast.

It was moved by Representative Vigesaa, seconded by Representative Drovdal, and carried on a voice vote that the rules changes approved by the committee and special legislative session arrangement recommendations be approved and recommended to the Legislative Management and that the chairman and the staff of the Legislative Council be requested to prepare a report and to present the report to the Legislative Management.

No further business appearing, Chairman Carlson adjourned the meeting at 10:30 a.m.

Jay E. Buringrud
Assistant Director

Jim W. Smith
Director